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## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

##### Housing and Home Finance Agency

Effective July 1, 1959, paragraph (c) (1) of § 6.142, having expired by its own terms, is revoked, and paragraphs (a) (3) and (c) (2) are amended as set out below.

##### § 6.142 Housing and Home Finance Agency.

- (a) *Office of the Administrator.* \* \* \*  
(3) Seven Regional Administrators.

\* \* \*  
(c) *Federal Housing Administration.* \* \* \*

(2) Six Zone Operations Commissioners.

(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. 59-5003; Filed, June 16, 1959; 8:45 a.m.]

## Title 7—AGRICULTURE

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

[Plum Order 5]

#### PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

##### Regulation by Grades

##### § 936.618 Plum Order 5.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agree-

ment Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further 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 section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and com-

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**CFR SUPPLEMENTS**

(As of January 1, 1959)

The following supplement is now available:

Title 26 (1954), Part 222 to end (\$2.75)

Previously announced: Title 3, 1958 Supp. (\$0.35); Titles 4-5 (\$0.50); Title 6 (\$1.75); Title 7, Parts 1-50 (\$4.00); Parts 51-52 (\$6.25); Parts 53-209 (\$5.50); Parts 210-899 (\$2.50); Parts 900-959 (\$1.50); Part 960 to end (\$2.25); Title 8 (\$0.35); Title 9 (\$4.75); Titles 10-13 (\$5.50); Title 14, Parts 1-39 (\$0.55); Parts 40-399 (\$0.55); Part 400 to end (\$1.50); Title 15 (\$1.00); Title 16 (\$1.75); Title 18 (\$0.25); Title 19 (\$0.75); Title 21 (\$1.00); Titles 22-23 (\$0.35); Title 24 (\$4.25); Title 25 (\$0.35); Title 26, Parts 1-79 (\$0.20); Parts 80-169 (\$0.20); Parts 170-182 (\$0.20); Part 300 to end, Title 27 (\$0.30); Title 26 (1954) Parts 1-19 (\$3.25); Parts 20-221 (\$3.00); Titles 28-29 (\$1.50); Titles 30-31 (\$3.50); Title 32, Parts 1-399 (\$1.50); Parts 400-699 (\$1.75); Parts 700-799 (\$0.70); Parts 800-1099 (\$2.50); Part 1100 to end (\$0.35); Title 32A (\$0.40); Title 33 (\$1.50); Titles 35-37 (\$1.25); Title 38 (\$0.55); Title 39 (\$0.70); Titles 40-42 (\$0.35); Title 43 (\$1.00); Titles 44-45 (\$0.60); Title 46, Parts 1-145 (\$1.00); Parts 146-149, 1958 Supp. 2 (\$1.50); Part 150 to end (\$0.50); Title 47, Parts 1-29 (\$0.70); Part 30 to end (\$0.30); Title 49, Parts 1-70 (\$0.25); Parts 71-90 (\$0.70); Parts 91-164 (\$0.40); Part 165 to end (\$1.00); Title 50 (\$0.75)

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pliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 11, 1959.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 17, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship any package or container of any variety of plums other than Tragedy, Eldorado, Mariposa, Ace, and Elephant Heart unless such plums grade at least U.S. No. 1.

(2) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) When used herein, "U.S. No. 1" shall have the same meaning as set forth in the United States Standards for Plums and Prunes (§§ 51.1520-51.1537 of this title; 23 F.R. 3509), and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

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

Dated: June 15, 1959.

FLOYD F. HEDLUND,  
*Acting Director, Fruit and  
Vegetable Division, Agricultural  
Marketing Service.*

[F.R. Doc. 59-5055; Filed, June 16, 1959; 8:57 a.m.]

**PART 936—FRESH BARTLETT PEARS,  
PLUMS, AND ELBERTA PEACHES  
GROWN IN CALIFORNIA**

**Regulation by Grades and Sizes**

**§ 936.619 Plum Order 6.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the afore-

said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further 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 section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum-Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 11, 1959.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 17, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship any package or container of Tragedy plums unless such plums grade at least U.S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 6 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less

than one and eight-sixteenth (1⅛) inches in diameter; *Provided*, That, in individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and eight-sixteenth (1⅛) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent; *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 8½-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch; *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U.S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) §§ 51.1520 to 51.1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

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

Dated: June 15, 1959.

FLOYD F. HEDLUND,  
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5056; Filed, June 16, 1959; 8:57 a.m.]

[Plum Order 7]

**PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA**

**Regulation by Grades and Sizes**

**§ 936.620 Plum Order 7.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further 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 section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this sec-

tion should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 11, 1959.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 17, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship any package or container of Becky Smith or Wickson plums except in accordance with the following terms and conditions:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U.S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F.R. 3509); "Standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row

standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

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

Dated: June 15, 1959.

FLOYD F. HEDLUND,  
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5057; Filed, June 16, 1959; 8:57 a.m.]

[Plum Order 8]

**PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA**

**Regulation by Grades and Sizes**

**§ 936.621 Plum Order 8.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further 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 section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is

permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 11, 1959.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 17, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship from any shipping point during any day any package or container of Eldorado plums unless such plums grade at least U.S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and, except to the extent otherwise permitted under this paragraph:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 3 x 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than one and fourteen-sixteenth ( $1\frac{1}{16}$ ) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than thirty-seven and one-half ( $37\frac{1}{2}$ ) percent, by count, of plums which measure less than one and fourteen-sixteenth ( $1\frac{1}{16}$ ) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6½-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed thirty-three and one-third ( $33\frac{1}{3}$ ) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds ( $66\frac{2}{3}$ ) percent, by count, of the plums measure not less than one and thirteen-sixteenths ( $1\frac{1}{16}$ ) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths ( $1\frac{1}{16}$ ) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third ( $33\frac{1}{3}$ ) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such under-shipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided*, That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used in this section, "U.S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520-51.1537 of this title; 23 F.R. 3509); "standard basket" shall mean the standard basket

set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6½-row standard pack" shall mean that the top layer of the pack contains 42 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

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

Dated: June 15, 1959.

FLOYD F. HEDLUND,  
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5058; Filed, June 16, 1959; 8:57 a.m.]

## Title 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

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

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

##### Waivers

Waivers under section 5, Act of September 11, 1957, in section 245 or 249 proceedings.

1. The fourth sentence of § 245.1 *Application* is amended to read as follows: "Except as provided in Part 249 of this chapter, an application under this section shall be the sole method of requesting the exercise of discretion under sec-

tions 5, 6, or 7 of the Act of September 11, 1957, insofar as they relate to excludability by an alien in the United States."

2. Section 249.1 *Application* is amended by adding the following sentence after the existing first sentence to read as follows: "An otherwise eligible alien who is inadmissible under paragraphs 9, 10, or 12 of section 212(a) of the Act may be granted a waiver of those enumerated grounds of inadmissibility pursuant to the provisions of section 5 of the Act of September 11, 1957, in a proceeding under this part."

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

This order shall become effective on July 1, 1959. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making is unnecessary in this instance because the rules prescribed by the order confer benefits upon persons affected thereby.

Dated: June 11, 1959.

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

[F.R. Doc. 59-4993; Filed, June 16, 1959;  
8:48 a.m.]

## Title 12—BANKS AND BANKING

### Chapter II—Federal Reserve System

#### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. F]

#### PART 206—TRUST POWERS OF NATIONAL BANKS

##### Investment of Common Trust Funds in Investment Trust Shares

§ 206.118 Investment of common trust funds in investment trust shares.

(a) The Board of Governors has been requested to express an opinion whether the investment by a common trust fund in shares of an investment trust would be contrary to the provisions of § 206.17.

(b) In defining common trust funds, and indicating the purposes of their authorization and the limitations on their use, § 206.17 makes it clear that such funds are authorized as investment trusts for a special and restricted fiduciary purpose, under the exclusive management of the bank maintaining such funds. Having in mind the special purpose and use of common trust funds, the Board is impressed with the administrative inconsistency of investing any portion of such funds in investment trust shares. Furthermore, it is specifically provided in paragraph (c)(8) of § 206.17, that a bank administering a common trust fund "shall have the exclusive management thereof" and that such bank "shall not pay a fee, commission, or compensation out of the common trust fund for management."

(c) In the opinion of the Board, the use of investment trust shares for common trust fund investment would involve a delegation of investment management and payment of compensation for investment management services which would be both inconsistent with the stated purposes and uses of such funds and in violation of the quoted provisions of this part. This opinion, of course, only concerns itself with the investment of the funds of a common trust fund in investment trust shares and is not intended to express any view as to the propriety of such an investment for individually invested trusts.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interpret or apply secs. 2-4, 24 Stat. 18, 19, sec. 1, 40 Stat. 1043, as amended, sec. 1, 44 Stat. 1225, as amended, sec. 11(k), 38 Stat. 261, as amended, 53 Stat. 68, as amended; 12 U.S.C. 30-33, 34(a), 248(k), 26 U.S.C. 169)

BOARD OF GOVERNORS OF THE  
FEDERAL RESERVE SYSTEM,  
[SEAL] MERRITT SHERMAN,  
Secretary,

[F.R. Doc. 59-4981; Filed, June 16, 1959;  
8:47 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

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

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1877]

[Montana 030903]

#### MONTANA

##### Withdrawing Lands for Reclamation Purposes (Missouri River Basin Project—Tiber Reservoir)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the following-described public lands in Montana are hereby withdrawn in the first form from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws and reserved for use of the Bureau of Reclamation, Department of the Interior, for reclamation purposes in connection with the Missouri River Basin Project, Tiber Reservoir, Lower Marias Unit:

PRINCIPAL MERIDIAN

T. 30 N., R. 1 E.,  
Sec. 15, NW¼SE¼.

The area described contains 40 acres.

ROGER ERNST,  
Assistant Secretary of the Interior.

JUNE 10, 1959.

[F.R. Doc. 59-4984; Filed, June 16, 1959;  
8:48 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter II—Civil Aeronautics Board

#### SUBCHAPTER B—ECONOMIC REGULATIONS

[Reg. ER-274]

#### PART 225—TARIFFS OF CERTAIN CERTIFICATED AIRLINES; TRADE AGREEMENTS

##### Extension of Category of Carriers Authorized to Exchange Air Transportation for Advertising Goods or Services

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 12th day of June 1959.

Part 225 of the Board's Economic Regulations permits the local service carriers, the certificated carriers operating wholly within Hawaii and carriers holding certificates for the performance of all-expense tours or cruises, to exchange air transportation for advertising goods and services.

Petitions have been filed by Alaska Airlines, Inc. (Docket No. 9963) and Alaska Coastal Airlines, Northern Consolidated Airlines, Inc., and Wien Alaska Airlines, Inc. (Docket No. 10242) requesting that Part 225 be amended to include the certificated Alaskan carriers.

Part 225 does not at the present time apply to any of the certificated Alaskan air carriers. However, the Board now believes that the change in circumstances brought about by Alaskan statehood warrants their inclusion within the scope of this part. Statehood for Alaska has already led to increased interest in travel to Alaska and will continue to attract a substantially increasing influx of tourists and visitors. Thus, the carriers operating within Alaska have an increasing need to promote and advertise in the principal cities for the purpose of reaching tourists and visitors coming to the Alaskan gateway points.

In addition, the Board believes that allowing the intra-Alaska carriers to expand their advertising program at no additional cost or to reduce the amount of funds actually expended for advertising will aid in developing traffic within the State and will have a corresponding favorable effect on their subsidy requirements.

The Board also recognizes that advertising imposes a disproportionately heavy burden on all of these carriers because of their responsibility to serve many low density points over short-haul routes.

It therefore appears to the Board that it is in the public interest to make Part 225 applicable to the intra-Alaskan operations of the certificated Alaskan carriers. The Board does not believe that the routes of certain Alaskan carriers between Alaska and other States of the United States (or any portion thereof) should be included because of the different nature of such operations and be-

cause to do so could result in problems in the international rate field.

The proposed regulation therefore amends the definition of the term "airline" to include the certificated intra-Alaskan air operations. Since coverage of the Alaskan carriers under Part 225 is to be limited to their intra-Alaskan operations, the rule will provide that only intra-Alaskan air services may be exchanged for advertising purposes; and that the advertising media so obtained shall be used only for advertising intra-Alaskan air transportation.

In addition, the proposed regulation limits the maximum aggregate value of trade agreements entered into by each Alaskan air carrier to \$10,000 for the remainder of the calendar year. This is based upon the Board's belief that a \$20,000 annual maximum aggregate value of trade agreements is presently sufficient for the Alaskan carriers since such carriers are generally much smaller in size than the local service carriers.

Inasmuch as this extension of the provisions of Part 225 to the Alaskan air carriers has been circumscribed in such a manner that it will not result in any undue competitive advantage to them over any other air carrier, or class of air carriers; will not result in any diversion of traffic from other certificated air carriers; is permissive in nature; and is limited to the balance of this calendar year, the Board finds that notice and public procedure hereon are unnecessary and the amendment may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 225 of the Economic Regulations (14 CFR Part 225) effective June 17, 1959, as follows:

1. By amending the definition of "Airline" in § 225.1 (a) by adding a new subparagraph (4) to read as follows:

**§ 225.1 Definitions.**

(a) "Airline" means:

(4) Any air carrier furnishing air transportation between points in the State of Alaska (but not between points on a route between Alaska and other States of the United States unless the air carrier is also authorized to serve such points on a route located wholly within Alaska), consisting of the carriage of passengers, property, and mail under a certificate of public convenience and necessity issued by the Board.

2. By amending § 225.5 by adding a new paragraph (m) to read as follows:

**§ 225.5 Provisions of agreements.**

(m) That certificated air carriers defined in § 225.1(a)(4) shall exchange only air transportation conducted between points within the State of Alaska (but not between points on a route between Alaska and other States of the United States unless the air carrier is also authorized to serve such points on a route located wholly within Alaska) for advertising services or goods advertising

only air transportation between such points within the State of Alaska.

3. By amending § 225.6 to read as follows:

**§ 225.6 Limitation on total value of trade agreements.**

The total value of trade agreements entered into by any single airline in accordance with the provisions of this part shall be not more than

(a) \$100,000 in the aggregate each year for those airlines identified under § 225.1(a) (1), (2) and (3).

(b) \$10,000 for the remainder of the calendar year 1959, for those airlines identified under § 225.1(a) (4).

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 403, 404, 416, 72 Stat. 758, 760, 771; 49 U.S.C. 1373, 1374, 1386)

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,  
Acting Secretary.

[F.R. Doc. 59-5001; Filed, June 16, 1959; 8:45 a.m.]

[Reg. ER-273]

**PART 295—TRANSATLANTIC CHARTER TRIPS**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 26th day of May 1959.

A notice of proposed rule making was published in the FEDERAL REGISTER on December 19, 1958 (23 F.R. 9784) and circulated to the industry as Draft Release No. 102, dated December 16, 1958. This notice concerned the adoption of a new Part 295 controlling transatlantic passenger charter service by supplemental and cargo carriers. The draft release proposed the conversion of the Board's 1958 Transatlantic Charter Policy to regulatory form with several modifications principally to clarify requirements and facilitate administration.

Interested persons were afforded opportunity to comment on the proposed provisions. The Board has given due consideration to all relevant matter presented and has decided to adopt new Part 295.

This regulation continues the Board's policy of authorizing within the scope of its exemption power under section 416(b) additional transatlantic charter operations to the extent consistent with the development of, and sound economic conditions in, the regularly scheduled transatlantic operations. It has been the Board's experience that supplementation of the charter capacity of the regularly scheduled transatlantic carriers by other air carriers is necessary and desirable in the public interest. Over the years supplemental and cargo carriers have furnished a major part of this charter transportation but the identities of the carriers providing the bulk of such supplemental charter services have changed. The amount of

charter business each such carrier may obtain in any given season depends on competition between them and is quite unpredictable. Many charter arrangements consist only of one round-trip flight for which arrangements must be perfected by the charterers within a limited period, usually between early spring and summer, an unusual circumstance not characteristic for air transportation in general. The certification process therefore is not suitable for authorizing these charter trips because it is too time-consuming to be instituted and completed within the available period, and too expensive in relation to the limited extent of the operation to be authorized. These passenger charter trips of supplemental or cargo carriers may therefore be authorized by the Board in proper cases under its exemption power on the ground that enforcement of the certification requirement of section 401 would be an undue burden on the carriers by reason of both the limited extent of and unusual circumstances affecting their operations, and would not be in the public interest.

The rule retains those restrictions on the transatlantic charter business which guard against the entry into the field of indirect air carriers and which prevent solicitation for charter flights of the public or segments of the public. In addition, the Board's policy of protecting the participants in charter trips from inequitable burdens and charges has been enhanced. In so continuing its policies the Board has also been mindful of the ultimate objective of promulgating, insofar as appropriate, uniform standards for charter operations by all carriers subject to its jurisdiction.<sup>1</sup>

The definition of a charter flight herein adopts the meaning of a charter trip as developed in Parts 207 and 212 and prior enunciations of the transatlantic charter policy, with certain additional modifications.

With regard to the prohibition against obtaining participants for a charter group by soliciting the general public, the rule prevents the forming of a group by (1) general advertising or (2) unlimited soliciting of charter participants from an organization easy to join, and of uncertain or large and scattered membership. The rule thus provides the general framework within which to judge the charterworthiness of the cases on their own facts. The criteria are similar to those heretofore used by the Board and there presently appears no reason why determinations hereunder would not be similar to those of the past. For example, in accordance with the clarified provisions of § 295.30 of this part which the Board has adapted from the draft release, prospective charter participants solicited without limit from organizations or other entities with a total mem-

<sup>1</sup> The Board's Economic Regulations also include Part 207 (governing charters by the U.S. certificated carriers) and Part 212 (governing off-route charters by foreign air carriers).

bership of more than (1) 20,000 in a local area (except colleges or universities), (2) 10,000 located in a single state, or (3) 5,000 located throughout the United States would be considered as solicited from the general public which would preclude their charter trip. However, if the solicitation of charter participants should be limited to a group of selected delegates who are members of a large association with scattered membership, the size and geographic scope of the association would not appear to bar the charter.<sup>2</sup>

Further, in the case of a corporation whose total employment and whose geographic area would apparently render it ineligible for approval, a valid charter might be solicited from the employees of two or more plants of such corporation, provided the total number of employees in such plants and the geographic area in which they work would be sufficiently limited as to meet the tests applied by the Board in the case of a single organization. Also, the decision to limit the charter solicitation to the plants involved would necessarily have to be made prior to solicitation for the charter, and each such charter (if there were more than one) would have to be administered independently of the others. It would be inappropriate to make a general solicitation of the employees of the entire corporation and subsequently limit the charter group in an attempt to conform with the criteria of the regulation.

In those cases, furthermore, where federations of groups are the organizations from which charter groups are sought to be derived, several issues under the solicitation criteria herein adapted from past policy would necessarily arise. In such cases, the Board would consider, among other things, whether the federation provides services directly to employees of several separate organizations in a given locality, or is merely a superstructure tying several individual associations together. Factors to be weighed would include the relationship of employees represented by such federation to the total population of the area covered by the federation, past history of joint activities sponsored by the federation, and whether the federation exists only nominally as a means of exchanging information, with participation limited to meetings of representatives of each member group and individual membership therein being merely a matter of record or form at the most.

In promulgating other provisions of this part, the Board has made some minor changes from the rule proposed in the draft release. Thus, to facilitate advising a prospective charterer of (1) charter prerequisites and (2) the opportunity to obtain advisory opinions on charterworthiness, it is now provided that a copy of this regulation shall always be sent each prospect directly by

the carrier concerned. The carrier (where known) will, of course, receive a copy of any advisory opinion requested by a charterer.

The activities of a travel agent regarding land tours, where his affiliate assists in engaging the aircraft or receives a remuneration from the carrier, have now been limited expressly to dealing with the charter group as a whole or with only such individual participants as request land tour arrangements different from those available to the charter group. This is designed to reduce any possible confusion as to the permissible scope of a travel agent's activities in relation to charters as herein contemplated.

The proposed rule has also been rewritten to permit parity as between commissions paid by different classes of carriers to their agents. A carrier subject to this regulation and authorized pursuant to section 416(b) of the act to conduct a charter can now pay its agent the same commission as that which could be paid by the certificated carrier serving the route involved; or in the alternative five percent of the charter price as originally permitted in the proposed rule.

The ceiling on permissible compensation to members of a chartering organization for actual labor and personal expenses incurred by them in organizing the charter has been raised from \$300 in all cases to \$500 where charter participants number more than 80 per round trip. This change has been made in view of the trend toward the use of larger aircraft and larger charter groups entailing more organizational work.

To facilitate the handling of administrative details by charter carriers it has here been provided that a passenger manifest be given the carrier by the charterer prior to (and not after) the flight, and that a manifest be filed with the Board by the carrier within 30 (rather than 10) days subsequent to completion of the trip.

A change has also been incorporated in this rule with respect to so-called rights of first refusal previously provided for certificated carriers. In past off-seasons (October-May), any carrier certificated to carry passengers over the route of a proposed charter might seek to obtain this business by making an offer to the Board to conduct the operation in place of the carrier applying for exemption authority. Upon the Board finding the offer sufficient, the exemption application would be denied. Certificated carriers have not availed themselves of this opportunity. As a practical matter, few pro rata charters have been operated during the off-months. In view of these considerations the Board has decided not to provide the above mentioned certificated carriers with a specific pre-emptive right of such nature any longer. All carriers, of course, will continue to have full opportunity to object to any application for exemption authority by virtue of the provisions of Part 302 of the Board's Procedural Regulations expressly referred to herein. In connection with

this matter it is also noted that the Supplemental Air Carrier Conference (SACC) has urged the Board to afford supplemental air carriers a similar pre-emptive right on all applications by certificated carriers not authorized to serve the route over which a charter is proposed to be flown. The Board believes that SACC has not presented sufficient reasons to warrant the granting of such a right at this time.

Overseas National Airways, Inc. (ONA) has submitted a comment asking that this regulation or an amended Policy Statement be formulated to provide for the granting of a blanket, seasonal exemption upon application by an otherwise unauthorized carrier. While the Board is aware of the administrative advantages to itself and the carriers involved that would result from such an arrangement, it is not able to find at this time that under such an arrangement the necessary policing of the transatlantic charter business of air carriers not holding a scheduled transatlantic passenger authority could be accomplished. ONA's proposal therefore is not being adopted.

This rule is made effective 10 days after publication in the FEDERAL REGISTER inasmuch as it continues substantially the provisions of the Board's 1958 Transatlantic Charter Policy and does not require major changes in air carriers' practices.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends the Economic Regulations (14 CFR Ch. II) effective June 26, 1959, by adding thereto, a new Part 295, to read as follows:

- Sec.  
295.1 Applicability.  
295.2 Definitions.  
295.3 Waiver.  
295.4 Separability.

Subpart A—Provisions Relating to Pro Rata Charters

REQUIREMENTS RELATING TO AIR CARRIER APPLICANTS

- 295.11 Solicitation and formation of a chartering group.  
295.12 Pre-trip notification.  
295.13 Application for exemption authority.  
295.14 Tariffs to be on file.  
295.15 Terms of service.  
295.16 Agent's commission.  
295.17 Post flight reporting.  
295.18 Prohibition against payments or gratuities.

REQUIREMENTS RELATING TO TRAVEL AGENTS

- 295.20 Limited activities.  
295.21 Permissible solicitation, sale or ticketing of individual participants for land tours.  
295.22 Agents who are members of the chartering organization.  
295.23 Prohibition against double compensation.  
295.24 Prohibition against incurring obligations.  
295.25 Prohibition against payments or gratuities.

REQUIREMENTS RELATING TO THE CHARTERING ORGANIZATION

- 295.30 Solicitation of charter participants.  
295.31 Passengers on charter flights.  
295.32 Participation of immediate families in charter flights.  
295.33 Charter costs.

<sup>2</sup> Thus, if the organization is participating in a scientific convention abroad, the individuals selected to read papers at the convention may be organized into a charter party. Or if an international organization is to hold a meeting in Europe, delegates elected by various chapters in the United States might properly be organized into a charter group.

Sec.  
295.34 Statements of charges.  
295.35 Passenger manifests.

**Subpart B—Provisions Relating to Single Entity Charters**

295.40 Application.  
295.41 Tariff to be on file.  
295.42 Terms of service.  
295.43 Commissions paid to travel agents.

**Subpart C—Provisions Relating to Mixed Charters**  
295.50 Applicable rules.

**Subpart D—Procedure for Advisory Opinion on the Eligibility of a Charterer**

295.60 Advisory opinion.

**§ 295.1 Applicability.**

This part establishes the requirements governing applications for, and operations under, individual exemption orders authorizing the performance of charter flights for transatlantic passengers by United States air carriers other than carriers certificated to provide unlimited passenger service over designated routes. Each application will be considered and passed upon by the Board in accordance with the statutory standards of section 416(b) of the Act. No such application shall be processed unless filed and submitted in compliance with the applicable provisions of this part or unless good cause is shown in the application for any divergence from such provisions. Operations under any such individual exemption authorizing the performance of any transatlantic passenger charter flight(s) shall be conducted in conformity with the pertinent requirements of this part unless otherwise specifically authorized by the Board. The provisions of this regulation shall not be construed as limiting any other authority to engage in air transportation issued by the Board.

**§ 295.2 Definitions.**

As used in this part, unless the context otherwise requires—

(a) "Charter flight" means transatlantic air transportation performed by a direct air carrier where the entire capacity of one or more aircraft has been engaged for the movement of persons and their baggage, on a time, mileage or trip basis:

(1) By a person for his own use (including a direct air carrier or surface carrier when such aircraft is engaged solely for the transportation of company personnel or commercial passenger traffic in cases of emergency); or

(2) By a representative (or representatives acting jointly) of a group for the use of such group (provided no such representative is professionally engaged in the formation of groups for transportation or in the solicitation or sale of transportation services).

(b) "Pro rata charter" means one for which the cost thereof is divided among the passengers transported.

(c) "Single entity charter" means one for which the cost thereof is borne by the charterer and not by individual passengers, directly or indirectly.

(d) "Mixed charter" means one for which the cost thereof is borne, or pur-

suant to contract may be borne, partly by the charter participants and partly by the charterer.

(e) "Person" means any individual, firm, association, partnership, or corporation.

(f) "Travel agent" means any person engaged in the formation of groups for transportation or in the solicitation or sale of transportation services.

(g) "Charter group" means that body of individuals who shall actually participate in the charter flight.

(h) "Charter organization" means that organization, group, or other entity from whose members (and their immediate families) a charter group is derived.

(i) "Immediate family" means only the following persons who are living in the household of a member of a charter organization, namely, the spouse, dependent children, and parents, of such member.

(j) "Bona fide members" means those members of a charter organization who have not joined the organization merely to participate in the charter as the result of a solicitation directed to the general public. Presumptively, persons are not bona fide members of a charter organization who are not members at the time an application for exemption authority is filed and will not actually have been members for a minimum period of six months prior to the starting flight date. This presumption may be rebutted by a proper showing in connection with the charter application by the carrier involved.

(k) "Solicitation of the general public" means (1) a solicitation going beyond the bona fide members of an organization (and their immediate families), such as advertising directed to the general public by radio, television, newspaper, or magazine, or (2) the solicitation, without limitation, of the members of an organization so constituted as to ease of admission to membership, nature of membership, area of residence of members, and size of membership, as to be in substance more in the nature of a segment of the public than a private entity.

**§ 295.3 Waiver.**

A waiver of any of the provisions of this regulation may be granted by the Board upon its own initiative, or upon the submission by an air carrier of a written request therefor to be submitted in conjunction with its charter application or subsequent thereto upon good cause shown for the delay, provided that such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein.

**§ 295.4 Separability.**

If any provision of this part or the application thereof to any air transportation, person, class of person, or circumstance is held invalid, neither the remainder of the part nor the application of such provision to other air transportation, persons, classes of persons, or circumstances shall be affected thereby.

**Subpart A—Provisions Relating to Pro Rata Charters**

**REQUIREMENTS RELATING TO AIR CARRIER APPLICANTS**

**§ 295.11 Solicitation and formation of a chartering group.**

(a) A carrier shall not engage, directly or indirectly, in any solicitation of individuals (through personal contact, advertising, or otherwise) as distinguished from the solicitation of an organization for a charter trip.

(b) A carrier shall not employ, directly or indirectly, any person for the purpose of organizing and assembling members of any organization, club, or other entity into a group to make the charter flight.

**§ 295.12 Pre-trip notification.**

(a) When a charter flight date is tentatively reserved, the carrier or its agent shall inform the prospective charterer that the latter may obtain an advisory opinion from the Board's staff as to its eligibility for charter service.

(b) Upon a charter flight date being reserved by the carrier or its agent, the carrier shall provide the prospective charterer with a copy of the regulations of this part.<sup>1</sup>

(c) In conjunction with its application for exemption authority, the carrier shall submit a copy of the executed charter contract to the Board. Such contract shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this regulation and that the charterer shall within due time submit to the carrier such information as specified in §§ 295.34 and 295.35 hereof and submit to each charter participant the information identified in § 295.34.

**§ 295.13 Application for exemption authority.**

Every proceeding on an application filed by an air carrier for exemption authority (pursuant to section 416(b) of the Act) to conduct a charter flight shall be governed by §§ 302.400 to 302.409 of this chapter (Rules 400-409 of Part 302, of the Board's rules of practice) subject, however, to the following additional or different provisions: The application for exemption authority shall be filed with the Board at least 60 days before the date of the first flight under the charter contract. The application shall include an attachment which shall be in the form of, and which shall set forth the information prescribed by, the "Statement of Supporting Information"<sup>2</sup> annexed hereto and made a part hereof. Notwithstanding the provisions of § 302.403(b) of this chapter (Rule 403(b)), a copy of the application need be served only on each

<sup>1</sup> Copies of this part are available by purchase from the Superintendent of Documents, Washington 25, D.C. Single copies will be furnished without charge on written request to the Publications Section, Civil Aeronautics Board, Washington 25, D.C.

<sup>2</sup> Filed as part of the original document.

direct air carrier certificated to provide unlimited passenger service to any point to which the charter is proposed to be flown.

#### § 295.14 Tariffs to be on file.

At the time an exemption application is submitted the carrier shall have on file with the Board a tariff showing all its rates, fares, and charges for the use of the entire capacity of one or more aircraft in air transportation and all its rules, regulations, practices and services in connection with the transatlantic pro rata charter transportation which it offers to perform. Tariffs filed pursuant hereto shall expressly recite that the transportation may not be furnished unless the Civil Aeronautics Board specifically exempts the air carrier from the requirements of section 401 of the Federal Aviation Act of 1958.

#### § 295.15 Terms of service.

(a) The total charter price and other terms of service set forth in the application shall conform to those set forth in the applicable tariff on file with the Board at the time the exemption application is filed and the contract must be for the entire capacity of one or more aircraft. Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage, which is not in fact flown in the performance of the charter provided that the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer.

(b) The carrier shall require full payment of the total charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation.

(c) In the case of a round-trip charter, one-way passengers shall not be carried except that up to five percent of the charter group may be transported one way where special or unusual circumstances are shown (for each individual involved) in the application for exemption authority to conduct the charter and the Board approves of such transportation. In the case of a charter contract calling for two or more round-trips, there shall be no intermingling of passengers and each plane-load group shall move as a unit in both directions unless special or unusual circumstances are shown in the application for exemption authority and the Board approves thereof.

#### § 295.16 Agent's commission.

The carrier shall not pay its agent a commission or any other benefits directly or indirectly, in excess of five percent of the total charter price as set forth in the carrier's charter tariff on file with the Board, or more than the commission related to charter flights paid to an agent by a carrier certificated to fly the same route, whichever is greater. Proof of the commission paid by such a carrier shall be submitted by the carrier applicant in conjunction with its application for ex-

emption in the event such measure governs the commission which it will pay. The carrier shall not pay any commission whatsoever to an agent if the agent receives a commission from the charterer for the same service.

#### § 295.17 Post flight reporting.

(a) Within 30 days after the completion of each one-way or round-trip flight, whichever is authorized, a manifest shall be filed by the carrier with the Board showing the names and addresses of the persons actually transported in accord with the carrier's records and the relationship of each such person to the charterer as reported to the carrier pursuant to § 295.35. In the case of a round-trip flight, the above information must be shown for each leg of the flight and any variations between the eastbound and westbound trips must be explained on the manifest. Any deviation from the Board's order of authorization with respect to any one-way or round-trip flight shall also be explained on this manifest. However, the making of such explanation shall not of itself operate as authority for or excuse of any deviation from the Board's order of authorization.

(b) Within 30 days after completion of each one-way or round-trip flight, whichever is authorized, a report completed by the charterer pursuant to § 295.34 shall be filed by the carrier with the Board showing the charge per passenger transported, and the charterer's total receipts and expenditures. This report shall be submitted in the form of and contain the above information as more fully specified by the "Transatlantic Charter—Post Flight Report,"<sup>2</sup> annexed hereto and made a part hereof.

(c) The carrier shall promptly notify the Board regarding any flights authorized by the Board that are later canceled.

#### § 295.18 Prohibition against payments or gratuities.

A carrier shall make no payments nor extend gratuities of any kind, directly or indirectly, to any member of a chartering organization in relation either to air transportation or land tours or otherwise.

#### REQUIREMENTS RELATING TO TRAVEL AGENTS

#### § 295.20 Limited activities.

A travel agent may not assist in the organization or assembly of a charter group, handle the sale of the air transportation to any individual members of a group, or otherwise engage in the administration of the charter flight (including signing the charter agreement for the charterer or collecting or disbursing pro rata shares of participants). The agent may arrange land tours for a charter group provided he deals with the group as a whole. He may deal with individual members of a group regarding land tours only under the circumstances indicated in § 295.21. While his services may be utilized to prepare brochures or other literature describing all aspects of the charter trip, the distribution of such material to individual par-

ticipants must be confined to the hands of the charterer. Nothing in this section, however, shall prohibit the carrier from having a travel agent make distribution to the charter flight participants of boarding passes pursuant to Warsaw Convention practices.

#### § 295.21 Permissible solicitation, sale or ticketing of individual participants for land tours.

(a) If a travel agent (or person controlled by, controlling, or under common control with such travel agent) does not assist in the engaging of aircraft for the charterer and does not receive any remuneration from the carrier in connection with the charter, such agent may accept employment by the charterer concerning the land tour portion of a charter trip, solicit for the land tour individual members of the charter group and receive deposits and conduct ticketing of such individual members with respect to the land tour.

(b) Otherwise, a travel agent may only deal with individuals for land tours if such persons on an individual basis after arranging for charter participation request of him land tour arrangements different from those available to the charter group.

#### § 295.22 Agents who are members of the chartering organization.

If a travel agent, or officer, director, or employee of such an agent, is a member of the chartering organization, such agent, or officer, director, or employee, may not receive, directly or indirectly, any commission or other compensation with respect either to the charter flight or the land tour. Subject to this prohibition, he may participate in those activities, and only those, permitted to other travel agents.

#### § 295.23 Prohibition against double compensation.

A travel agent may not receive a commission from both the direct air carrier and the charterer for the same service, nor may he receive directly or indirectly any part of the administrative labor cost referred to in § 295.33(c).

#### § 295.24 Prohibition against incurring obligations.

A travel agent shall not incur any obligation on behalf of a chartering organization relating to the expenses of solicitation or organization of the individual participants in the chartering organization, whether or not it is intended for the organization to assume ultimately the obligation incurred.

#### § 295.25 Prohibition against payments or gratuities.

A travel agent shall make no payments nor extend gratuities of any kind, directly or indirectly, to any member of a chartering organization whether in relation to air transportation or otherwise.

#### REQUIREMENTS RELATING TO THE CHARTERING ORGANIZATION

#### § 295.30 Solicitation of charter participants.

As the following terms are defined in § 295.2, members of the charter group

<sup>2</sup> Filed as part of original document.

may be solicited only from among the bona fide members of an organization, club or other entity, and their immediate families, and may not be brought together by means of a solicitation of the general public. Charter participants solicited without limit from organizations or other entities with a total membership of more than (a) 20,000 located in a local area (except colleges or universities), (b) 10,000 located in a single state, or (c) 5,000 located throughout the United States, shall be considered as solicited from the general public.

#### § 295.31 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families, may participate as passengers on a charter flight. Where the charterer is engaging round-trip transportation, one-way passengers shall not participate in the charter flight except as provided in § 295.15(c). When more than one round-trip is contracted for, intermingling between flights or re-forming of plane-load groups shall not be permitted and each plane-load group must move as a unit in both directions except as provided in § 295.15(c).

#### § 295.32 Participation of immediate families in charter flights.

The immediate family of any member of a charter organization may participate in a charter flight if such member also participates as a passenger on the charter flight. The immediate family of such member shall be construed to include only the following persons who are living in his household, namely, the spouse, dependent children, and parents of such member.

#### § 295.33 Charter costs.

(a) The costs of charter flights shall be pro rated equally among all charter passengers, except to the extent that the charter application may indicate a lesser charge for children under twelve years old. In the event there is any other unequal division of charges, good cause therefor must be shown at the time the charter application is filed to obtain a waiver of the preceding provision. No charter passengers shall be allowed free transportation except children under two years of age.

(b) The charterer shall not make charges to the charter participants which exceed the actual costs incurred in consummating the charter arrangements, nor include as a part of the assessment for the charter flight any charge for purposes of charitable donations. All charges related to the charter flight arrangements collected from the charter participants which exceed the actual costs thereof shall be refunded to the participants in the same ratio as the charges were collected.

(c) Reasonable administrative costs of organizing the charter may be divided among the charter participants. Such costs may include a reasonable charge for compensation to members of the charter organization for actual labor and personal expenses incurred by them. Such charge shall not exceed \$300 (or \$500 where the charter participants

number more than 80) per round-trip flight. Neither the organizers of the charter, nor any member of the chartering organization, may receive any gratuities or compensation, direct or indirect, from the carrier, the travel agent, or any organization which provides any service to the chartering organization whether of an air transportation nature or otherwise.

(d) If the total expenditures, including among other items compensation to members of the chartering organization, referred to in paragraph (c) of this section but exclusive of expenses for air transportation or land tours, exceed \$750 per round-trip flight, such expenditures shall be supported by properly authenticated vouchers to be filed with the "Post Flight Report" required pursuant to § 295.34.

#### § 295.34 Statements of charges.

Any announcements or statements by the charterer to prospective charter participants of the anticipated individual charge for the charter shall clearly identify the portion of the charges to be separately paid for the air transportation, for the land tour, and for the administrative expenses of the charterer. Within 15 days after completion of each one-way or round-trip flight, whichever is authorized, the charterer shall complete and supply to each charter participant and the air carrier involved a detailed report showing the charge per passenger transported and the charterer's total receipts and expenditures. This report shall be submitted in the form of, and contain such information including the above as more fully specified by, the "Transatlantic Charter—Post Flight Reports" annexed hereto and made a part hereof.

#### § 295.35 Passenger manifests.

Prior to each one-way or round-trip flight whichever is authorized, a manifest shall be filed by the charterer with the air carrier showing the names and addresses of the persons to be transported and the relationship of each such person to the charterer. In the case of a round-trip flight, the above information must be shown for each leg of the flight and any variations between the eastbound and westbound trips must be explained on the manifest.

### Subpart B—Provisions Relating to Single Entity Charters

#### § 295.40 Application.

An application by a direct air carrier to conduct a single entity charter shall be filed with the Board at least 30 days prior to commencement of the charter flight, unless good cause for a later filing is shown in the application. The application shall be submitted pursuant to § 302.3 of this chapter (Board's rules of practice in Economic Proceedings). The application, furthermore, shall incorporate an attachment in the form of, and which sets forth the information specified by, the Statement of Supporting Information<sup>2</sup> annexed hereto and made a part hereof.

<sup>2</sup> Filed as part of original document.

#### § 295.41 Tariff to be on file.

The direct air carrier shall have a currently effective tariff on file with the Board prior to flight which discloses all the rates, fares and charges for the use of the entire capacity of one or more aircraft in air transportation and all its rules, regulations, practices and services in connection with the transatlantic single entity charter transportation which it offers to perform.

#### § 295.42 Terms of service.

The total charter price and other terms of service set forth in the application shall conform to those set forth in the applicable tariff filed in accordance herewith and the contract shall be for the entire capacity of one or more aircraft.

#### § 295.43 Commissions paid to travel agents.

No direct air carrier shall pay a travel agent any commission in excess of five per cent of the total charter price or more than the commission related to charter flights paid to an agent by a carrier certificated to fly the same route, whichever is greater. Proof of the commission paid by such a carrier shall be submitted by the carrier applicant in conjunction with its application for exemption in the event such measure governs the commission which it will pay.

### Subpart C—Provisions Relating to Mixed Charters

#### § 295.50 Applicable rules.

The rules set forth in Subpart A of this part shall apply in the case of mixed charters.

### Subpart D—Procedure for Advisory Opinion on the Eligibility of a Charterer

#### § 295.60 Advisory opinion.

At any time prior to the filing of an application pursuant to this part, an air carrier or prospective charterer may request an advisory opinion from the Bureau of Air Operations, Civil Aeronautics Board, Washington 25, D.C., regarding the eligibility of the prospective charterer to obtain charter service in accordance with this regulation. The Bureau's opinion will be based on the representations submitted and shall not be binding upon the Board. Such representations should include as much of the information specified by section B, Part II, of the Statement of Supporting Information annexed to this regulation as is available to the person requesting the advisory opinion.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply sec. 416(b), 72 Stat. 771, 49 U.S.C. 1336)

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,  
Acting Secretary.

[F.R. Doc. 59-5002; Filed, June 16, 1959; 8:45 a.m.]

Chapter III—Federal Aviation Agency

[Reg. Docket 18; Amdt. 121]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Alameda "H"	ABQ-LFR	Direct	6600	T-dn	300-1	300-1	200-1/2
Peralta FM (Final)	ABQ-LFR	Direct	6000	C-dn	400-1	500-1	500-1 1/2
ABQ VOR	ABQ-LFR	Direct	8000	S-dn-R-35	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side S crs, 175° Outbnd, 355° Inbnd, 7000' within 10 mi. (Nonstand. due to high terrain E side.)

Minimum altitude over facility on final approach crs, 6000'.

Crs and distance, facility to airport, 355°—2.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 mi, make a left climbing turn, climb to 8000' on the N crs ABQ LFR to Alameda MHW or, when directed by ATC, (1) make left climbing turn, climb to 8000' on 260° crs direct to ABQ VOR, (2) turn left and climb to 8000' on W crs ABQ LFR within 20 miles, (3) aircraft will be vectored to MEA in accordance with approved radar patterns.

CAUTION: Terrain exceeding 8000' in E quadrants; make all turns on W side of North & South courses of LFR.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFB/MUN; Elev., 5352'; Fac. Class, SBRAZ; Ident., ABQ; Procedure No. 1, Amdt. 9; Eff. Date, 4 July 59; Sup. Amdt. No. 8; Dated, 7 Mar. 59

				T-dn	300-1	300-1	200-1/2
				C-dn	400-1	500-1	500-1 1/2
				A-dn	800-2	800-2	800-2

SHUTTLE TO: 4200' on South side of Northwest crs, 276° Outbnd, 096° Inbnd, within 25 mi.

Procedure turn S side NW crs, 276° Outbnd, 096° Inbnd, 2700' within 10 miles. NA beyond 10 miles.

Minimum altitude over facility on final approach crs, 2300'.

Crs and distance, facility to airport, 096°—0.9 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 miles, climb to 6400' on SE crs Northway LFR within 25 miles.

City, Northway; State, Alaska; Airport Name, Northway; Elev., 1718'; Fac. Class, SBRAZ; Ident., ORT; Procedure No. 1, Amdt. 7; Eff. Date, 4 July 59; Sup. Amdt. No. 6; Dated, 14 Jan. 56

				T-d	500-2	500-2	500-2
				T-n	NA	NA	NA
				C-d	700-2	700-2	700-2
				C-n	NA	NA	NA
				A-d	800-2	800-2	800-2
				A-n	NA	NA	NA

Procedure turn S side SW crs, 178° Outbnd, 358° Inbnd, 1560' within 10 miles.

Minimum altitude over facility on final approach crs, 1000'.

Crs and distance, facility to Seadrome, 358°—13.8 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing Sitka LFR, turn left and climb to 1500' on SW crs Sitka LFR within 20 mi.

NOTE: If at any time after establishing contact visual reference to surface can not be maintained, execute missed approach procedure.

CAUTION: High terrain E of NE crs within 9.5 miles Sitka LFR. High terrain N of NW crs within 13 miles Sitka LFR.

City, Sitka; State, Alaska; Airport Name, Sitka Harbor (Seaplane); Elev., 0' (Tidewater); Fac. Class, SBRAZ; Ident., SIT; Procedure No. 1, Amdt. 5; Eff. Date, 4 July 59; Sup. Amdt. No. 4; Dated, 13 Aug. 55

Yuma VOR	Yuma LFR	Direct	3000'	T-dn	300-1	300-1	200-1/2
				C-dn	500-1	500-1	500-1 1/2
				A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 346° Outbnd, 166° Inbnd, 3000' within 10 miles.

Minimum altitude over facility on final approach crs, 2000'.

Crs and distance, facility to airport, 166°—5.0.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles, climb to 2000' on S crs of LFR within 15 mi.

City, Yuma; State, Ariz.; Airport Name, MCAAS/Municipal; Elev., 213'; Fac. Class, SBMRAZ; Ident., YUM; Procedure No. 1, Amdt. 6; Eff. Date, 4 July 59; Sup. Amdt. No. 5; Dated, 9 July 55

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 66 knots
					65 knots or less	More than 65 knots	
Fairbanks LFR	LOM	Direct	4000	T-dn	300-1	300-1	200-1 1/2
Wood River Int.	LOM	Direct	4000	C-dn*	400-1	500-1	500-1 1/2
Chena Int.	LOM	Direct	4000	S-dn-19	400-1	400-1	400-1
Alder RBN	LOM	Direct	4000	A-dn	800-2	800-2	800-2
Fox RBN	LOM	Direct	2300				
Fairbanks LFR	Fox RBN	Direct	4000				
Wood River Int.	Fox RBN	Direct	4000				
Chena Int.	Fox RBN	Direct	4000				
Alder RBN	Fox RBN	Direct	4000				

Radar Terminal Transitional Altitudes: 000-360° within 10 mi, 4000'; 098°-250°, 10-25 mi, 4000'; 250°-098°, 10-20 mi, 5000'.

Procedure turn W side of N crs, 009° Outbd, 189° Inbd, 3000' within 5 mi of LOM; \*\*4000' within 15 mi of Fox-RBN.

Minimum altitude over facility on final approach crs, 2300'.

Crs and distance, facility to airport, 189°-5.8 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LOM, turn left, climb to 2400', proceeding direct to FAI-LFR, then on E crs (060°) to Chena Int or, as directed by ATC, climb to 4000' on S crs ILS within 20 mi.

\*All maneuvering East of airport: 800' terrain within 1 1/2 mi West of airport rising to 1000' within 2 mi.

\*\*CAUTION: Do not descend below 4000' until past Fox-RBN inbd on final approach.

City Fairbanks; State, Alaska; Airport Name, Fairbanks Int'l; Elev., 434'; Fac. Class, LOM; Ident., FA; Procedure No. 1, Amdt. 4; Eff. Date, 4 July 59; Sup. Amdt. No. 3 (ADF portion of Comb. ILS-ADF); Dated, 21 Dec. 57

				T-dn	300-1	300-1	200-1 1/2
				C-dn	500-1	500-1 1/2	500-1 1/2
				S-dn-11	500-1	500-1 1/2	500-1 1/2
				A-dn	800-2	800-2	800-2

SHUTTLE: NW crs AKN-LFR 291° Outbd, 111° Inbd, 1200' within 20 mi or, when directed by ATC, SE crs AKN-LFR 111° Outbd, 291° Inbd, 4500' within 20 miles.

Procedure turn S side of NW crs, 291° Outbd, 111° Inbd, 1200' within 10 mi.

Minimum altitude over AKN-LFR on final approach crs, 700'.

Crs and distance, facility to airport, 111°-1.1 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.1 mi after passing LFR, climb to 4500' on SE crs (111°) King Salmon LFR within 20 mi or, when directed by ATC, climb to 1500' on SW crs (205°) King Salmon LFR.

City, King Salmon; State, Alaska; Airport Name, King Salmon; Elev., 52'; Fac. Class, LFR; Ident., AKN; Procedure No. 1, Amdt. 1; Eff. Date, 4 July 59; Sup. Amdt. No. Orig. (ADF portion of Comb. ILS-ADF); Dated, 2 July 55

Excelsior Int.	LOM	Direct	2300	T-dn	300-1	300-1	200-1 1/2
FGT-VOR	LOM	Direct	2300	C-dn	500-1	500-1	500-1 1/2
St. Paul Int.	LOM	Direct	2300	S-dn-4	400-1	400-1	400-1
MSP-LFR	LOM	Direct	2300	A-dn	800-2	800-2	800-2
MSP-VOR	LOM	R-165	2500				
All sectors of radar site within 20 miles	LOM	As directed by ATC.	2500				

Procedure turn South side of crs, 219° Outbd, 039° Inbd, 2300' within 10 mi.

Minimum altitude over facility on final approach crs 1800'.

Crs and distance, facility to airport, 039°-4.5 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 mi after passing LOM, climb to 2500' on crs 039° from LOM within 20 miles.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International; Elev., 840'; Fac. Class, LOM; Ident., MI; Procedure No. 2, Amdt. Orig.; Eff. Date, 4 July 59

TAP LFR	LOM	Direct	1500	T-dn	300-1	300-1	200-1 1/2
PIE VOR	LOM	Direct	1300	C-dn	400-1	500-1	500-1 1/2
Radar Terminal Area Transition Altitude	Radar Site	Within 25 mi	*1500	S-dn-17	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 349° Outbd, 169° Inbd, 1300' within 10 mi.

Minimum altitude over facility on final approach crs, 800'.

Crs and distance, facility to airport, 169°-4.7 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles, turn right climbing to 1500' on crs of 270° intercept and proceed out 220° crs within 20 mi or, when directed by ATC, turn right, climb to 1500' on crs of 270° from TPA LFR.

\*Radar control must provide 1000' clearance when within 3 miles or 500' clearance when between 3-5 miles of radio towers 861' MSL 19.5 mi ESE and 1135' MSL 23 mi ESE of airport.

City, St. Petersburg; State, Fla.; Airport Name, St. Petersburg Clearwater Int'l; Elev., 10'; Fac. Class, LOM; Ident., PI; Procedure No. 1, Amdt. Orig.; Eff. Date, 4 July 59; Sup. Amdt. No. Orig.; Dated, 4 July 59

RULES AND REGULATIONS

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ABQ LFR.....	ABQ-VOR.....	Direct.....	8000	T-dn..... C-d..... C-n..... S-d-8..... S-n-8..... A-dn.....	300-1 1000-1 1000-2 1000-1 1000-2 1200-2	300-1 1000-1 1000-2 1000-1 1000-2 1200-2	200-1/2 1000-1 1/2 1000-2 1000-1 1000-2 1200-2

Procedure turn N side of crs, 257° Outbnd, 077° Inbnd, 8000' within 10 mi. (All turns to be made on N side of crs, restricted area to South.)

Minimum altitude over facility on final approach crs, 6600'.

Crs and distance, facility to airport, 077°—9.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.6 mi, make left climbing turn, climb to 8000' on 260° crs direct to ABQ VOR or, when directed by ATC, (1) turn right and climb to 7000' on N crs ABQ LFR to ABQ LFR; (2) turn right, climb to 7000' on 170° crs to ABQ LOM; (3) turn left, climb to 8000' on N crs ABQ LFR to Alameda MHW; (4) aircraft will be vectored to MEA in accordance with approved radar patterns.

CAUTION: Terrain exceeding 8000' in E quadrants ABQ LFR. All turns to be made W of North & South courses of LFR and localizer course.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFB/Mun.; Elev., 5352'; Fac. Class, BVOR; Ident., ABQ; Procedure No. 1, Amdt. 7; Eff. Date, 4 July 59; Sup. Amdt. No. 6; Dated, 7 Mar. 59

Columbus LFR.....	UBS-VOR.....	Direct.....	1500	T-dn..... C-dn..... A-dn#.....	300-1 500-1 800-2	300-1 500-1 800-2	200-1/2 500-1 1/2 800-2
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Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 1700' within 10 mi. Beyond 10 mi NA.

Minimum altitude over facility on final approach crs, 900'.

Crs and distance, facility to airport, 095°—6.7 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.7 mi, climb to 1700' on crs of 095° within 20 mi.

NOTE: Weather service not available to public.

Air CARRIER NOTE: Procedure may be authorized for air carriers having approval of their arrangement for weather service at this airport.

#Alternate usage authorized for air carriers only.

City, Columbus; State, Miss.; Airport Name, Columbus Lowndes County; Elev., 186'; Fac. Class, BVOR; Ident., UBS; Procedure No. 1, Amdt. Orig.; Eff. Date, 4 July 59

Yuma LFR.....	Yuma VOR.....	Direct.....	3000	T-dn..... C-dn..... S-dn-17..... A-dn.....	300-1 500-1 400-1 800-2	300-1 500-1 400-1 800-2	200-1/2 500-1 1/2 400-1 800-2
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Procedure turn W side of crs, 347° Outbnd, 167° Inbnd, 3000' within 10 miles.

Minimum altitude over facility on final approach crs, 2000'.

Crs and distance, facility to airport, 167°—6.3.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 miles, climb to 2000' on R-167 within 15 miles of VOR.

City, Yuma; State, Ariz.; Airport Name, MCAAS/Municipal; Elev., 213'; Fac. Class, BVOR; Ident., YUM; Procedure No. 1, Amdt. 4; Eff. Date, 4 July 59; Sup. Amdt. No. 3; Dated, 9 July 55.

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
*Stanne Int (Final).....	BDR-VOR.....	Direct.....	#600	T-dn..... C-dn#..... S-dn-0#..... A-dn.....	300-1 600-1 600-1 800-2	300-1 600-1 600-1 800-2	200-1/2 600-1 1/2 600-1 800-2

Procedure turn South side of crs, 245° Outbnd, 065° Inbnd, 1500' within 10 miles of BDR-VOR.

Minimum altitude until over Stanne Int\* on final approach crs, #700.

Crs and distance, Stanne Int\* to airport, 065°—4.0 mi.

Crs and distance, breakoff point to approach end of Rwy, 057°—0.3 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1600' on BDR-VOR R-056 within 10 miles.

\*Int BDR R-245 & ILT R-135.

#If Stanne Int is not received, maintain 700' over BDR-VOR (minimums of 700-1 1/2 will apply). Minimums of 600 feet apply to Dual VOR equipped aircraft only.

City, Bridgeport; State, Conn.; Airport Name, Bridgeport; Elev., 9'; Fac. Class, VOR; Ident., BDR; Procedure No. TerVOR-6, Amdt. Orig.; Eff. Date, 4 July 59

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn.....	300-1	300-1	200-1 1/2
				C-dn*	700-1	700-1	700-1 1/2
				S-dn-24*	700-1	700-1	700-1
				A-dn*	800-2	800-2	800-2

Procedure turn # East side of crs, 049° Outbnd, 229° Inbnd, 1600' within 10 miles of BDR VOR.  
 Minimum altitude until over BDR-LFR (Z) on final approach crs, \*1000'.  
 Crs and distance, BDR-LFR (Z) to Airport, 229°—3.2 mi.  
 Crs and distance, breakoff point to approach end of rwy, 237°—0.3 mi.  
 NOTE: Contact Westchester Approach Control for ATC clearance.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, make a climbing left turn and climb to 1600' on R-056 within 10 miles of BDR-VOR.  
 \*If "Z" marker not received, maintain 1000' over BDR-VOR (minimums of 1000-2 will apply).  
 #Nonstandard to avoid obstructions.

City, Bridgeport; State, Conn.; Airport Name, Bridgeport; Elev., 9'; Fac. Class, VOR; Ident., BDR; Procedure No. TerVOR-24, Amdt. Orig.; Eff. Date, 4 July 59

Stinson Beach Int.....	SFO-TVOR.....	Direct.....	2500	T-dn.....	300-1	300-1	*200-1 1/2
Richmond VHF Int.....	SFO-TVOR.....	Direct.....	2500	C-dn.....	500-1	600-1	600-1 1/2
AGW VOR.....	SFO-TVOR.....	Direct.....	2500	S-dn-19L.....	400-1	400-1	400-1
Fremont FM-HW.....	SFO-TVOR.....	Direct.....	2500	A-dn.....	800-2	800-2	800-2
OAK VOR.....	Int R-229 OAK and R-014 SFO TVOR.....	Direct.....	1000				
Int R-229 OAK and R-014 SFO TVOR.....	SFO TVOR (Final).....	Direct.....	400				
OAK VOR.....	SFO TVOR.....	Direct.....	2500				

Aircraft may be vectored to final approach radial in accordance with patterns approved for radar approach.  
 Procedure turn E side 014° Outbnd, 194° Inbnd, or teardrop type 039° Outbnd, 194° Inbnd, 1000' within 5 miles.  
 Beyond 5 mi (N of AGW 301 R) NA.  
 Minimum altitude over facility on final approach crs, 400'.  
 Crs and distance from break-off point to app end of rwy 19L, 190—0.7.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 miles, make immediate left climbing turn to 2000' on R-101 within 10 miles.  
 NOTE: Circling minimums do not provide standard clearance W and SW of airport.  
 \*300-1 required for takeoff runway 19L-R.

City, San Francisco; State, Calif.; Airport Name, International; Elev., 11'; Fac. Class, TVOR; Ident., SFO; Procedure No. TerVOR-19L, Amdt. 5; Eff. Date, 4 July 59; Sup. Amdt. No. 4; Dated, 5 Apr. 58

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.  
 If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Aden Int.....	North Int*	Direct.....	8000	T-dn.....	300-1	300-1	200-1 1/2
Weiler Int.....	North Int (Final).....	Direct.....	7000	C-d.....	500-1	500-1	500-1 1/2
Peralta Int.....	North Int.....	Direct.....	8000	C-n.....	500-2	500-2	500-2
South Int**.....	North Int.....	Direct.....	8000	S-d-17.....	500-1	500-1	500-1
				S-n-17.....	500-2	500-2	500-2
				A-dn.....	800-2	800-2	800-2

Procedure turn W side of N crs 350° Outbnd; 170° Inbnd, 8000' within 10 mi of North Int.  
 Minimum altitude over North Int. on final approach—7000'.  
 No glide slope.  
 Course and distance, North Int. to airport: 170°—6.0.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing North Int., climb straight ahead to 7000' to ABQ LFR or, when directed by ATC, (1) climb straight ahead to 7000' on ABQ ILS localizer to ABQ LOM; (2) make right climbing turn, climb to 8000' on 260° crs direct to ABQ VOR; (3) aircraft will be vectored to MEA in accordance with approved radar patterns.  
 CAUTION: Terrain exceeding 8000' E of ILS localizer; all turns to be made W of crs.  
 NOTE: This procedure authorized only for aircraft equipped with ILS and VOR receivers.  
 \*N crs ABQ ILS and R-044 ABQ VOR.  
 \*\*S crs ABQ ILS and R-147 ABQ VOR.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFD/MUN.; Elev., 5352'; Fac. Class, ILS; Ident., IABQ; Procedure No. ILS-17, Amdt. 1; Eff. Date, 4 July 59; Sup. Amdt. No. Orig.; Dated, 11 Apr. 59

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Albuquerque LFR	LOM	Direct	7000	T-dn	300-1	300-1	200-1/2
Albuquerque VOR	LOM	Direct	7000	C-dn	400-1	500-1	500-1 1/2
Aden Int (via N crs ABQ ILS)	LOM	Direct	8000	S-dn-35	200-1 1/2	200-1 1/2	200-1 1/2
Peralta Int-FM	LOM (Final)	Direct	6400	A-dn	600-2	600-2	600-2
Weiler Int	LOM	Direct	7000				
Kirtland Int	LOM	Direct	7000				
Int 090 R ABQ VOR and ILS S crs	LOM	Direct	7000				
Int 107 R ABQ VOR and ILS S crs	LOM	Direct	7000				
Belen MHW	Peralta Int	Direct	7000				
*South Int (via S crs ABQ Loc.)	LOM	Direct	7000				
South Int	Peralta Int/FM	Direct	8000				
La Joya VOR	South Int	Direct	8000				
Mooney Int	Roundhouse Int	Direct	12,000				
Roundhouse Int	Belen MHW	Direct	8000				
Dalles Int	Belen MHW	Direct	8000				
Dalles Int	LOM	Direct	8000				

Procedure turn W side S crs, 170° Outbnd, 350° Inbnd, 7000' within 10 mi.

Minimum altitude at G.S. int inbnd 6400'.

Altitude of G.S. and distance to appr end of rny at OM 6400-3.8, at MM 5530-0.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a left climbing turn, climb to 8000' on N crs ABQ LFR to Alameda MHW or, when directed by ATC, (1) make left climbing turn, climb to 8000' on 260° crs direct to ABQ VOR, (2) turn left and climb to 8000' on W crs ABQ LFR within 20 miles, (3) aircraft will be vectored to MEA in accordance with approved radar patterns.

CAUTION: Terrain exceeding 8000' E of ILS localizer—all turns to be made W of localizer crs.

\*Int R-147 ABQ VOR and ABQ ILS South crs.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFB/MUN.; Elev., 5352'; Fac. Class, ILS; Ident., ABQ; Procedure No. ILS-35, Amdt. 15; Eff. Date, 4 July 59; Sup. Amdt. No. 14; Dated, 7 Mar. 59

Fairbanks LFR	LOM	Direct	4000	T-dn	300-1	300-1	200-1/2
Wood River Int	LOM	Direct	4000	C-dn*	400-1	500-1	500-1 1/2
Chena Int	LOM	Direct	4000	S-dn-10	200-1 1/2	200-1 1/2	200-1 1/2
Alder RBN	LOM	Direct	4000	A-dn	600-2	600-2	600-2
Fox RBN	LOM	Direct	3000				
Fairbanks LFR	Fox RBN	Direct	4000				
Wood River Int	Fox RBN	Direct	4000				
Chena Int	Fox RBN	Direct	4000				
Alder RBN	Fox RBN	Direct	4000				

Radar Terminal Transitional Altitudes: 090-360°, 4000' within 10 mi; 098°-250°, 4000' within 10-25 mi; 250°-098°, 5000' within 10-20 miles.

Procedure turn West side of N crs, 009° Outbnd, 189° Inbnd, 3000' within 5 miles of LOM; 4000' within 15 mi of Fox RBN.

Minimum Altitude at G.S. int inbnd, 3000'.

Altitude of G.S. and distance to approach end of rny at OM 2320-5.8, at MM 670-0.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climb to 2400', proceeding direct to FAI-LFR, then on E crs (060°) to Chena Int or, as directed by ATC, climb to 4000' on S crs ILS within 20 mi.

\*All maneuvering East of airport: 800' terrain within 1 1/4 mi West of airport rising to 1000' within 2 mi.

\*\*CAUTION: Do not descend below 4000' until past Fox RBN inbound on final approach.

City, Fairbanks; State, Alaska; Airport Name, International; Elev., 434'; Fac. Class, ILS; Ident., I-FAI; Procedure No. ILS-19, Amdt. 4; Eff. Date, 4 July 59; Sup. Amdt. No. 3 (ILS portion of Comb. ILS-ADF); Dated 21 Dec. 57

				T-dn	300-1	300-1	200-1/2
				C-dn	500-1	500-1 1/2	500-1 1/2
				S-dn-II	300-1	300-1	200-1/2
				A-dn	600-2	600-2	600-2

SHUTTLE: NW crs AKN-LFR 291° Outbnd, 111° Inbnd, 1200' within 20 miles or, when directed by ATC, SE crs AKN-LFR 111° Outbnd, 291° Inbnd, 4500' within 20 mi.

Procedure turn S side NW crs, 291° Outbnd, 111° Inbnd, 1200' within 10 miles.

Minimum altitude at G.S. int inbnd, 1200'.

No Outer Marker. Altitude of G.S. and distance to approach end of Runwy at AKN-LFR, 468'-1.1 mi; at KN-LMM, 290'-0.5.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 4500' on SE crs King Salmon ILS within 20 miles or, when directed by ATC, climb to 1500' on SW crs King Salmon LFR.

NOTE: NW-SE crses King Salmon LFR are aligned with NW-SE ILS crses. LFR serves as LOM.

City, King Salmon; State, Alaska; Airport Name, King Salmon; Elev., 52'; Fac. Class, ILS; Ident., I-AKN; Procedure No. ILS-11, Amdt. 1; Eff. Date, 4 July 59; Sup. Amdt. No. Orig. (ILS portion of Comb. ILS-ADF); Dated, 2 July 55

Excelsior Int	LOM	Direct	2300	T-dn	300-1	300-1	200-1/2
FGT-VOR	LOM	Direct	2300	C-dn	500-1	500-1	500-1 1/2
St. Paul Int	LOM	Direct	2300	S-dn-I	200-1 1/2	200-1 1/2	200-1 1/2
MSP VOR	LOM	R-165	2500	A-dn	600-2	600-2	600-2
MSP LFR	LOM	Direct	2300				
Int I-MIM localizer and FGT VOR R-298	LOM (Final)	039°-6.9	2200				
All sectors of radar site within 20 mi.	LOM	As directed by ATC.	2500				

Procedure turn South side of crs, 219° Outbnd, 039° Inbnd, 2300' within 10 mi.

Minimum altitude at G.S. Int. inbnd, 2200'.

Altitude of G.S. and distance to approach end of Runway at OM, 2203'-4.5 mi; at MM, 1032'-0.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2300' on NE crs ILS within 20 miles.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International; Elev., 840'; Fac. Class, ILS; Ident., I-MIM; Procedure No. ILS-4, Amdt. Orig.; Eff. Date, 4 July 59

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Radar terminal area maneuvering sectors and altitudes.				Surveillance approach			
				T-dn.....	300-1	300-1	200-1½
				C-dn.....	400-1	500-1	500-1½
				S-dn-35, 17, 3, and 3.	400-1	400-1	400-1
				A-dn.....	500-2	500-2	500-2
				Precision approach			
			S-dn-35.....	200-1½	200-1½	200-1½	
			A-dn.....	600-2	600-2	600-2	

All bearings are from radar site with sector azimuths progressing clockwise:

- Within 5 miles: All sectors 7500'.
- Within 10 miles: 360-060 Unuseable; 060-135 9000'; 135-360 7500'.
- Within 15 miles: 360-060 Unuseable; 060-105 10,000'; 105-140 9000'; 140-360 7500'.
- Within 20 miles: 360-060 Unuseable; 060-105 10,000'; 105-150 12,000'; 150-235 8000'; 235-360 14,000'.
- Within 25 miles: 360-105 Unuseable; 105-150 12,000'; 150-300 11,000'; 300-360 14,000'.
- Within 30, 35, and 40 miles: 360-150 Unuseable; 150-300 11,000'; 300-360 14,000'.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:

- Runways 35, 8 and 3: Turn left and climb to 8000' on N crs ABQ LFR to Alameda MHW, or when directed by ATC, (1) turn left and climb to 8000' on W crs ABQ LFR within 20 miles; (2) turn left and proceed to ABQ VOR on R-077, climbing to 8000'.
- Runway 17: Climb straight ahead to ABQ LFR to 7000' or, when directed by ATC, (1) turn right, climb to 8000' on W crs ABQ LFR within 20 mi; (2) make right climbing turn, climb to 8000' on 260° crs direct to ABQ VOR.

CAUTION: Terrain exceeding 8000' in E quadrants ABQ LFR; all turns to be made West of North and South courses of LFR.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFB/Mun.; Elev., 5352'; Fac Class, Kirtland; Ident., Radar; Procedure No. 1, Amdt. 2; Eff. Date, 4 July 59; Sup. Amdt. No. 1; Dated, 7 Mar. 59

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c); 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on June 3, 1959.

E. R. QUESADA,  
Administrator.

[F.R. Doc. 59-4730; Filed, June 16, 1959; 8:50 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 7180 c.o.]

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

#### Comet Press Books Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 Business status, advantages, or connections; Advertising and promotional services; contracts and obligations; financing activities; foreign operations; plant and equipment; publication services; time in business; § 13.60 Earnings and profits; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.215 Seals, emblems, or awards; § 13.260 Terms and conditions.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Comet Press Books Corp. et al., New York, N.Y., Docket 7180, May 19, 1959]

*In the Matter of Comet Press Books Corp., a Corporation, and Samuel F. Chernoble, Sam Goldman, and Sylvia R. Kaplan, Individually and as Officers of Said Corporation, and Milton U. Sheldon, Individually*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City book publisher with representing falsely in advertising that it operated a cooperative publishing plan in which it shared financial risks with the author, and making a variety of false claims in such connection, including misrepresenting the nature, size, and operation of business; the effectiveness and extent of sales, promotion and publicity given an author-customer, the royalties paid him, etc.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 19 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That respondent Comet Press Books Corp., a corporation, and its officers, and respondents, Samuel F. Chernoble, Sam Goldman and Sylvia R.

Kaplan, individually and as officers of said corporate respondent, and respondent Milton U. Sheldon, individually, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the solicitation of contracts for the printing, promotion, sale and distribution of books in commerce, as "commerce" is defined in the Federal Trade Commission Act and in connection with the printing, promotion, sale and distribution of books in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly, that:

1. They operate a cooperative publishing plan in which they share with the author in the expense of editing, printing, binding, promotion and sale of the book, or that they are partners with the author;

2. They print or bind all the copies of the book called for in the first edition as listed in the contract with the author, unless and until such is the fact;

3. Their organization has numerous employees or departments, or an art department;

4. They have been in business for 35 years or any other period of time in

<sup>1</sup>New.

excess of the actual length of time that the corporate respondent has been in business;

5. They accept and have accepted for publication only those manuscripts with merit or sales appeal possibilities; or that they "chance" their own money in publishing authors' manuscripts;

6. Their promotion and sales campaign is effective or aggressive, or results in a complete sale of the first edition of the book published and promoted through them, except in rare instances;

7. An author publishing through them will receive back the sum of money invested by the author in having his or her book published through them, except in rare instances;

8. They have sold subsidiary rights of author's books published through them to motion picture studios, radio and television channels or for republication in foreign countries, unless such is the fact;

9. They own the plant or plants in which the books they contract to publish are printed and bound;

10. Reports made by "readers" of submitted manuscripts are "editorial reports" or that the reading by an official of the corporate respondent and his concurrence with the reader's report indicates that the manuscript has literary merit or should be published;

11. The favorable report by a reader on a submitted manuscript indicates that such manuscript has unusual merit; or that a submitted manuscript has merit to any degree, when such is not the fact;

12. Their evaluation of a submitted manuscript is a sincere or constructive one, or is an impartial expert opinion on which the author can rely;

13. The submission of a manuscript to them by an author is the best way of finding "tomorrow's authors of best sellers" or other language of similar import, or that any author publishing through them has ever had a "best seller";

14. The publication and promotional efforts made by them for their authors have resulted in placing any author publishing through them on the way to literary prominence or financial success, provided, however, that in the event that such efforts should so result in the future, nothing herein shall be construed as preventing respondents from so representing;

15. Their advertisements of an author's book in national and local media are hard hitting or result in satisfactory sales to their authors;

16. Their sales promotion results in their authors' books being sold to book stores and libraries generally or that they are stocked for sale by book stores;

17. Their promotion, publicity and advertising start at the time of the acceptance of an author's book for publication, or that the same last until the author's book is stocked by the book store or book seller, unless and until such is the fact;

18. They have separate promotion, publicity and advertising departments;

19. Books published by them are award winning, fast selling titles, or are in demand by wholesalers, jobbers and retail stores;

20. Various organizations or branches of the armed services, or any one else, have ordered books published by them in greater quantities than is the fact;

21. They have contacts in the specialized school field that result in the sale of significant quantities of their authors' books for classroom or other use;

22. Any significant number of books published by them have been sold through the appearance of authors on radio and television or through autograph parties or that sufficient numbers of books have been sold by such means to be profitable over and above the efforts and expenses involved therein;

23. They circularize an announcement as to the publication of a book except as to the names submitted by the author, or to any extent in excess of the actual fact;

24. Their subsidiary rights program has resulted in an increase of their authors' income beyond the regular percentage return from the sale of the authors' books, unless such is the fact;

25. Reviews of books published by them appear in publications in the United States or foreign countries, in excess of those actually so appearing, or that their utilization of syndicates and individual book reviewers will guarantee a review of the author's book;

26. Books published by them have won any significant number of awards or citations for exceptional design and press work, or for any other reason that is not in accordance with the facts;

27. They have a world-wide distribution of any of their authors' books or any distribution, that is not in accordance with the facts, or that they have representatives in 25 or any other number of foreign countries;

28. They sell the books published by them to outlets in large cities or the remote parts of the nation in any appreciable number;

29. Any payment made to any author based on sales of the author's book is a royalty unless and until the author has recouped the sum of money paid under the contract therefor;

30. They pay an author 40 percent, or any other percentage or sum, as royalty on every book sold until the author has recouped the sum of money paid under the contract therefor, or that the sum paid the author by them is in excess of that paid an author publishing under the standard or straight-royalty publisher's contract;

31. Advertisements for their authors' books appear in most of the worthwhile and important national media; or appear in any other media, unless such is the fact;

32. They have arranged for publication in England of "Great Symphonies", "Immigrants All-American All", "My Pupils and I", "Eastern Easter in the Holy Land", "Unconventional Prayers", or "Life of St. Josephat", or that they have arranged for such publication of any other titled book, unless such is the fact;

33. Their promises and claims are neither exaggerated nor elaborate.

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

*It is further ordered.* That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in said initial decision.

Issued: May 19, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F.R. Doc. 59-4982; Filed, June 16, 1959;  
8:47 a.m.]

## Title 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 54871]

#### PART 6—AIR COMMERCE REGULATIONS

#### PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

##### Miscellaneous Amendments

Part 6 of the Customs Regulations was issued under the authority of section 7 of the Air Commerce Act of 1926, as amended (49 U.S.C. 177), and other cited statutes. The Air Commerce Act of 1926 was repealed by the Federal Aviation Act of 1958, but section 7 of the 1926 Act was continued in effect as section 1109 of the 1958 Act (49 U.S.C. 1509) and, under 1501 of the 1958 Act (49 U.S.C. 1301, note), existing regulations are continued in effect.

The provisions of Part 6 of the Customs Regulations are hereby adopted as regulations under section 1109 of the Federal Aviation Act of 1958 (and the other cited statutes), and, to conform to that Act, Part 6 is amended as follows:

1. The citation of authority for Part 6 is amended to read:

**AUTHORITY:** Sections 6.1 to 6.14 issued under R.S. 161, as amended, 251, secs. 431, 624, 46 Stat. 710, as amended, 759, secs. 904, 1109, 72 Stat. 787, 799; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 49 U.S.C. 1474, 1509.

2. Section 6.1(f) is amended by substituting "issued by the Civil Aeronautics Board." for "issued pursuant to the Civil Aeronautics Act of 1938."

3. Section 6.2(a), first sentence § 6.7 (e), and § 6.12(h) are amended by substituting "Federal Aviation Agency" for "Civil Aeronautics Administration."

4. Footnote 8 appended to § 6.13 is amended to read:

"(b) The Secretary of the Treasury is authorized to (1) designate places in the United States as ports of entry for civil aircraft arriving in the United States from any place outside thereof and for merchandise carried on such aircraft, (2) detail to ports of entry for civil aircraft such officers and employees of the customs service as he may deem necessary, and to confer or impose upon any officer or employee of the United States stationed at any such port of entry (with the

consent of the head of the Government department or other agency under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the customs service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the customs laws to such extent and upon such conditions as he deems necessary.

"(c) The Secretary of the Treasury is authorized by regulation to provide for the application to civil aircraft of the laws and regulations relating to the entry and clearance of vessels to such extent and upon such conditions as he deems necessary." (49 U.S.C. 1509(b), (c).)

5. Section 23.25 of these regulations is amended by substituting "Federal Aviation Act of 1958" for "Air Commerce Act of 1926, as amended," in paragraph (a) (2) and in paragraph (b).

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

[SEAL] RALPH KELLY,  
Commissioner of Customs.

Approved: June 11, 1959.

A. GILMORE FLUES,  
Acting Secretary of the Treasury.

[F.R. Doc. 59-5005; Filed, June 16, 1959; 8:45 a.m.]

[T.D. 54870]

**PART 20—DISPOSITION OF UNCLAIMED AND ABANDONED MERCHANDISE**

**Payment of Charges From Proceeds of Sale**

The majority of merchandise sold at public auction by collectors of customs is merchandise for which entry has not been completed and which has become unclaimed and abandoned to the Government by operation of law. Against the proceeds of sale of such merchandise, payment of charges for cartage and storage take precedence over payment of several other charges. At present, this is not readily apparent from the statement in the regulations as to the order of payment of charges.

To clarify the regulations on this point, § 20.6, of the Customs Regulations is amended as follows:

1. Paragraph (a) is amended to read:

(a) From the proceeds of sale of merchandise remaining in public stores or in bonded warehouse beyond the time fixed by law, the following charges shall be paid in the order named:

- (1) Internal revenue taxes.
- (2) Expenses of advertising and sale.
- (3) Expenses of cartage, storage and labor. When the proceeds are insufficient to pay such charges fully, they shall be paid pro rata. (For merchandise entered for warehousing, see paragraph (b) of this section.)
- (4) Duties.
- (5) Any other charges due the United States in connection with the merchandise.

(6) Any sum due to satisfy a lien for freight, charges, or contributions in general average, of which due notice shall have been given in the manner prescribed by law.

2. Paragraphs (b) and (c) are deleted and the following new paragraph (b) is added:

(b) The expenses of cartage, storage, and labor for merchandise entered for warehousing shall be paid in the following order:

(1) When such merchandise was warehoused in public stores, expenses of storage and labor shall be paid after expenses of sale (prorated when proceeds are insufficient to pay them fully) and any cartage charges shall be paid last.

(2) When such merchandise was warehoused in a bonded warehouse, expenses of storage, cartage, and labor shall be paid last (prorated when proceeds are insufficient to pay them fully).

3. Paragraphs (d) through (j) are redesignated as paragraphs (c) through (i), respectively.

(Secs. 491, 492, 493, 559, 624, 46 Stat. 726, 727, 744, 759, secs. 14, 23(a), 52 Stat. 1083, 1088; 19 U.S.C. 1491, 1492, 1493, 1559, 1624)

[SEAL] RALPH KELLY,  
Commissioner of Customs.

Approved: June 11, 1959.

A. GILMORE FLUES,  
Acting Secretary of the Treasury.

[F.R. Doc. 59-5004; Filed, June 16, 1959; 8:45 a.m.]

**Title 33—NAVIGATION AND NAVIGABLE WATERS**

**Chapter II—Corps of Engineers, Department of the Army**

**PART 203—BRIDGE REGULATIONS**

**PART 207—NAVIGATION REGULATIONS**

**Pensacola Bay, Fla.; York River, Va.**

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.482 is hereby prescribed to govern the operation of the Pensacola Bay bridge across Pensacola Bay at Pensacola, Florida to be effective upon publication in the FEDERAL REGISTER and until September 30, 1959, as follows:

§ 203.482 Pensacola Bay, Fla.; Pensacola Bay bridge at Pensacola.

(a) For the period ending September 30, 1959, the owner or agency controlling the bridge shall not be required to open the drawspan between the hours of 12 noon and 9:00 p.m. except for two one-hour periods beginning at 3:00 p.m. and 6:30 p.m. and as provided in paragraph (b) of this section.

(b) The draw shall be opened at any time for the passage of a tow. It shall also be opened for a vessel in an emer-

gency involving danger to life or property. Such emergency shall be indicated by four blasts of the signalling device.

(c) The owner or agency controlling the bridge shall keep a copy of the regulations of this section conspicuously posted on both the upstream and downstream sides of the bridge in such a manner that it can be easily read at any time.

[Regs., June 4, 1959, 285/91 (Pensacola Bay, Fla.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.128 prescribing naval prohibited and restricted areas in York River, Virginia, is hereby amended with respect to paragraphs (a) (5) and (b) (6) by adding an Explosives-Handling Berth (Naval), redesignating paragraph (b) (7) as (b) (8) with a change in the name of the enforcing agency and adding a new paragraph (b) (7), as follows:

§ 207.128 York River, Va.; naval prohibited and restricted areas.

(a) *The areas.* \* \* \*

(5) *Naval anchorage area (restricted).* Between Tue Marshes Light and Yorktown, beginning at latitude 37°14'57", longitude 76°23'03.5", thence to latitude 37°14'27", longitude 76°23'03"; thence to latitude 37°13'54", longitude 76°25'39"; thence to latitude 37°13'42.5", longitude 76°27'40.5"; thence to latitude 37°14'11", longitude 76°29'11.5"; thence to latitude 37°14'23", longitude 76°29'11.5"; thence to latitude 37°14'22.5", longitude 76°25'43.5"; and thence to the point of beginning including an Explosives-Handling Berth (Naval) partially within the limits of the naval anchorage covering a circular area of 600 yards radius with its center at latitude 37°13'56" N, longitude 76°28'48" W.

(b) *The regulations.* \* \* \*

(6) The naval anchorage and Explosives-Handling Berth described in paragraph (a) (5) of this section are reserved for the exclusive use of naval vessels and except in cases of emergency no other vessel shall anchor therein without the permission of local naval authorities, obtained through the Captain of the Port, U.S. Coast Guard, Norfolk, Virginia. There shall be no restriction on the movement of vessels through the anchorage or the Explosives-Handling Berth.

(7) Vessels shall not be anchored within 300 yards of the perimeter of the Explosives-Handling Berth when that berth is occupied by a vessel handling explosives.

(8) The regulations of this section shall be enforced by the Commander, Naval Base, Norfolk, Virginia, and such agencies as he may designate.

[Regs., June 4, 1959, 285/91 (York River, Va.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

BRUCE EASLEY,  
Major General, U.S. Army,  
Acting The Adjutant General.

[F.R. Doc. 59-4975; Filed, June 16, 1959; 8:46 a.m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

[7 CFR Part 911]

[Docket No. AO-262-A4]

#### MILK IN TEXAS PANHANDLE MARKETING AREA

#### Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Texas Panhandle marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

**Preliminary statement.** The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Amarillo, Texas, on January 22-24, 1959, pursuant to notice thereof which was issued December 23, 1958 (23 F.R. 10,540).

The material issues on the record of the hearing relate to:

1. Expanding the marketing area;
2. Qualifying a cooperative association as a handler with respect to farm bulk tank milk which it delivers directly to the pool plant of another handler;
3. Modifying the location differentials to handlers and producers;
4. Revising provisions with respect to transfers of more than 300 miles but less than 350 miles;
5. Modifying the Class II milk price; and
6. Providing that handlers should furnish cooperative associations with information on the volume of milk received from their member producers on earlier dates than now provided in the order.

**Findings and conclusions.** The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The marketing area should be expanded to include Childress, Collings-

worth, and Swisher counties in the State of Texas, and Beckham County, Oklahoma.

In each of these counties milk for fluid distribution is required to meet essentially the same health standards as in the presently regulated marketing area.

Collingsworth and Childress counties are a part of the market normally served by Texas Panhandle handlers. Approximately 80 percent of the milk sold in these counties is distributed by handlers who are regulated under the Texas Panhandle marketing order. With the possible exception of a producer-handler located in Childress County, the remainder of the distribution of milk in these two counties is by handlers who are regulated under other Federal marketing orders. Inclusion of these counties in the area would bring no new plants under regulation.

Swisher County should likewise be added to the marketing area. About 90 percent of the milk now is distributed there by regulated handlers. The largest distributor of milk in the county is a handler whose plant is located at Tulia in Swisher County. At the time of the hearing this plant was partially regulated under the Texas Panhandle order because its sales in the marketing area were very limited. Official notice is taken of the fact that subsequent to the hearing this plant expanded its sales in the present marketing area to such an extent that it became a fully regulated handler under the order during March 1959. In addition to these plants there is at least one unregulated plant from which milk is distributed in Swisher County. The volume of milk which it disposes of in the county is such that expansion of the area to include Swisher County is not expected to bring it under full regulation of the order.

The principal distributor of milk in Beckham County, Oklahoma, is a handler whose plant is at Elk City in that county. This handler distributes milk throughout the present marketing area and has been subject to full regulation ever since the order was issued. In addition to his normal route distribution, this handler regularly supplies large volumes of milk to military installations and other government agencies outside the Texas Panhandle marketing area. Contracts to supply such milk are usually for periods of 3 to 6 months. At times the volume of milk involved in such contracts is fairly substantial. At certain periods the volume of milk supplied to government installations in neighboring marketing areas has been such that the handler was very close to becoming regulated under an adjoining order rather than under the Texas Panhandle order for the life of the contract.

If the regulation of this handler were to shift from the Texas Panhandle order to some adjacent order and then back to the Texas Panhandle order again every 3 to 6 months, it would disrupt the orderly marketing of milk in both the

Texas Panhandle marketing area and the other marketing areas involved. This would be particularly true if the shift in regulation occurred during either the base-forming or base-paying period. Since the bulk of this handler's route distribution is in the Texas Panhandle marketing area and in Beckham County and his sales in other marketing areas are confined generally to short-term contracts to supply government installations, it is desirable that the handler continue to be regulated under the Texas Panhandle marketing order. The most feasible way to insure his continued regulation under this order is to add Beckham County, Oklahoma, to the marketing area. This county is adjacent to the present marketing area.

In addition to the handler at Elk City who is the largest distributor of milk in the county, it is served by at least one other handler subject to regulation under the Texas Panhandle order. Milk is also distributed in Beckham County by several handlers who are regulated under either the Oklahoma Metropolitan or the Red River Valley marketing order. There are no unregulated plants from which milk is distributed in the area. Thus, extending regulation to Beckham County will not bring under regulation any new handlers, but it will insure that the plant at Elk City will continue to be regulated under the Texas Panhandle marketing order.

The marketing area should not be expanded to include any of the 5 New Mexico counties of Chaves, Curry, Lea, Quay, and Roosevelt, which were proposed to be annexed to the present marketing area.

The addition of these counties was proposed by one of the handlers subject to regulation and was supported by the North Texas Producers Association which is the major cooperative association supplying the Texas Panhandle marketing area.

The handler that made the proposal disposes of a substantial volume of milk in the 5-county area of New Mexico. It is the only regulated handler which regularly disposes of milk on routes in those 5 counties. In support of its request for inclusion of this territory in the marketing area, the handler attempted to show that its distribution in New Mexico which, incidentally, is approximately one-third of its total distribution of milk, was threatened by chaotic conditions and unfair competition from unregulated handlers located in New Mexico. The evidence, however, does not support the contention since sales of milk by this handler in New Mexico have continued to expand and there is no showing that a substantial loss of sales in any portion of that area has occurred.

The absence of lower priced competition from unregulated milk in the 5 New Mexico counties is borne out by the fact that the contract to supply milk to the Air Force Base at Clovis in Curry County has been obtained by handlers regulated

under the Texas Panhandle marketing order during at least half of the contract periods in recent years. At the present time this contract is held by one of the Texas Panhandle handlers.

The North Texas Producers Association in urging the annexation of these counties to the Texas Panhandle marketing area, stated that it had more than 100 members among producers supplying milk to plants located in the New Mexico area, but that it was unable to negotiate with these plant operators, either with respect to prices paid producers or with respect to a plan for rendering marketing services to its members in New Mexico. The association, however, presented very little evidence to support its position on the grounds that it was fearful that if specific instances were cited the New Mexico handlers would take retaliatory action against the member producers involved.

Inclusion of the New Mexico area under the Texas Panhandle marketing order was opposed by all handlers located in New Mexico and by the Dairy Farmers Association of New Mexico, an organization which allegedly represents most of the dairy farmers supplying milk to plants in the State of New Mexico and the City of El Paso, Texas. Since this Association claims to represent a majority of the producers located in the 5-county area, it appears that either, one of the associations overestimated its membership, or there must be some producers who are members of both this Association and the North Texas Producers Association. This Dairy Farmers Association claimed that its relationships with the handlers to whom it sold milk are excellent, that it felt that milk was being properly accounted for, both as to weight and test, and that any questions which might arise as to the weight and test of an individual producer's milk had always been satisfactorily settled. In addition, it was stated that the New Mexico laws are such that the Association could obtain an audit of a handler's books any time that it felt there was an indication that the handler was not properly accounting for the utilization of producer milk.

Since the only handler regulated under the Texas Panhandle order at the present time who regularly distributes milk in the 5-county area has been able to expand his sales there, and since there is no evidence that regulation of the 5-county area is necessary to maintain orderly marketing in the present marketing area, it must be concluded that there are no grounds at the present time for expanding the Texas Panhandle marketing area into the State of New Mexico.

2. The handler definition should be changed to provide for a cooperative association to become a handler with respect to milk which it delivers directly from the farms of its member producers to the pool plant of another handler in tank trucks owned or operated by such association, if it desires to assume the handler obligations of the order relative to accounting to the pool and making payments to producers for such milk. Shrinkage incurred on such bulk tank

milk, for which the cooperative association elects to become the handler, should be divided between such association and the pool plant to which it is delivered. Actual shrinkage in an amount up to 0.5 percent of the total receipts of skim milk and butterfat in such milk should be allocated to the cooperative association and the pool plant to which the milk is delivered for processing should be permitted shrinkage in an amount not in excess of one and one-half percent of the pounds of skim milk and butterfat in such milk.

Proponent producers testified that more than 50 percent of the milk delivered to the distributing plants of other handlers is from farm bulk tanks. This has created a problem with respect to the determination of responsibility to the individual producers. When milk comes to market in cans, the milk of the individual producers is dumped, weighed, and a sample taken for butterfat testing by an employee of the plant where the milk is used. The operator of the plant is responsible for paying the individual producer for the quantity of milk received at the determined butterfat test.

When milk comes to market in a bulk tank truck, the weight of the milk is checked and a sample for butterfat testing is taken by the driver at the farm. The milk of a number of producers is intermingled in the tank truck. When the tank truck is owned or operated under the control of the cooperative association, the weight of each producer's milk is checked and a sample for butterfat testing is taken by a person who is an employee of, or directly responsible to the cooperative association. The handler who receives the milk of a number of producers in the tank has no way of knowing the weight or the butterfat test of the milk of the individual producers whose milk is contained in the load, except as such information is reported to him by the association. In some instances, especially with respect to supplemental loads, the handler may not even know the identity of the producers whose milk he receives.

There are two cooperative associations with member producers supplying the market. One association testified in favor of the proposal and the other offered no testimony.

To the present time, the problems created by the conversion to bulk tank milk have not been serious and the cooperative association and the handlers have ironed out any difficulties that have arisen with respect to the weights and tests of milk in bulk tanks. As the trend to bulk tanks continues, however, the problems will become more numerous and more serious. Accordingly, it is concluded that a cooperative association should be qualified as a handler with respect to bulk tank milk of its member producers which it causes to be delivered from their farms to the pool plant of another handler, but on a permissive basis at the present time. If a cooperative association wishes to become the handler for such bulk tank milk deliveries, it will be so considered if, prior to the first day of the month in which the change is to be effective, it notifies

the market administrator and the handler to whom the milk is delivered in writing to that effect. Otherwise, the handler at whose pool plant the milk is physically received will continue to be accountable for it under the order and responsible for payments to producers, either directly or through their cooperative association authorized to collect such payments, at the uniform price. For milk for which the cooperative association is the handler, the operator of the pool plant at which it is received will be obligated to pay the cooperative association the applicable class prices for such milk.

The qualification of a cooperative association to become a handler with respect to farm bulk tank milk involves consideration of the allocation of shrinkage incurred with regard to such milk. Under the present terms of the order, the first receiving handler of the milk is entitled to the shrinkage incurred up to the limit of 2 percent of the skim milk and butterfat in such milk. When the operator of the pool plant which physically receives the milk is the handler and accounts for the milk on the basis of the farm determined weights and samples for butterfat tests, the shrinkage is allocated to such receiving handler. However, when such conditions do not exist, and the cooperative association becomes a handler for such milk, some equitable division of the 2 percent permitted should be established between the cooperative association for shrinkage incurred between the farm and plant and shrinkage incurred by the handler who processes the milk. Because of limited experience, the cooperative association was unable to establish the amount of shrinkage incurred in bulk tank handling of milk between the farm and the plant. Under generally similar conditions in other Federal order markets, an allowance of one-half of one per cent has been used to accommodate shrinkage losses incurred in performing receiving station functions and up to one and one-half percent to accommodate shrinkage losses incurred at the distributing plant.

Pending further information based on actual operations in the market, it is concluded that the cooperative association with respect to farm bulk tank milk, for which it elects to become the handler, should be permitted the allowable shrinkage up to one-half of one percent and the processing plant shrinkage up to one and one-half percent of the skim milk and butterfat in such milk. With respect to milk so handled and for which the cooperative association is not the handler, the operator of the plant at which the milk is received would be obligated to account to producers at the reported farm weights. Thus, the cooperative association in such instances would incur no loss and the plant of receipt should be permitted the entire shrinkage on such milk up to a maximum of 2 percent.

3. The location differentials to handlers and producers should be reduced.

The proponent producers' association and a handler testified in favor of reducing the location differentials. Two han-

dlers offered testimony in opposition thereto; they also contended that location differentials should apply only to supply plants and not to distributing plants.

The purpose of location differentials is to establish the value of milk for use as Class I products at various locations in relation to some basing point, which is usually the central market for such milk. The milk delivered by farmers directly to a plant in or near the central market is worth more to the handler than milk which is received from farmers at a plant located many miles from the market. This is because from the more distant plant the handler must incur an additional cost of transporting that milk into the central or deficit area of the market. Additional cost of hauling is involved whether the milk is transported in bulk or in packaged form. Thus, the value of the milk delivered to plants away from the central market, or deficit area basing point, is reduced by a price differential approximating the cost of transporting the milk from such plants to the central and deficit area of the market. The producer's price for milk delivered to plant at such distant points in turn is reduced by a like differential to compensate for the cost of hauling the milk from such points to the central, or deficit, market area.

A handler with a distributing plant at Amarillo, Texas, argued that location differentials should not apply to milk of a pool distributing plant located at Elk City, Oklahoma. He contended that to allow the Elk City handler a location differential on Class I milk places handlers whose plants are in Amarillo at a competitive disadvantage in the distribution of milk in areas to the east of Amarillo. It is clear that a handler with a plant at Amarillo has a location disadvantage with respect to his sales of milk in areas to the east and northeast of his plant in competition with a handler whose plant is located in that direction from Amarillo toward the areas of surplus milk production where milk prices would be expected to be lower. Whether it is profitable for a handler with a plant in Amarillo to extend his sales into territories in the direction of surplus milk producing areas where the value of milk is lower, despite such disadvantage, is a matter of his own decision. In cases of this kind, handlers sometimes continue their sales even though they have an apparent location disadvantage, because of other offsetting factors such as the decreased unit costs associated with increases in volume handled in their plants. The handler, however, who moves his fluid milk products in the direction of the central or deficit market area in packaged form should not be penalized to accommodate a handler who moves milk counter to the general movement of milk on an economic basis.

When the Texas Panhandle order was promulgated, there was only one supply plant located outside the marketing area which was definitely associated with the marketing area. This plant, located at Arnett, Oklahoma, received milk from farmers in the Oklahoma area. The milk was cooled and transported in tanks

in the quantities needed to supply the handler's distributing plant in Amarillo, Texas. Prior to the issuance of the order, this handler had been taking a location adjustment of 75 cents per hundredweight for milk received from farmers at the Arnett plant as compared with the price paid for milk delivered directly to the plant in Amarillo. When the order became effective, the location differential applicable at the Arnett plant's location was reduced to 41.4 cents per hundredweight.

The location differential is intended to reflect only the cost of transporting milk to the central market. Because a handler chooses to perform some or all of the processing functions at a point some distance from the central market he cannot expect producers to assume a portion of these costs. Thus, the costs incurred in processing and bottling milk at Elk City or in assembling and cooling milk at Arnett should not be borne by producers. Likewise, the location differential should apply only to Class I milk. The value of Class II products at Elk City, Arnett or any other point in the milkshed is essentially the same as at Amarillo. The price the producer receives for his Class II milk should not be reduced because the handler maintains his manufacturing operations at a distance from the city market.

During the past several years, important changes have occurred in the handling and movement of milk from the farm to the market. The development of bulk tank handling of milk on the farm has greatly facilitated the movement of such milk greater distances directly to distributing plants in the market than was formerly possible. Dairymen supplying the Texas Panhandle market have been rapidly converting to the bulk tank method of handling milk on their farms. Most of the milk supply for the market now is assembled in bulk tank trucks and moved directly from the farms to the plants from which the milk is distributed.

The rate of the location differential should reflect the most efficient and most economic means of transporting milk. The cost of transporting milk in bulk tanks per hundred miles from distant alternative sources of supply is approximately 15 cents per hundredweight. This rate for location differentials to both handlers and producers appropriately reflects the cost of moving milk to the Texas Panhandle market under the most efficient and economic conditions.

It is concluded, therefore, that the rate per hundredweight applicable to the location differentials, pursuant to §§ 911.53 and 911.82, should be reduced from 35 cents to 15 cents for the 100-to-110-mile zone from Amarillo City Hall and from 1.6 cents to 1.5 cents for each additional 10 miles or fraction thereof applicable 110 miles and beyond.

4. The transfer provisions should be modified to permit the transfer or diversion of any fluid milk product to a non-pool plant located not more than 350 miles from the nearest point in the marketing area and receive the Class II milk classification if so utilized.

The present order provides that when skim milk or butterfat is transferred or diverted in the form of a fluid milk product to a nonpool plant located more than 300 miles from the nearest point in the marketing area, it should receive the Class I milk classification.

At present the North Texas Producers Association handles most of the diversions of milk to nonpool plants. Such milk is moved to a number of plants in Oklahoma and Texas, with a considerable quantity going to its plant at Muenster, Texas, nearly 300 miles from Amarillo.

The distance that fluid milk products were permitted to be transferred or diverted to nonpool plants and still be allowed to receive the Class II milk classification, adequately provided for the existing need when the order was issued. However, considerably more producer milk was used in Class II in 1958 than in either 1957 or 1956. A handler under the order now also has a plant in Denver, Colo., which is associated with and regulated under the Colorado Springs-Pueblo order. By increasing the distance that milk or cream may be transferred or diverted to a nonpool plant from 300 to 350 miles, and still receive the Class II classification, this handler could transfer cream to his plant in Denver for use in ice cream rather than make disposition in lower valued products such as butter and cheese. The Denver plant is subject to regular audits with respect to its utilization of milk under the Colorado Springs-Pueblo order.

To accommodate the above-changed conditions in the market, it is concluded that fluid milk products should be permitted to be transferred or diverted to nonpool plants located not more than 350 miles by the shortest highway distance from the nearest point in the marketing area without becoming automatically subject to the Class I classification.

5. The proposal to price Class II milk year-round on the basis of prices paid for ungraded milk by three nearby plants should be denied.

The pricing provisions presently in the order establish the price of Class II milk, for the months of March through June, on the price paid for ungraded milk by four nearby plants processing such milk and, for the months of July through February, on the higher of the price paid by such nearby plants or the basic formula butter-powder computed price.

For each month, July through February, since the inception of the order, the Class II price has been determined by the butter-powder formula price. During this eight-month period of 1958, the Class II price averaged 15 cents higher than it would have been if the nearby plants had been used as a basis for establishing the price. During these months reserve supplies of milk are small and are primarily used in the high valued Class II milk products such as ice cream and cottage cheese. The North Texas Producers Association, which handles more than one-half of the Class II milk on the market, has been able to dispose of reserve supplies of milk for manufacturing uses satisfactorily

and without financial loss at the present order Class II price.

Official notice is taken of the determination made, in accordance with §911.54 of the order, of the equivalent price for Class II milk, issued effective May 1, 1959 (24 F.R. 3564). The determination substituted three manufacturing plants pursuant to § 943.50(c) of the North Texas Order No. 43, as amended, as a basis for pricing Class II milk in place of the four plants listed in § 911.51(b) (1). This became necessary because two of the four plants have discontinued receiving ungraded milk and the small volume of ungraded milk handled by the remaining two plants does not provide an adequate basis for properly reflecting the value of milk used in the manufacture of dairy products.

In view of the above-described conditions, it is concluded that the proposal should be denied, but that the order determining an equivalent price for Class II milk should be continued in effect.

6. The order should be modified with respect to dates when a handler who receives milk from a cooperative association, which pays its own members, should furnish such association information on the volume of milk received from its members.

The present order makes provision for a handler to account to a cooperative association for milk received from its member producers. The dates specified, however, often make it impossible for a cooperative association to make its computations and payments to producers on dates specified in the order. For example, if a handler does not account to a cooperative association for his receipts of its members' milk until the 13th of the month, the date specified in the order when such accounting is due, and a week end falls immediately following the 13th, it is often impossible for the association to pay its producer members on the 15th, the date specified in the order for settlement for the previous month's milk.

The proponent producers' association testified that this condition could be alleviated if each handler who receives milk from a cooperative association which collects payments for its members furnished each such association, on or before the 20th of each month, information on the daily and total pounds of milk received from each of the association's member producers for the first 15 days of the month and, on or before the 5th day after the end of each month, such information for the 16th through the end of the month.

No testimony was offered in opposition to the proposal.

It is concluded that the proposal should be adopted.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and con-

clusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

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

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

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

*Recommended marketing agreement and order amending the order.* The following order amending the order regulating the handling of milk in the Texas Panhandle marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Amend § 911.6 to read as follows:

§ 911.6 Texas Panhandle marketing area.

"Texas Panhandle marketing area", hereinafter called the "marketing area", means all of the territory within the counties of Armstrong, Briscoe, Carson, Childress, Collingsworth, Dallas, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Moore, Oldham, Ochiltree, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler, all in the State of Texas, and Beckham in the State of Oklahoma.

2. Amend § 911.12 to read as follows:

§ 911.12 Handler.

"Handler" means (a) any person in his capacity as the operator of one or more distributing or supply plants, (b) any cooperative association with respect to the

milk of producers diverted by the association for its own account from a pool plant to a nonpool plant, or (c) any cooperative association with respect to the milk of its member producers which it causes to be delivered directly from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing that it wishes to become the handler for such milk. The cooperative association shall be considered the handler for such bulk tank milk, effective the first day of the month following receipt of such notice, and milk so delivered shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant to which it is delivered.

§ 911.41 [Amendment]

3. In § 911.41(b) (4), substitute a colon for the period and add the following proviso: "Provided, That with respect to milk for which a cooperative association is the handler pursuant to § 911.12(c), shrinkage incurred shall be allocated to the cooperative association in an amount not to exceed 0.5 percent of the total receipts of skim milk and butterfat in such milk and the pool plant to which it is delivered for processing shall be allocated shrinkage incurred in an amount not to exceed one and one-half percent of the total pounds of skim milk and butterfat in such milk."

§ 911.44 [Amendment]

4. In § 911.44 (c) and (d), substitute the figure "350" for the figure "300".

§ 911.53 [Amendment]

5. In § 911.53, under "Rate per hundredweight (cents)" substitute the figure "15.0" for "35.0" and the figure "1.5" for "1.6".

§ 911.80 [Amendment]

6. Amend § 911.80(c) by adding the following new subparagraph (3):

(3) Each handler who receives milk from a cooperative association which collects payments for its members pursuant to subparagraph (1) of this paragraph shall, on or before the 20th of each month, furnish such association information showing the daily and total pounds milk received from each of the association's member producers for the first fifteen days of such month and, on or before the fifth day after the end of each month, such information for the 16th through the end of such month.

§ 911.82 [Amendment]

7. In § 911.82, under "Rate per hundredweight (cents)", substitute the figure "15.0" for "35.0" and the figure "1.5" for "1.6".

Issued at Washington, D.C., this 12th day of June 1959.

ROY W. LENNARTSON,  
Deputy Administrator.

[F.R. Doc. 59-5009; Filed, June 16, 1959; 8:46 a.m.]

## [ 7 CFR Part 927 ]

[Docket No. AO-71-A38]

**MILK IN NEW YORK-NEW JERSEY  
MILK MARKETING AREA****Notice of Extension of Time for Filing  
Exceptions to Recommended Deci-  
sion to Proposed Amendments to  
Tentative Marketing Agreement  
and Order**

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey milk marketing area, which was issued April 30, 1959 (24 F.R. 3603), is hereby further extended indefinitely from June 15, 1959, to a date to be announced.

Dated: June 12, 1959.

ROY W. LENNARTSON,  
*Deputy Administrator.*

[F.R. Doc. 59-5008; Filed, June 16, 1959;  
8:46 a.m.]

**Commodity Exchange Authority**

## [ 17 CFR Part 1 ]

**EMPLOYMENT OF PERSONS TO  
WHOM TRADING PRIVILEGES  
HAVE BEEN DENIED OR WHOSE  
REGISTRATIONS HAVE BEEN SUS-  
PENDED OR REVOKED****Notice of Extension of Time to Submit  
Written Statements**

On May 28, 1959, there appeared in the FEDERAL REGISTER (24 F.R. 4307) a notice that the Secretary of Agriculture was considering the issuance of a regulation (§ 1.49) concerning the employment, by futures commission merchants or members of contract markets, of persons to whom trading privileges had been denied or whose registrations had been suspended or revoked by order of the Secretary of Agriculture.

The time for submission of written statements with respect to the proposed regulation will expire June 17, 1959, and it is deemed advisable to extend the same. Such statements may be submitted at any time up to and including June 29, 1959.

Issued this 12th day of June, 1959.

RODGER R. KAUFFMAN,  
*Administrator,*  
*Commodity Exchange Authority.*

[F.R. Doc. 59-4991; Filed, June 16, 1959;  
8:48 a.m.]

## [ 17 CFR Part 3 ]

**SPECIAL PROVISIONS APPLICABLE  
TO COTTON****Reporting by Exchange Clearing  
Members on Form 300**

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given that the Secretary of Agriculture, under authority contained in sections 5(b), and 8a(5) of the Commodity Exchange Act (7 U.S.C. 7(b), 12a(5)), is considering the amendment of § 3.02 of the regulations under the Commodity Exchange Act, to read substantially as follows:

**§ 3.02 Time and place of filing reports  
on Form 300.**

Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required to be made on Form 300 shall be filed in the office of the Commodity Exchange Authority in the city where the

contract market covered by the report is located as soon as possible after the close of the market on each business day and not later than thirty (30) minutes before the official opening of the market on the next following business day, or 9:30 a.m. on such following business day, whichever is earlier.

All persons who desire to submit written statements for consideration in connection with the proposed amendment to the regulations should file the same with the Administrator, Commodity Exchange Authority, United States Department of Agriculture, Washington 25, D.C., within twenty (20) days after the publication of this notice in the FEDERAL REGISTER.

Issued this 12th day of June 1959.

RODGER R. KAUFFMAN,  
*Administrator,*  
*Commodity Exchange Authority.*

[F.R. Doc. 59-4990; Filed, June 16, 1959;  
8:48 a.m.]

**NOTICES****DEPARTMENT OF THE TREASURY****Bureau of Customs**

[AA 643.3]

**PORTLAND CEMENT FROM  
NORWAY****Purchase Price; Foreign Market Value**

JUNE 12, 1959.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of Portland cement from Norway is less or likely to be less than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of Portland cement from Norway pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] D. B. STRUBINGER,  
*Acting Commissioner of Customs.*

[F.R. Doc. 59-5006; Filed, June 16, 1959;  
8:46 a.m.]

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management**

[I-23]

**UTAH****Notice of Proposed Withdrawal and  
Reservation of Lands**

JUNE 5, 1959.

The United States Department of Agriculture has filed an application, Serial

No. U-029265, for the withdrawal of the lands described below, from location and entry under the public land laws, including the general mining laws and the mineral leasing laws.

The applicant desires the withdrawal of the land that the Forest Service may exercise such controls as are necessary to permit uses which are not compatible with the objectives of that agency in maintaining and protecting scenic areas.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, P.O. Box 777, Salt Lake City 10, Utah.

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

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

The lands requested for withdrawal are as follows:

SALT LAKE MERIDIAN, UTAH

UINTA NATIONAL FOREST

Nebo Loop Highway (Utah No. 11) Highway  
Roadside Zone

A strip of land 200 feet wide on each side of the center line of the Nebo Loop Highway through the following legal subdivisions:

T. 10 S., R. 2 E.,

Sec. 2: NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;Sec. 3: Lots 1, 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;Sec. 10: E $\frac{1}{2}$ NE $\frac{1}{4}$ ;Sec. 11: W $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ,S $\frac{1}{2}$ SE $\frac{1}{4}$ ;Sec. 13: SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ ,SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;Sec. 14: NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;Sec. 34: SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ ;Sec. 35: S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ .

[82684]

LOUISIANA

Notice of Filing of Plat of Survey

JUNE 11, 1959.

Notice is given that the plat of dependent resurvey and extension survey of the following described lands accepted April 14, 1959, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D.C., effective at 10:00 a.m., on July 17, 1959.

LOUISIANA MERIDIAN, LOUISIANA

- T. 10 S., R. 3 E.,
  - Sec. 19: (unsurveyed);
  - Sec. 30: (unsurveyed);
  - Sec. 31: (unsurveyed).
- T. 11 S., R. 2 E.,
  - Sec. 3: Lots 3, 4, N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;
  - Sec. 10: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ ;
  - Sec. 15: N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;
  - Sec. 16: SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;
  - Sec. 20: E $\frac{1}{2}$ SE $\frac{1}{4}$ ;
  - Sec. 21: NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ;
  - Sec. 22: NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;
  - Sec. 28: S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;
  - Sec. 29: NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ ;
  - Sec. 33: NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;
  - Sec. 34: W $\frac{1}{2}$ SW $\frac{1}{4}$ .
- T. 12 S., R. 2 E.,
  - Sec. 2: W $\frac{1}{2}$ SW $\frac{1}{4}$ ;
  - Sec. 3: Lot 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;
  - Sec. 10: E $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;
  - Sec. 11: W $\frac{1}{2}$ W $\frac{1}{2}$ ;
  - Sec. 15: NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;
  - Sec. 16: SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ ;
  - Sec. 21: W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;
  - Sec. 28: E $\frac{1}{2}$ W $\frac{1}{2}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;
  - Sec. 32: NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;
  - Sec. 33: Lots 4, 5.

- T. 17 N., R. 10 W.,
  - Sec. 14, Lot 6, 20.70 acres;
  - Sec. 14, Lot 7, 3.65 acres;
  - Sec. 14, Lot 8, 47.08 acres;
  - Sec. 14, Lot 9, 5.06 acres;
  - Sec. 14, Lot 10, 47.27 acres;
  - Sec. 14, Lot 11, 33.86 acres;
  - Sec. 14, Lot 12, 14.22 acres;
  - Sec. 14, Lot 13, 0.26 acre;
  - Sec. 14, Lot 14, 20.16 acres;
  - Sec. 14, Lot 15, 1.60 acres;
  - Sec. 23, Lot 1, 20.11 acres.

This plat represents the dependent resurvey of sections 14 and 23 as shown upon the plat approved May 18, 1842, the reestablishment of the lines and corners of those sections in their true original positions according to the best available evidence of the original corners, and an extension survey of lands erroneously omitted from the original survey and not shown on said plat.

The lands in above township and range were withdrawn on Dec. 15, 1908, by the Secretary of the Interior from all disposal and by Executive Order of July 2, 1910, were placed in Petroleum Reserve No. 4.

Anyone having a valid settlement or right to any of the lands initiated prior to the date of withdrawal of the land should assert the same within three months from the date on which the plat is officially filed by filing an application under appropriate public land law setting forth all facts relevant thereto.

All inquiries relating to the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D.C.

H. K. SCHOLL,  
Manager.

[F.R. Doc. 59-4986; Filed, June 16, 1959; 8:48 a.m.]

The above area aggregates 1,915 acres.  
*Salt Creek Spur-Nebo Loop Highway Roadside Zone*

A strip of land 200 feet wide on each side of the center line of the Salt Creek Spur-Nebo Loop Highway through the following legal subdivisions:

- T. 12 S., R. 2 E.,
  - Sec. 8: E $\frac{1}{2}$ SW $\frac{1}{4}$ ;
  - Sec. 16: W $\frac{1}{2}$ SW $\frac{1}{4}$ ;
  - Sec. 17: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;
  - Sec. 21: NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

The above area aggregates 121 acres.  
*North Fork-American Fork Canyon Highway Roadside Zone*

A strip of land 200 feet wide on each side of the center line of the North Fork-American Fork Canyon Highway through the following legal subdivisions:

- T. 3 S., R. 3 E.,
  - Sec. 27: Lots 3, 6, 7, 8;
  - Sec. 28: Lots 7, 11, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;
  - Sec. 32: SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ ;
  - Sec. 33: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ .
- T. 4 S., R. 2 E.,
  - Sec. 24: E $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 4 S., R. 3 E.,
  - Sec. 5: Lots 2, 3, 4, 5, 6, 7, 8, 9, SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;
  - Sec. 7: S $\frac{1}{2}$ SE $\frac{1}{4}$ ;
  - Sec. 8: NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;
  - Sec. 18: Lots 3, 4, W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ ;
  - Sec. 19: Lots 1, 2.

The above area aggregates 557 acres.  
*Silver Lake Spur Highway Roadside Zone*

A strip of land 200 feet wide on each side of the center line of the Silver Lake Spur Highway through the following legal subdivisions:

- T. 4 S., R. 2 E.,
  - Sec. 1: Lots 1, 8.
- T. 4 S., R. 3 E.,
  - Sec. 6: Lots 4, 5, 9, 12, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;
  - Sec. 7: Lot 1, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ .

The above area aggregates 218 acres.

VAL B. RICHMAN,  
State Supervisor.

[F.R. Doc. 59-4985; Filed, June 16, 1959; 8:48 a.m.]

*ing Rock Sioux Reservation in North Dakota and South Dakota.* (a) The purchase of land or interest in land, the sale of tribally owned land and the partition or sale of individually owned land for the benefit of Indians of the Standing Rock, Crow Creek and Lower Brule Sioux Reservations as provided in section 11 of the Act of September 2, 1958 (72 Stat. 1762); section 6 of the Act of September 2, 1958 (72 Stat. 1766); and section 6 of the Act of September 2, 1958 (72 Stat. 1773).

(b) The representation of any Indian owner who is a minor, or who is non compos mentis or under any other legal disability or any Indian who cannot be located, as variously provided in the portions of the acts cited in paragraph (a) of this section.

(c) The authority delegated in paragraphs (a) and (b) of this section does not include the issuance of patents.

GLENN L. EMMONS,  
Commissioner.

JUNE 11, 1959.

[F.R. Doc. 59-4999; Filed, June 16, 1959; 8:49 a.m.]

[Phoenix Area Office Redelegation Order 1, Amdt. 3]

SUPERINTENDENT, UINTAH AND OURAY AGENCY

Redelegation of Authority

Order 1, as amended, is further amended by the addition of a new part and one new section, to read as follows:

PART 3—AUTHORITY OF SPECIFICALLY DESIGNATED EMPLOYEES

FUNCTIONS RELATING TO SPECIFIC LEGISLATION

SECTION 3.364. *Authority under Act of August 27, 1954 (68 Stat. 868).* The Superintendent, Uintah and Ouray Agency, may exercise authority with respect to those matters in sections 12 and 22 of Public Law 671 (68 Stat. 868).

GLENN L. EMMONS,  
Commissioner.

[F.R. Doc. 59-5000; Filed, June 16, 1959; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service  
SUGARCANE IN LOUISIANA

Notice of Hearing on Wages and Prices and Designation of Presiding Officers

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. Sup. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Thibodaux,

Bureau of Indian Affairs  
INDIAN LANDS AND MINERALS; CERTAIN LAND TRANSACTIONS

[Order 551, Amdt. 52]

Delegation of Authority

Order 551, as amended, is further amended by addition of a new section under the heading Functions Relating to Indian Lands and Minerals to read as follows:

SEC. 33. *Certain land transactions, Crow Creek Sioux and Lower Brule Sioux Reservations, South Dakota; and Stand-*

Louisiana, in the Grand Theatre on July 30, 1959, beginning at 9 a.m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301(c)(1) of said Act, fair and reasonable wage rates for persons employed in the harvesting of the 1959 crop of sugarcane, and in the production and cultivation of sugarcane during the calendar year 1960, and (2), pursuant to the provisions of section 301(c)(2) of said Act, fair and reasonable prices for the 1959 crop of sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the Act.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to wages and prices. While testimony on all pertinent points is desired, it is especially requested that witnesses be prepared to offer information and recommendations on the following matters regarding fair prices for sugarcane:

*Season's average prices for raw sugar and molasses.* The 1958 crop determination provided the period October 10, 1958 through February 26, 1959 for determining the season's average price of raw sugar or blackstrap molasses. What period will provide an equitable basis for pricing the 1959 crop?

*Salvage sugarcane.* The 1958 crop determination provided that the price for salvage sugarcane be determined in the same manner used by the processor for the 1957 crop or that the processor and producer might agree upon a different method of settlement upon written approval of the Louisiana State Committee. What methods of settlement for salvage sugarcane were used by processors during the 1958 crop and which of the methods is most equitable to producers and processors?

*Freight differentials.* The 1958 crop determination provided for deductions from the average raw sugar price upon which sugarcane payments are based to recognize differences in the freight costs for shipping raw sugar from the raw sugar mill to New Orleans refiners. Are the amounts of such freight differentials equitable considering current freight costs on raw sugar?

*Frozen sugarcane.* The 1958 crop determination provided with respect to frozen sugarcane, not otherwise defined as salvage sugarcane, that because of decreased boiling house efficiency deductions could be made from the payment for such frozen sugarcane at rates not in excess of 1.5 percent of the payment for each 0.1 cc of acidity above 2.5 cc but not in excess of 4.75 cc. No payment for sugar was required for sugarcane containing acidity in excess of 4.75 cc. Would a tolling arrangement or some other basis be a more practical method of handling frozen sugarcane than applying deductions for excess acidity? If so, what standards should be established?

The hearing, after being called to order at the time and place mentioned

herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

Ward S. Stevenson and Charles F. Denny are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 11th day of June 1959.

LAWRENCE MYERS,  
Director, Sugar Division,  
Commodity Stabilization Service.

[F.R. Doc. 59-5010; Filed, June 16, 1959;  
8:46 a.m.]

## DEPARTMENT OF COMMERCE

Federal Maritime Board

ALASKA STEAMSHIP CO.

### Notice of Tentative Findings Justifying the Continuance of Bareboat Charter Covering 3 C1-M-AVI Type and 1 R1-M-AVI Type Government-Owned Vessels

Notice is hereby given that the Federal Maritime Board has tentatively found, in accordance with section 5(e)(1), Merchant Ship Sales Act of 1946, as amended, that conditions exist justifying the continuance of the bareboat charters covering the government-owned C1-M-AVI type vessels "Coastal Monarch," "Coastal Nomad," and "Coastal Rambler" and R1-M-AV3 type vessel "Palisana" presently under charter to Alaska Steamship Company, which are due for annual review on or about June 30, 1959.

Any interested person may request a hearing with respect to the Board's findings by filing written objections, in triplicate, stating the reasons therefor, with the Secretary, Federal Maritime Board, Washington 25, D.C., by close of business on June 26, 1959.

The findings will become final if no objection thereto or no request for a hearing is received.

Dated: June 15, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,  
Secretary.

[F.R. Doc. 59-5050; Filed, June 16, 1959;  
8:52 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. G-18698]

JAKE L. HAMON ET AL.

### Order for Hearing and Suspending Proposed Changes in Rates

JUNE 10, 1959.

Jake L. Hamon (Operator) et al. (Hamon) on May 11, 1959, tendered for filing a proposed change in his presently effective rate schedule<sup>1</sup> for sales of nat-

ural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rates and charges, is contained in the following designated filing:

Description: Notice of Change, Undated.  
Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 5 to Hamon's FPC Gas Rate Schedule No. 13.

Effective date: June 11, 1959 (effective date is the first day after the required thirty days' notice).

In support of the proposed increased rate, Hamon cites the contract provision for the periodic increase and submits a development and operating cost and pay-out analysis for the leases covered by the rate schedule showing a net operating loss during the past three-year period. Hamon further states that on the basis of the proposed increased rate his investment will never be recovered and that the going price for gas in the area is in excess of the proposed rate.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 5 to Hamon's FPC Gas Rate Schedule No. 13 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 rates and charges contained in Supplement No. 5 to Hamon's FPC Gas Rate Schedule No. 13.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until November 11, 1959, and thereafter 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.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-4976; Filed, June 16, 1959;  
8:46 a.m.]

<sup>1</sup>Present rate is in effect subject to refund in Docket No. G-13909.

[Docket Nos. G-18690, G-18691]

**BRADLEY PRODUCING CORP. ET AL.**

**Order for Hearing and Suspending Proposed Changes in Rates<sup>1</sup>**

JUNE 10, 1959.

In the matters of the Bradley Producing Corporation (Operator) et al., Docket No. G-18690; Edwin G. Bradley (Operator) et al., Docket No. G-18691.

The proposed changes hereinafter designated, which constitute increased rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission, have been tendered for filing by the above-named Respondents. In each filing the purchaser is Colorado Interstate Gas Company.

In support of its increase, the Bradley Producing Corporation submits copies of the agreement redetermining the price and states that such price is consistent with the contract and with prevailing prices in the area, is necessary to offset increasing costs and the decreasing value of money, and is just and reasonable. No support is offered by Edwin G. Bradley except his submittal of copies of the price redetermination agreement and his statement that the redetermined price is in accordance with the contract.

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

uary 27, 1959, providing for a redetermined rate for dehydrated gas, the rate being the arithmetic average of the three highest prices paid by transporters of gas in District No. 3, adjusted to reflect the necessary dehydration charge. Sinclair makes no statement in support of the proposed increases other than citing the applicable contract provisions.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes and that Supplement No. 8 to Sinclair's FPC Gas Rate Schedule No. 68 and Supplement No. 11 to Sinclair's FPC Gas Rate Schedule No. 69 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 8 to Sinclair's FPC Gas Rate Schedule No. 68 and Supplement No. 11 to Sinclair's FPC Gas Rate Schedule No. 69.

(B) Pending the hearing and decision thereon, these supplements are each hereby suspended and the use thereof deferred until November 13, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules 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.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 59-4977; Filed, June 16, 1959; 8:46 a.m.]

[Docket No. G-18695]

**CYPRUS OIL CORP. ET AL.**

**Order for Hearing and Suspending Proposed Change in Rate**

JUNE 10, 1959.

Cyprus Oil Corporation (Operator) et al. (Cyprus) on May 14, 1959, ten-

Respondent	Rate schedule No.	Supplement No.	Notice of changes dated—	Date tendered	Effective date	Rate suspended and deferred until—
1. The Bradley Producing Corp. (operator), et al. ....	5	7	5-11-59	5-12-59	6-12-59	11-12-59
2. Edwin G. Bradley (operator), et al. ....	1	6	5-11-59	5-12-59	6-12-59	11-12-59

<sup>1</sup> The stated effective date is the first day after the required thirty days' notice.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the designated supplements to Respondents' FPC Gas Rate Schedules 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), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the designated supplements to Respondents' FPC Gas Rate Schedules.

(B) Pending hearing and decision thereon, each of the said supplements are hereby suspended and the use thereof deferred until the date specified in the "Rate Suspended and Deferred Until" column, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) None of the several supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until the relevant proceeding has been disposed of or until the applicable 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 or 1.37(f)).

<sup>1</sup> This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

and procedure (18 CFR 1.8 or 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 59-4979; Filed, June 16, 1959; 8:47 a.m.]

[Docket No. G-18693]

**SINCLAIR OIL & GAS CO. ET AL.**

**Order for Hearing and Suspending Proposed Changes in Rates**

JUNE 10, 1959.

Sinclair Oil & Gas Company et al. (Sinclair) on May 13, 1959, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated May 11, 1959.

Purchaser: Tennessee Gas Transmission Company.

Rate schedule designations: Supplement No. 8 to Sinclair's FPC Gas Rate Schedule No. 68. Supplement No. 11 to Sinclair's FPC Gas Rate Schedule No. 69.

Effective dates: June 13, 1959 (effective dates are those proposed by Sinclair.)

The contracts provide for price redetermination at five-year intervals, the next such interval commencing December 17, 1959. However, Sinclair submits letter agreements dated January 26, 1959, which provide that the price for the next five-year period is to be determined effective as of January 1, 1959, in lieu of December 17, 1959. Sinclair also submitted letter agreements dated Jan-

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

Description: Notice of Change, undated.  
Purchaser: Texas Gas Corporation.  
Rate schedule designation: Supplement No. 1 to Cyprus' FPC Gas Rate Schedule No. 1.

Effective date: June 14, 1959 (effective date is the first day after the required thirty days' notice).

The contract provides for price re-determination at the option of the seller for the five-year period commencing June 1, 1959. Pursuant to this provision, seller and buyer executed a letter agreement dated December 18, 1958 (submitted as part of the rate change) providing for the rate for nondehydrated gas. The redetermined rate is an arithmetical average of the three highest prices paid by transporters of gas in District No. 3, adjusted to reflect the necessary dehydration charge.

In support of its proposed increased rate, Cyprus states that the pricing provisions of the contract were negotiated at arm's length and are an integral part of the contract price; such pricing provisions are common in long-term contracts and are necessary to protect seller against inflation; and the proposed price is less than the price allowed by the Commission to other producers under recently negotiated contracts in the same area.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Cyprus' 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. 1 to Cyprus' 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 November 14, 1959, and thereafter 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.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-4978; Filed, June 16, 1959;  
8:47 a.m.]

[Docket Nos. G-18689, G-18694]

### UNION PRODUCING CO. ET AL.

#### Order for Hearing and Suspending Proposed Changes in Rates<sup>1</sup>

JUNE 10, 1959.

In the matters of Union Producing Company (Operator) et al., Docket No. G-18689; the Superior Oil Company, Docket No. G-18694.

The proposed changes hereinafter designated, which constitute increased rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission, have been tendered for filing by the above-named Respondents. In

Respondent	Rate schedule No.	Supplement No.	Notice of changes dated—	Date tendered	Effective date	Rate suspended and deferred until—
1. Union.....	42	5	5-4-59 (supplemental agreement)	5-12-59	16-12-59	11-12-59
2. Union.....	42	6	5-8-59	5-12-59	16-12-59	11-12-59
3. Union.....	209	5	5-4-59 (supplemental agreement)	5-12-59	16-12-59	11-12-59
4. Union.....	209	6	5-8-59	5-12-59	16-12-59	11-12-59
5. Superior.....	15	7	Undated	5-13-59	16-13-59	11-13-59

<sup>1</sup> The stated effective date is the first day after the required thirty days' notice.

<sup>2</sup> The stated effective date is that proposed by Respondent.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the designated supplements to Respondents' FPC Gas Rate Schedules 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), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates

<sup>1</sup> This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

each filing the purchaser is United Gas Pipe Line Company.

In support of its proposed renegotiated increased rates, Union Producing Company (Operator) et al. (Union) states that pipelines desire long-term supplies of natural gas and in contracting for such long-term supplies recognize the increases in expenses of producers and consequently provide for increases in prices to producers over the term of the contract. Union also states that such rising expenses affect it substantially since it is engaged in searching for and making available a limited and irreplaceable natural resource. Union further states the nature of its operations requires large amounts of risk capital which can only be obtained by proper incentive through dollar recovery. The Superior Oil Company (Superior) submits as part of the rate charge a contract amendment providing for the herein-proposed base rate through the period ending July 1, 1962, an increased base rate for the succeeding five-year period ending July 1, 1967, and a price re-determination for the subsequent five-year period with a minimum base rate stated therein. Superior states that the newly negotiated rate is in line with other certified rates in South Louisiana and Mississippi; and that the proposed increased rate was agreed upon after arm's-length bargaining.

and charges contained in the designated supplements to Respondents' FPC Gas Rate Schedules.

(B) Pending hearing and decision thereon, each of the said supplements are hereby suspended and the use thereof deferred until the date specified in the aforementioned "Rate and Deferred Until" column, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) None of the several supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until the relevant proceeding has been disposed of or until the applicable period of suspension has expired, unless otherwise ordered by the Commission.

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

By the Commission.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-4980; Filed, June 16, 1959;  
8:47 a.m.]

## HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

### DELEGATIONS OF FINAL AUTHORITY

Freeport, Texas

Section II *Delegations of final Authority*, is amended as follows:

Paragraph D9 is amended by adding to the list of places shown therein:

Freeport, Texas

Approved: June 10, 1959.

[SEAL] CHARLES E. SLUSSER,  
Commissioner.

[F.R. Doc. 59-4983; Filed, June 16, 1959;  
8:47 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 273]

### MOTOR CARRIER APPLICATIONS

JUNE 12, 1959.

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

All hearings will be called at 9:30 o'clock a.m., U.S.s.t. (or 9:30 o'clock a.m., local d.s.t., unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

#### MOTOR CARRIERS OF PROPERTY

No. MC 19227 (Sub No. 69), filed June 2, 1959. Applicant: LEONARD BROS. TRANSFER & STORAGE CO., INC., 2595 Northwest 20th Street, Miami, Fla. Applicant's representative: J. Fred Dewhurst, Vice President, Leonard Bros. Transfer & Storage Co., Inc., 2595 Northwest 20th Street, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft and missiles, and aircraft and missile parts, components, materials, supplies and equipment, including jato thrust units*, between Brigham City, Utah, and Seattle and Moses Lake, Wash., and Huntsville, Ala., and Eglin Air Force Base, Florida. Applicant is authorized to conduct operations in Florida, Alabama, Delaware, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, the District of Columbia, Texas, Connecticut, Maine, Massachusetts, Michigan, Missouri, New Hampshire, Rhode Island, Vermont, Wisconsin, and California.

HEARING: July 14, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Mack Myers.

No. MC 20783 (Sub No. 44), filed April 23, 1959. Applicant: TOMPKINS MOTOR LINES, INC., 611 Mulberry Street, Nashville, Tenn. 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: *Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packing houses*, from Montgomery, Ala., to points in Virginia. Applicant is authorized to conduct operations in Tennessee, Georgia, North Carolina, Alabama, Florida, Georgia, South Carolina, and Nebraska.

HEARING: July 31, 1959, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Herbert L. Hanback.

No. MC 22195 (Sub No. 71), filed May 26, 1959. Applicant: DAN S. DUGAN, doing business as DUGAN OIL AND TRANSPORT CO., P.O. Box 946, 41st Street and Granger 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 M.C.C. 209, (1) from Yankton, S. Dak., and points within 10 miles thereof, to points in South Dakota, Nebraska, Iowa, Minnesota, and North Dakota, (2) from Norfolk, Nebr., and points within 10 miles thereof, to points in South Dakota, Iowa, and Minnesota, and *rejected shipments* of the above-described commodities on return.

HEARING: July 27, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Examiner Allan F. Borroughs.

No. MC 22195 (Sub No. 72), filed May 27, 1959. Applicant: DAN S. DUGAN, doing business as DUGAN OIL AND TRANSPORT CO., 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*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Marshall, Minn., and points within 10 miles thereof to points in South Dakota, and *rejected shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

HEARING: July 27, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Examiner Allan F. Borroughs.

No. MC 25491 (Sub No. 2), filed May 29, 1959. Applicant: DALE E. CURTISS, 921 East Sixth Street, Blue Earth, 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: *Farm machinery*, between Blue Earth, Minn., and points within 50 miles thereof, on the one hand, and, on the other, Canton,

Chicago, Kewanee, and Rock Falls, Ill. Applicant is authorized to conduct operations in Illinois, Iowa, and Minnesota.

HEARING: July 29, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Examiner Allan F. Borroughs.

No. MC 29886 (Sub No. 146), filed May 4, 1959. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, including farm tractors* (not including tractors with vehicle beds, bed frames or fifth wheels), *utility trailers* designed for the transportation of tractors other than truck tractors, *road construction machinery and equipment, earth-moving, excavating and loading machinery* (except that which, because of size or weight, requires the use of special equipment, and *parts and attachments therefor* when transported in the same vehicle, from Racine, Wis., Burlington, Iowa, and Rock Island, Ill., to points in New Mexico, Wyoming, Colorado, Montana, Oregon, Idaho, Utah, Washington, Arizona, Nevada, California, and Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: July 27, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner C. Evans Brooks.

No. MC 29886 (Sub No. 147) (REPUBLICAN), filed May 4, 1959, published in FEDERAL REGISTER June 3, 1959, Page No. 4533. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Electrically powered automotive vehicles, tote trucks, fork lift trucks, uncrated, and parts and accessories* for such vehicles when moving with the aforementioned commodities, in truckaway service, from Redlands, Calif., to points in the United States, including Alaska, and on return, such of the aforementioned commodities as are being returned to the manufacturer for rebuilding, resale, repair or which are for demonstration or show purposes, or which have been damaged or rejected. Applicant is authorized to conduct operations throughout the United States.

HEARING: Remains as assigned July 28, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner Reece Harrison.

No. MC 30844 (Sub No. 38), filed May 22, 1959. Applicant: ALLEN E. KROBLIN, INCORPORATED, doing business as KROBLIN REFRIGERATED X-PRESS, Sumner, Iowa. 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: (1) *Canned goods*, from Lawton, Mattawan, and Decatur,

Mich., to points in Iowa except Marshalltown, Cedar Falls, Waterloo, Mason City, Fort Dodge, Estherville, Des Moines, Atlantic, Red Oak, Chariton, Ottumwa, and Centerville, and (2) *Frozen foods*, from Lawton, Mattawan, and Decatur, Mich., to points in Iowa and Nebraska, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, and Wisconsin.

**HEARING:** July 22, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner Walter R. Lee.

No. MC 41522 (Sub No. 6), filed May 26, 1959. Applicant: RENTON-ISSAQUAH AUTO FREIGHT, INC., 2100 Alaskan Way, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except commodities in bulk, and those requiring special equipment (but not including heavy machinery, construction materials, and such other commodities as require specialized handling or rigging because of weight or bulk), and except articles of unusual value, Class A and B explosives, and household goods as defined by the Commission, serving as off-route points in connection with applicant's authorized regular route operations, the Tolt River Dam Site, King County, Wash., and points within the area in King County, Wash., bounded as follows: The area bounded on the north by the northern boundary of the municipality of Kirkland, as though projected easterly to its junction with Washington Highway 2; Bounded on the east as follows: Southerly on Washington Highway 2 to its junction with the municipality of North Bend, Wash., excepting from said area the municipality of Redmond, Wash.; Bounded on the south as follows: Westerly on U.S. Highway 10 to the eastern shoreline of Lake Washington; Bounded on the west as follows: Northerly along the eastern shoreline of Lake Washington to the northern boundary of the municipality of Kirkland, Wash., the point of beginning. The area bounded on the north as follows: Beginning at the junction of Washington Highway 5 and the boundary of the municipality of Renton, thence westerly on Washington Highway 5 to its junction with 196th Avenue SE.; Bounded on the east as follows: Southerly on Washington Highway 5 to its junction with SE. 232d Street; Bounded on the south as follows: Easterly on SE. 232d Street as though projected to Washington Highway 5C; and Bounded on the west as follows: Northerly on Washington Highway 5C to the municipality of Renton, Wash., the point of beginning. Applicant is authorized to conduct operations in Washington.

**HEARING:** July 17, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 80.

No. MC 48388 (Sub No. 40), (REPUBLICATION), filed May 11, 1959, published June 10, 1959, issue FEDERAL REGISTER. Applicant: J. E. FALTIN MOTOR TRANSPORTATION, INC., 515 South Willow Street, Manchester, N.H. Applicant's attorney: Charles F. Riddle, 1825 Jefferson Place N.W., Washington 6, D.C. 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, (1) Between Portland, Maine, and junction U.S. Highway 302 and New Hampshire Highway 16, from Portland over U.S. Highway 302 to junction New Hampshire Highway 16, and return over the same route, serving no intermediate or off-route points as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations. (2) Between Portland, Maine, and Gorham, N.H.; from Portland over Maine Highways 100 and 26 to Gray, Maine, thence over Maine Highway 26 to Bethel, Maine, and thence over U.S. Highway 2 to Gorham, N.H., and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations. Applicant is authorized to conduct regular-route operations in Maine, Massachusetts, and New Hampshire, and irregular-route operations in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

**NOTE:** The purpose of this republication is (1) to correct the spelling of applicant's name, and (2) to strike the designation of the authorized regular-route terminal referred to as (a) between Berlin and Portsmouth, N.H., and (b) between Boston, Mass., and Bangor, Maine.

**HEARING:** Remains as assigned July 20, 1959, at the New Hampshire Public Service Commission, Concord, N.H., before Joint Board No. 114.

No. MC 50069 (Sub No. 212), filed May 20, 1959. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Montague, Mich., and points within 5 miles thereof, to points in Illinois, Indiana, Ohio, and Wisconsin. Applicant is authorized to conduct operations in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

**HEARING:** July 29, 1959; in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner C. Evans Brooks.

No. MC 61396 (Sub No. 68), filed April 27, 1959. Applicant: HERMAN BROS., INC., 711 W.O.W. Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry products* in bulk, in special equipment, from Crete, Nebr., and points within ten miles thereof, to points in Iowa, Colorado, Missouri, Kansas, Illinois, and Oklahoma. Applicant is authorized to conduct operations in Iowa, Kansas, Missouri, Nebraska, and South Dakota.

**HEARING:** July 21, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner Walter R. Lee.

No. MC 61396 (Sub No. 69), filed May 29, 1959. Applicant: HERMAN BROS., INC., 711 W.O.W. Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between Norfolk, Nebr., and Yankton, S. Dak., and points within 15 miles of each to points in Nebraska, Iowa, Minnesota, North Dakota, and South Dakota. Applicant is authorized to conduct operations in Iowa, Kansas, Missouri, Nebraska, and South Dakota.

**HEARING:** July 27, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner Walter R. Lee.

No. MC 70172 (Sub No. 3), filed May 7, 1959. Applicant: BERNARD J. KIRK, 672 Roosevelt Avenue, Pawtucket, R.I. Applicant's representative: Francis E. Nute, 58 Meeting Street, Providence, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *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, for freight forwarders from terminal to terminal only, (2) *metal working machines, specially fabricated parts, accessories and attachments therefor, supplies for and products of metal working machine shops or plants*, and (3) *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between Pawtucket and Providence, R.I., and points in the New York, N.Y., Commercial Zone as determined by the Commission in 1 M.C.C. 665, and those in the Commercial Zones of Trenton, N.J., and Philadelphia, Pa., including New York, N.Y., Trenton, N.J., and Philadelphia, Pa. Applicant is authorized to conduct operations in New Jersey, New York, Connecticut, Massachusetts, and Rhode Island.

**HEARING:** July 24, 1959, at the New Post Office and Court House Building, Boston, Mass., before Examiner David Waters.

No. MC 76264 (Sub No. 18), filed April 1, 1959. Applicant: WEBB TRANSFER LINE, INC., U.S. Highway 60-E, Shelbyville, Ky. Applicant's attorney: Robert H. Kinker, Seventh Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transport-

ing: *Homogenized reconstituted or reconstructed tobacco including tobacco partially manufactured by any other similar process*, but excluding tobacco products which are finished and ready for sale to consumers, between points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. Applicant is authorized to conduct operations in Kentucky, Indiana, Illinois, Ohio, West Virginia, Virginia, Tennessee, Georgia, North Carolina, South Carolina, Missouri, Florida, Arkansas, Louisiana, Mississippi, Missouri, and Alabama.

**HEARING:** July 20, 1959, at the Kentucky Hotel, Louisville, Ky., before Examiner Leo M. Pellerzi.

No. MC 83539 (Sub No. 48), filed May 11, 1959. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and semi-trailers*, other than house trailers, in initial and secondary movements, via truckaway (towaway) service, between points in the Kewanee, Ill., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Indiana, Kentucky, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming.

**HEARING:** July 28, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner C. Evans Brooks.

No. MC 92983 (Sub No. 356), filed May 29, 1959. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from Guttenberg, Iowa, and 10 miles thereof, to points in Illinois, Iowa, Minnesota, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

**HEARING:** July 29, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner C. Evans Brooks.

No. MC 92983 (Sub No. 357), filed June 1, 1959. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, (1) between points in Illinois, and St. Louis and Louisiana, Mo., and Milwaukee, Wis., on the one hand, and, on the other, points in Michigan, Indiana, Ohio and Kentucky, and (2) from points in Illinois, and St. Louis and Louisiana, Mo., and Milwaukee, Wis., 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 Alabama, Arizona, Arkansas, Colorado, Connecticut, Florida, Georgia, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

**HEARING:** July 21, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William P. Sullivan.

No. MC 95540 (Sub No. 302), filed May 18, 1959. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph Blackshear, Gainesville, Ga. 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, and articles distributed by meat packing houses*, from St. Cloud, Minn., to points in Louisiana and Mississippi. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

**HEARING:** July 24, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Examiner Allan F. Borroughs.

No. MC 103777 (Sub No. 8), filed April 27, 1959. Applicant: EARNEST PICKETT and HENRY PICKETT, doing business as PICKETT BROTHERS TRUCK LINE, 224 North Sixth, Walters, Okla. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicle and packages, from Cushing, Enid, Cyril, Grandfield, Wynnewood,

Stroud, and Ardmore, Okla., to points in New Mexico on and north of U.S. Highway 60. Applicant is authorized to conduct operations in Oklahoma and Texas.

**HEARING:** July 30, 1959, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 210, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 104128 (Sub No. 79) (REPUBLICATION), filed May 15, 1959, published in the June 3, 1959 issue of the FEDERAL REGISTER. Applicant: CAMPBELL'S SERVICE, a corporation, 2720 River Avenue, South San Gabriel, Calif. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sport cabs, truck canopies and camper bodies, and parts and accessories of the same, together with parts and paraphernalia to be used to fasten said units to pickup trucks*, by the truckaway method, from points in California to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, and Wyoming. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Colorado, Florida, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

**HEARING:** Remains as assigned July 24, 1959, at the Federal Building, Los Angeles, Calif., before Examiner Reece Harrison.

No. MC 105269 (Sub No. 26), filed May 18, 1959. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, Kalamazoo, Mich. 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: *Paper, paper products, and paper mill products*, from Schoolcraft, Mich., to points in Ohio, Indiana, and Illinois, and to St. Louis, Mo., Davenport, Iowa, and Louisville, Ky., and *paper mill materials and supplies*, on return. Applicant is authorized to conduct operations in Michigan, Kentucky, Missouri, Iowa, Indiana, Illinois, Ohio, and Wisconsin.

**HEARING:** July 24, 1959, in Room 852, U.S. Custom House 610 South Canal Street, Chicago, Ill., before Examiner C. Evans Brooks.

No. MC 105634 (Sub No. 3), filed April 13, 1959. Applicant: CENTRAL CARTING CO., INC., 138 Manitoba Street, Buffalo, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products, and articles distributed by meat-packing houses*, as defined by the Commission in Ex Parte No. MC 45, in mechanically refrigerated equipment, from Erie, Pa., to points within seventy-five (75) miles of Buffalo, N.Y., including Buffalo, and *empty containers and returned, refused, and rejected shipments* of the above-specified commodities, on return. Applicant is

authorized to transport similar commodities in New York and Pennsylvania.

Note: Applicant states that the above will be a peddle-run operation. Any duplication with present authority to be eliminated.

**HEARING:** July 24, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Alvin H. Schutrumpf.

No. MC 106398 (Sub No. 120), filed May 28, 1959. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Box 8096, Dawson Station, Tulsa, Okla. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Nebraska to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

**HEARING:** July 23, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner Walter R. Lee.

No. MC 106398 (Sub No. 121), filed May 28, 1959. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Box 8096, Dawson Station, Tulsa, Okla. Applicant's attorneys: Harold G. Hernly, 1624 Eye Street NW., Washington, D.C., and R. Y. Schureman, 634 South Spring Street, Los Angeles, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sport cabs, truck canopies, camper bodies and parts and accessories* of same, together with *parts and paraphernalia* to be used to fasten said units to pickup trucks, in truckaway service, from points in California to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

**HEARING:** July 24, 1959, at the Federal Building, Los Angeles, Calif., before Examiner Reece Harrison.

No. MC 107295 (Sub No. 62), filed January 29, 1959. Applicant: PRE-FAB TRANSIT CO., a corporation, Farmer City, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum siding*, from Litchfield, Ill., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

**HEARING:** July 20, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner C. Evans Brooks.

No. MC 107496 (Sub No. 134), filed May 1, 1959. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid, and phosphatic fertilizer solution*, in bulk in tank vehicles, and in bulk, in shipper-owned vehicles, from Lawrence, Kans., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kentucky, Minnesota, Missouri,

Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin; and *empty shipper-owned vehicles*, on return. Applicant is authorized to conduct operations in Iowa, Illinois, Wisconsin, Minnesota, Missouri, Nebraska, South Dakota, North Dakota, Kansas, Ohio, Kentucky, Indiana, Colorado, Oklahoma, Arkansas, Louisiana, and Texas.

**HEARING:** July 16, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Walter R. Lee.

No. MC 108207 (Sub No. 65), filed June 1, 1959. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street P.O. Box 5888, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry ice*, from Solano, N. Mex., and points within 10 miles thereof, to Omaha, Nebr. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

**HEARING:** July 21, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner Walter R. Lee.

No. MC 108449 (Sub No. 87), filed May 28, 1959. Applicant: INDIANHEAD 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: *Vegetable oil meal, animal and poultry feed and feed ingredients*, in bulk and in bags, from Mankato, Montgomery, and Minneapolis, Minn., to points in Colorado, Iowa, Illinois, Kansas, Upper Michigan, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, Wyoming, those in that portion of Minnesota on and east of U.S. Highway 53 from the Wisconsin-Minnesota State line at Duluth, Minn., to the U.S.-Canadian border near International Falls, Minn., and to ports of entry on the International Boundary line between the United States and Canada in North Dakota and Minnesota, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Illinois, Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

**HEARING:** July 30, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Examiner Allan F. Borroughs.

No. MC 108449 (Sub No. 89), filed June 1, 1959. Applicant: INDIANHEAD 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, (1) from West Union, Iowa, to points in Minnesota, Wisconsin, and Illinois, and (2) from Storm Lake, Iowa, to points in

Minnesota, South Dakota, and Nebraska, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Illinois, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

**HEARING:** July 29, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Examiner Allan F. Borroughs.

No. MC 109376 (Sub No. 2), filed March 18, 1959. Applicant: E. R. SKINNER, doing business as E. R. SKINNER TRANSFER, Reedsburg, Wis. Applicant's attorney: Claude J. Jasper, Suite 616-617 Tenney Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logs and lumber*, from points in that part of Wisconsin on, south and west of a line beginning at La Crosse, Wis., and extending along U.S. Highway 16 to Portage, Wis., thence along U.S. Highway 51 to Madison, Wis., thence along U.S. Highway 18 to junction U.S. Highway 69, and thence along U.S. Highway 69 to the Wisconsin-Illinois State line, and from points in Jackson and Monroe Counties, Wis., to Menominee, Mich., and to points in that part of Illinois on and east and north of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to junction Alternate U.S. Highway 30 at Rockford, Ill., and including all of the City of Rockford, thence along Alternate U.S. Highway 30 to Chicago, including points in Indiana located in the Chicago, Ill., Commercial Zone, as defined by the Commission. Applicant is authorized to conduct regular route operations in Illinois, Indiana and Wisconsin, and irregular route operations in Illinois, Indiana, Iowa, Minnesota, and Wisconsin.

**HEARING:** July 21, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Allan F. Borroughs.

No. MC 109451 (Sub No. 97), filed May 27, 1959. Applicant: ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from Elwood, Ill., and points within five (5) miles thereof, to points in Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, and *rejected shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Alabama, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

Note: A proceeding has been instituted under section 212(c) of the Interstate-Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 109451 (Sub No. 82).

**HEARING:** July 30, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner C. Evans Brooks.

No. MC 109478 (Sub No. 32), filed May 21, 1959. Applicant: WORSTER MOTOR LINES, INC., East Main Road, R.D. No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from Fredonia, N.Y., to St. Paul, Minn. Applicant is authorized to conduct operations in Pennsylvania, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, West Virginia, the District of Columbia, Michigan, Indiana, Illinois, and Ohio.

**HEARING:** July 24, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Alvin H. Schutrumpf.

No. MC 109478 (Sub No. 33), filed May 25, 1959. Applicant: WORSTER MOTOR LINES, INC., East Main Road, R.D. No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers*, (1) from Elmira, N.Y., to Lawton, Mich.; (2) from Lapel, Lawrenceburg, Marion, and Winchester, Ind., Streator and Chicago, Ill., and Charleston, Clarksburg, Fairmont, and Wheeling, W. Va., to North East, Pa., Westfield and Brocton, N.Y. Applicant is authorized to conduct operations in Pennsylvania, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, West Virginia, the District of Columbia, Indiana, Illinois, Michigan, and Ohio.

**HEARING:** July 24, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Alvin H. Schutrumpf.

No. MC 109540 (Sub No. 18), filed April 23, 1959. Applicant: YEARY TRANSFER COMPANY, INC., Boonesboro Pike, Winchester, Ky. Applicant's attorney: William Hays, McEldowney Building, Winchester, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reconstituted or homogenized or reconstructed or blended tobacco including tobacco partially manufactured by any other method or system of processing but excluding manufactured tobacco finished or ready for sale to wholesalers, retailers, or consumers, when moving alone or in mixed loads with exempt agricultural commodities, and empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between points in Kentucky, Alabama, Florida, Georgia, Illinois, Indiana, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. Applicant is authorized to conduct operations in Kentucky, Ohio, Alabama, Florida, Georgia, Illinois, Indiana, Maryland, Michigan, Missouri, New Jersey, New

York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

**HEARING:** July 21, 1959, at the Kentucky Hotel, Louisville, Ky., before Examiner Leo M. Pellerzi.

No. MC 109637 (Sub No. 118), filed April 6, 1959. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Applicant's representative: H. N. Nunnally, Traffic Manager, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, and *empty containers or other such incidental facilities*, used in transporting vegetable oils, between points in Georgia, and points in Massachusetts. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

**HEARING:** July 27, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Herbert L. Hanback.

No. MC 109637 (Sub No. 120), filed April 23, 1959. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex and latex compounds*, in bulk, in tank vehicles, from Louisville, Ky., to points in Georgia, North Carolina, South Carolina, and Tennessee, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities on return. Applicant is authorized to conduct operations in Alabama, California, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

**HEARING:** July 22, 1959, at the Kentucky Hotel, Louisville, Ky., before Examiner Leo M. Pellerzi.

No. MC 109947 (Sub No. 25), filed May 1, 1959. Applicant: WARSAW TRUCKING CO., INC., R.R. 5, Warsaw, Ind. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between the plant site of the Sun Metal Products, Inc., located within approximately five (5) miles of the corporate limits of Warsaw, Ind., and points in the United States. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Missouri, Nebraska, Ohio, Pennsylvania, and Wisconsin.

**NOTE:** A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier. assigned Docket No. MC 109947 (Sub. No. 22).

**HEARING:** July 23, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner C. Evans Brooks.

No. MC 110420 (Sub No. 232), filed May 8, 1959. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corn syrup, liquid sugar, and blends or mixtures of corn syrup, and liquid sugar*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Ohio and Kentucky, (2) *gluconic acid*, in bulk, in tank vehicles, from Chicago, Ill., to points in New Jersey, (3) *core oil*, in bulk, in tank vehicles, from Mishawaka, Ind., to points in Illinois and Iowa, (4) *liquid sugar*, in bulk, in tank vehicles, from Pekin, Ill., to Detroit, Mich., and Toledo, Ohio, (5) *liquid chocolate and chocolate coating*, in bulk, in tank vehicles, from Milwaukee, Wis., to Grand Forks, N. Dak., and (6) *corn syrup, liquid sugar, and blends or mixtures of corn syrup and liquid sugar*, in bulk, in tank vehicles, from St. Louis, Mo., to points in West Virginia. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

**HEARING:** July 22, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner C. Evans Brooks.

No. MC 110698 (Sub No. 116), filed April 8, 1959. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex*, in bulk, in tank vehicles, (1) from Akron, Ohio, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, and South Carolina; and (2) from Gadsden, Ala., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. Applicant is authorized to conduct operations in North Carolina, Virginia, Georgia, South Carolina, Tennessee, West Virginia, Maryland, Alabama, Florida, Louisiana, Mississippi, New York, New Jersey, Delaware, Pennsylvania, Arkansas, Kentucky, the District of Columbia, Missouri, Ohio, Texas, and Indiana.

**HEARING:** July 23, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Herbert L. Hanback.

No. MC 110988 (Sub No. 60), filed May 8, 1959. Applicant: KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's attorney: Edward A. Solie, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from Chicago and Chicago Heights, Ill., to

points in Indiana, Kentucky, Iowa, Lower Peninsula of Michigan, Minnesota, Missouri, Ohio, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

**HEARING:** July 20, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Allan F. Borroughs.

No. MC 111320 (Sub No. 38), filed May 5, 1959. Applicant: CURTIS KEAL TRANSPORT COMPANY, INC., East 54th Street and Cleveland Shoreway, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth-moving, road-building, and contractors' equipment*, by the driveway method, including *parts and attachments* for same, between Winona, Minn., on the one hand, and, on the other, 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.

**HEARING:** July 23, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Examiner Allan F. Borroughs.

No. MC 111948 (Sub No. 3), filed October 1, 1958. Applicant: ALPHIE F. BOUSLEY, Armstrong Creek, Wis. Applicant's attorney: William C. Dineen, 710 North Plankinton Avenue, Milwaukee 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Finished and unfinished lumber*, from Goodman, Wis., to points in Illinois, Iowa, and Minnesota, and from Mohawk, Mich., to Goodman, Wis. Applicant is authorized to transport lumber from Goodman, Wis. to points in the Upper Peninsula of Michigan on and west of Michigan Highway 77.

**HEARING:** July 22, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Allan F. Borroughs.

No. MC 112617 (Sub No. 55), filed May 18, 1959. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Joseph J. Leary, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Doe Run, Ky., and points within five miles thereof to points in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri,

Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

**HEARING:** July 23, 1959, at the Kentucky Hotel, Louisville, Ky., before Examiner Leo M. Pellerzi.

No. MC 112617 (Sub No. 56), filed May 15, 1959. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gluconic acid*, in bulk, in tank vehicles, from Newaygo, Mich., to Louisville, Ky., and Madison, Ind., and *rejected shipments* on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

**HEARING:** July 23, 1959, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 317, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 112627 (Sub No. 5), filed May 11, 1959. Applicant: CHARLES L. OWENS, R.F.D. No. 2, Dansville, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizers, including mixed fertilizer and fertilizer materials*, (a) from Carteret, N.J., to points in Allegany and Chemung Counties, N.Y.; (b) from Baltimore, Md., to points in Allegany, Cattaraugus, Chautauque, Chemung, Erie, Genesee, Monroe, Niagara, Ontario, Orleans, Schuyler, Wyoming, and Yates Counties, N.Y., and *empty containers, or other such incidental facilities* (not specified) used in transporting the above commodities on return; (2) *Empty returned malt beverage containers*, from points in New York to New York, N.Y. Applicant is authorized to conduct operations in Illinois, New York, Michigan, Ohio, Pennsylvania, New Jersey, Delaware, Maryland, Massachusetts, Connecticut, Rhode Island, Virginia, and the District of Columbia.

**HEARING:** July 30, 1959, at the Manger Hotel, Rochester, N.Y., before Examiner Alvin H. Schutrumpf.

No. MC 113402 (Sub No. 2), filed April 29, 1959. Applicant: CARL SCHWARTZKOPF, doing business as SCHWARTZKOPF TRUCK & GRAIN COMPANY, P.O. Box 395, Scottsbluff, Nebr. Applicant's representative: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and packing house products*, as defined in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Scottsbluff, Nebr., and points within five miles of Scottsbluff, to all points in Illinois,

Ohio, Indiana and Michigan. Applicant states it is proposed to transport exempt commodities on return movements.

**HEARING:** July 20, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner Walter R. Lee.

No. MC 113410 (Sub No. 22), filed May 25, 1959. Applicant: DAHLEN TRANSPORT, INC., 875 North Prior Avenue, St. Paul, Minn. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities, liquid and dry*, from points in Minnesota to points in the Upper Peninsula of Michigan, Wisconsin, Iowa, North Dakota, South Dakota, Minnesota, including ports of entry on the International Boundary line between the United States and Canada in Minnesota and North Dakota, and *rejected shipments, empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Illinois, Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

**HEARING:** July 28, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Examiner Allan F. Borroughs.

No. MC 113908 (Sub No. 53), filed May 28, 1959. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 706, Springfield, Mo. Applicant's attorney: Turner White III, 808 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus juice*, in bulk, in tank vehicles, from points in Florida to points in Michigan, Indiana, Illinois, Missouri, Wisconsin, Iowa, Minnesota, Arkansas, and Kansas. Applicant is authorized to conduct operations in Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, Tennessee, Texas, and Wisconsin.

**HEARING:** July 31, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner C. Evans Brooks.

No. MC 114019 (Sub No. 26), filed April 24, 1959. Applicant: THE EMERY TRANSPORTATION COMPANY, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers and accessories therefor, and paper cartons* used in packing and shipping of glass containers and accessories therefor, from Winchester, Ind., to points in Minnesota, North Dakota, South Dakota, Nebraska, Montana, Wyoming, Colorado, Kansas, Tennessee, and points in Kentucky south of U.S. Highway 60. (2) *Glass containers and accessories therefor* including caps, covers, disks, or tops, and *paper cartons* used in packing and shipping of glass containers and accessories therefor, from South Connellsville, Pa., to points in Wisconsin, Minnesota, Iowa, Missouri (except St.

Louis), North Dakota, South Dakota, Kansas, Nebraska, Montana, Wyoming, Colorado, Tennessee, Kentucky (except those points on the Ohio River), and Michigan (except those points south and west of a line beginning at Ludington, Mich., and extending along U.S. Highway 10 to Flint, Mich., thence along Michigan Highway 21 to Port Huron, Mich., including points on the indicated portions of highways specified). (3) *Glassware, containers and accessories therefor*, and *paper cartons* used in the packing or shipping of glassware, glass containers, and accessories therefor, from Lancaster, Ohio, to points in Wisconsin, Minnesota, Iowa, Missouri (except St. Louis), North Dakota, South Dakota, Kansas, Nebraska, Montana, Wyoming, Colorado, Tennessee, and points in Kentucky south of U.S. Highway 60. (4) *Used pallets and skids*, from the destination points described in paragraphs (1), (2) and (3) above to the above origin points, and also, (5) other authorized and exempt commodities on return.

**Note:** Applicant is authorized to conduct operations as a contract carrier in Permit MC 9685 and subs thereunder. A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a contract or common carrier in No. MC 9685 (Sub No. 58). Section 210 (dual authority may be involved).

**HEARING:** July 21, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner C. Evans Brooks.

No. MC 114021 (Sub No. 6), (CORRECTION), filed May 25, 1959, published June 10, 1959, issue FEDERAL REGISTER. Applicant: MIDWEST TRANSFER COMPANY OF ILLINOIS, a corporation, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. The address of applicant's attorney, Clarence D. Todd shown as 1925 Jefferson Place NW., was in error. The correct address is 1825 Jefferson Place NW.

No. MC 115036 (Sub No. 8), filed May 4, 1959. Applicant: VAN TASSEL, INCORPORATED, Fifth and Grand, Pittsburg, Kans. Applicant's representative: H. V. Eskelin, P.O. Box 2028, Kansas City 42, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, and *empty containers or other such incidental facilities*, used in transporting feed and feed ingredients, between points in Arkansas, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, Texas, and Wisconsin. Applicant is authorized to conduct operations in Arkansas, Colorado, Kansas, Missouri, New Mexico, Oklahoma, South Dakota, and Texas.

**Note:** Applicant states the above transportation will be under continuing contract or contracts with Sanders Grain and Commission Company, Carthage, Mo.

**HEARING:** July 17, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Walter R. Lee.

No. MC 115642 (Sub No. 2), filed March 27, 1959. Applicant: MISSISSIPPI DOCKS, INC., 1034 First National-Soo Line Building, Minneapolis 2, Minn. Applicant's attorney: Clay R. Moore, Eleven Hundred First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Kaolin*, from Fairfax, Minn., and points within 15 miles thereof to points in the Upper Peninsula of Michigan, Wisconsin, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, and Illinois. Applicant is authorized to conduct operations in Minnesota and Wisconsin.

**HEARING:** July 23, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Examiner Allan F. Borrowghs.

No. MC 116459 (Sub No. 8), filed April 10, 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, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid crude rubber*, from Charleston, S.C. to Dalton, Ga.; (2) *Neoprene synthetic latex* from Louisville, Ky., to Dalton, Ga. Applicant is authorized to conduct operations in Tennessee, Alabama, Georgia, Kentucky, North Carolina, South Carolina, and Florida.

**HEARING:** July 23, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Herbert L. Hanback.

No. MC 116626 (Sub No. 1), filed May 20, 1959. Applicant: C. W. EANES, R.F.D. No. 1, Box 6, Gretna, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from points in that part of North Carolina, West Virginia, and Virginia, bounded by a line beginning at Bluefield, W. Va.-Va., and extending along U.S. Highway 52 to the North Carolina-South Carolina State line, near McFarlan, N.C., thence along the North Carolina-South Carolina State line to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 60 at Sprouses Corner, Va., thence along U.S. Highway 60 to the Virginia-West Virginia State line, thence along the Virginia-West Virginia State line to point of beginning, including points on the indicated portions of the highways indicated, to points in the area bounded by a line beginning at Toledo, Ohio, and extending along Alternate U.S. Highway 24 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 16 at Detroit, Mich., thence along U.S. Highway 16 to Lansing, Mich., thence along U.S. Highway 27 to Fort Wayne, Ind., thence along Indiana Highway 37 to Indianapolis, Ind., thence along U.S. Highway 31 to Columbus, Ind., thence along Indiana Highway 7 to Madison, Ind., thence along the Ohio River to Kenova, W. Va., thence along the West Virginia-Kentucky State line to the Kentucky-Virginia State line, thence along the West Virginia-Virginia State line to the Maryland-Virginia State

line, thence along the Maryland-Virginia State line to the Atlantic Ocean, thence along the Atlantic Coast line to the Massachusetts-New Hampshire State line, thence along the Massachusetts-New Hampshire State line to the Massachusetts-Vermont State line, thence along the Massachusetts-Vermont State line to the New York State line, thence along the New York-Vermont State line to the International Boundary line between the United States and Canada, thence along the International Boundary line to Lake Ontario, thence along the south shore line of Lake Ontario to the New York-Canada Boundary line at the Niagara River, thence along the New York-Canada Boundary line to Buffalo, N.Y., thence along the south shore line of Lake Erie to Toledo, the point of beginning, including points on the indicated portions of the highways specified; (2) *Lumber and logs*, (a) from points in Pennsylvania, West Virginia, Maryland, and Virginia to points in that part of North Carolina on and west of a line extending from the Virginia-North Carolina State line along U.S. Highway 52 to the North Carolina-South Carolina State line, near McFarlan, N.C., and to High Point, N.C.; and (b) from points in Pennsylvania, West Virginia, and Maryland to points in that part of Virginia bounded by a line beginning at Bluefield, W. Va.-Va., and extending along U.S. Highway 21 to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 60 at Sprouses Corner, Va., thence along U.S. Highway 60 to the Virginia-West Virginia State line, thence along the Virginia-West Virginia State line to Bluefield, point of beginning, including points on the indicated portions of the highways specified; and (3) *Agricultural machinery and implements, other than hand, and parts therefor*, as described in sections 1(B) and 1(C) of Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Charlotte, N.C., and Timonium (Baltimore County), Md., to Lynchburg, Va. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

**Note:** Duplication with present authority to be eliminated.

**HEARING:** July 17, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 116982 (Sub No. 1), filed June 1, 1959. Applicant: WILLARD FUCHS AND LE ROY FUCHS, doing business as FUCHS BROTHERS, 306 Water Street, Sauk City, Wis. Applicant's attorney: John L. Bruemmer, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, as described in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Mazomanie, Wis., to points in Iowa, Indiana except

those south of U.S. Highway 36, and Minnesota, and empty containers or other such incidental facilities (not specified) used in transporting the above-specified commodities and returned and rejected shipments of the above-specified commodities on return. Applicant is authorized to conduct operations in Illinois and Wisconsin.

**HEARING:** July 20, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Allan F. Borrowoughs.

No. MC 118769, filed March 9, 1959. Applicant: MAIL DELIVERY SERVICE, INC., 429 Chicago Street, Buffalo 5, N.Y. Applicant's attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo 1, N.Y. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Cash letters and letters of transmittal, between points in Erie County, N.Y., on the one hand, and, on the other, points in Erie, Warren, Potter, Tioga, Bradford, and Susquehanna Counties, Pa.

**HEARING:** July 22, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Alvin H. Schutrumpf.

No. MC 118811, filed March 24, 1959. Applicant: LAWRENCE MCKENZIE, doing business as MCKENZIE TRUCKING SERVICE, 121 Buckner Street, Winchester, Ky. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber, wooden stakes, pallets, skids, livestock other than ordinary (not including racehorses), frozen poultry and frozen fruits and vegetables, from points in Kentucky to points in Davidson, Lincoln, Madison, Shelby, Anderson, Knox, Blount, Hamblen, Hamilton, and Sullivan Counties, Tenn., Briston, Va., points in Buncombe, Watauga, Caldwell, Catawba, Cleveland, Gaston, Mecklenburg, Iredell, Guilford, Forsyth, Surry, Durham, Wake, Edgecombe, and Nash Counties, N.C., points in Spartanburg, Greenville, Richland, Sumter, and Charleston Counties, S.C., points in Chatham, Muscogee, Bibb, Richmond, De Kalb, and Fulton Counties, Ga., points in Montgomery, Dallas, Jefferson, Etowah, and Madison Counties, Ala., points in Vermilion, McLean, Peoria, Will, Cook, Sangamon, and Alexander Counties, Ill., points in Vanderburgh, Floyd, Washington, Jefferson, Bartholomew, Marion, Dearborn, Delaware, Allen, St. Joseph, and Lake Counties, Ind., points in Saginaw, Kent, Ingham, Calhoun, Kalamazoo, Jackson, and Wayne Counties, Mich., points in Hamilton, Butler, Montgomery, Scioto, Washington, Clark, Muskingum, Franklin, Stark, Summit, Cuyahoga, and Lucas Counties, Ohio, points in Allegheny, Erie, Dauphin, Lancaster, Berks, Philadelphia, Northampton, Lehigh, and Lackawanna Counties, Pa., points in Mercer, Warren, Essex, Hudson, and Passaic Counties, N.J., points in Bronx, Kings, New York, Queens, Richmond, and Erie Counties, N.Y., points in Anne Arundel and Harford Counties, Md., points in Wise, Henrico, Norfolk, Nansemond, and Washington Counties, Va., and Petersburg, Newport News, Norfolk, Danville, Roa-

noke, and Appalachia, Va., and points in Mercer, Kanawha, Cabell, Wayne, Wood, Harrison, and Ohio Counties, W. Va., frozen fruits and vegetables, from points in Knox County, Tenn., Spartanburg County, S.C., Henrico County, Va., Hamilton County, Ohio, Jefferson County, Ky., and Fulton County, Ga., to all points set forth in (a) above. Lumber, wooden stakes, pallets, skids and livestock, other than ordinary (not including racehorses), from points in Knox and Davidson Counties, Tenn., Wise County, Va., Wayne County, W. Va., and Dearborn County, Ind., to all points set forth in (a) above. Seed, lumber, livestock other than ordinary (but not including racehorses), frozen fruits and vegetables, from the above-described destination points to the above-described origin points.

**HEARING:** July 17, 1959, at the Kentucky Hotel, Louisville, Ky., before Examiner Leo M. Pellerzi.

No. MC 118854, filed April 6, 1959. Applicant: KILTON'S WHOLESAL MEAT SERVICE, INC., 17 Cedar Street Rear, Manchester, N.H. Applicant's attorney: Malcolm Mecartney, Jr., Amoskeag Bank Building, Manchester, N.H. Authority sought to operate as a contract carrier, by motor vehicle, over regular routes, transporting: Food products, from Manchester, N.H., to Waterloo, Iowa; from Manchester over Everett and Lowell Turnpikes to Boston, Mass., thence over Massachusetts Turnpike to junction Massachusetts Highway 15, thence over Massachusetts Highway 15 (past Hartford, Conn.), to the Massachusetts-Connecticut State line, thence over Connecticut Highway 15 to Merritt Parkway, thence over Merritt Parkway, via Henry Hudson Parkway (past New York City), to the New Jersey Turnpike, thence over the New Jersey Turnpike (past Philadelphia, Pa.), to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike (past Pittsburgh, Pa.), to the Ohio Turnpike, at or near Cleveland, Ohio; or (2) from Manchester over Everett and Lowell Turnpikes to Boston, Mass., thence over Massachusetts Turnpike to the New York State Thruway, thence over the New York State Thruway, via Albany, N.Y., to Buffalo, N.Y., thence over U.S. Highway 20, via Cleveland, Ohio, to the Ohio Turnpike, thence over the Ohio Turnpike to the Indiana Toll Road, thence over the Indiana Toll Road to Chicago, Ill., thence over U.S. Highway 30 to junction U.S. Highway 63 at Lama, Iowa, and thence over U.S. Highway 63 to Waterloo, serving the intermediate points of Utica, Syracuse, and Rochester, N.Y., Cleveland, Akron, Canton, and Toledo, Ohio, Fort Wayne and South Bend, Ind., and Chicago, Ill.

Note: Applicant indicates the proposed commodities are manufactured in Manchester, N.H. by Habitant Soup Company; applicant further indicates that wholesale meat products will be transported on return movements, to be used in its own business as a private carrier.

**HEARING:** July 24, 1959, at the New Post Office and Court House Building, Boston, Mass., before Examiner David Waters.

No. MC 118862, filed April 9, 1959. Applicant: JAMES H. KILGORE, doing business as KILGORE TRUCK COMPANY, 227 Noble Street, Anniston, Ala. Applicant's attorney: Alan Watkins, 214-216 Grant Building, Atlanta 3, Ga. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Pallets, bin boxes and crates, from Talladega, Ala., to points in Georgia, Alabama, Indiana, Illinois, Michigan, Ohio, Pennsylvania, North Carolina, Tennessee, and Florida, and empty containers or other such incidental facilities (not specified) used in transporting the above commodities and exempt commodities on return.

**HEARING:** July 27, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Herbert L. Hanback.

No. MC 118866, filed April 10, 1959. Applicant: PAUL L. ZAMBERLAN, Lewis Run, McKean County, Pa. Applicant's attorney: Albert A. Griffin, Bradford, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Brick and tile, from Lewis Run and Summerville, Pa., to points in New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, Michigan, and Indiana, and empty pallets used in said business on return. (2) Propane gas, in cylinders, from points in McKean County, Pa., to points in Chautauqua, Cattaraugus, and Allegany Counties, N.Y., and empty cylinders on return. (3) Oil field supplies and equipment, from points in McKean County, Pa., to points in New York, Ohio, and West Virginia, and return, and also empty containers or other such incidental facilities (not specified) used in transporting oil field supplies and equipment on return. Applicant is authorized to conduct contract carrier operations in Permit No. MC 45500. Dual operations under section 210 may be involved.

**HEARING:** July 23, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Alvin H. Schutrumpf.

No. MC 118891, filed May 1, 1959. Applicant: EARLAND L. JOHNSTON, R.F.D. No. 2, Eaton Road, Rockville, Conn. Applicant's attorney: Thomas W. Murett, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Manufactured, finished church furniture and furnishings, set up and/or knocked down (such as religious statues, sedilia, prie-dieux, pew parts, and alters), (1) from Bluefield, Va., and Janesville, Wis., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; (2) from Scranton, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Virginia; and (3) empty containers or other such incidental facilities (not specified) used in transporting the above, from the above-specified destination points to the respective origin points.

**HEARING:** July 20, 1959, at the U.S. Court Rooms, Hartford, Conn., before Examiner David Waters.

No. MC 118895, filed April 23, 1959. Applicant: CECIL WAUGH, doing business as WAUGH TRUCKING COMPANY, 129 Pinecrest Avenue, Paris, Ky. Applicant's attorney: James S. Wilson, Jr., Wilson Building, Paris, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm machinery and farm tractors*, from New Holland and Lancaster, Pa., Indianapolis, Ind., Cincinnati and Coldwater, Ohio to points in Bourbon, Harrison, Scott, Nicholas, Bath, Fleming, Montgomery, Clark, Fayette, Madison, Estill, Robertson, Pendleton, Grant, Jessamine, Franklin, Woodford, and Owen Counties, Ky.; (2) *Hides*, from Lexington, Ky., to Chicago, Ill.; and (3) *Rejected and returned shipments* of the above-specified commodities, from the above-specified destination points to the respective origin points.

**HEARING:** July 22, 1959, at the Kentucky Hotel, Louisville, Ky., before Examiner Leo M. Pellerzi.

No. MC 118937, filed May 13, 1959. Applicant: FRANK E. MARES, 4611 West 33d Street, Cicero 50, Ill. Applicant's attorney: Bernard G. Colby, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles* of carriers, including *damaged accessories and parts*, from the scene of the disablement, and *replacement motor vehicles* in connection therewith, between points in Illinois, Indiana, Wisconsin, Iowa, Michigan, and Missouri.

**HEARING:** July 23, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner C. Evans Brooks.

No. MC 118942, filed May 14, 1959. Applicant: WILLIAM E. PETERSON, 1516 West First Street, Duluth, Minn. Applicant's attorney: H. B. Fryberger, Jr., Lonsdale Building, Duluth, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products and pipe*, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities between Duluth, Minn., on the one hand, and, on the other, points in Wisconsin, Michigan, North Dakota, South Dakota, and Iowa.

**HEARING:** July 24, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Examiner Allan F. Borroughs.

No. MC 118957, filed May 25, 1959. Applicant: A. STALESKY CORPORATION, Box 62, Crystal Lake, Ill. Applicant's attorneys: Louis E. Smith, Suite 503, 1800 North Meridian Street, Indianapolis 2, Ind., and Harold E. Marks, 208 South La Salle Street, Chicago, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated houses and buildings*, iron or steel, knocked down or set up, including *parts and materials* belonging to and moving with said houses and buildings, from

Milwaukee, Wis., to points in Illinois, Indiana, and Iowa.

**HEARING:** July 30, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner C. Evans Brooks.

#### MOTOR CARRIER OF PASSENGERS

No. MC 116678 (Sub No. 1), filed April 1, 1959. Applicant: WILLIAM A. SHIRER, 703 Walnut Avenue, Niagara Falls, N.Y. Applicant's attorney: George E. Carrie, Parlor C Mezzanine, Hotel Niagara, First and Jefferson, Niagara Falls, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing or pleasure tours, limited to the transportation of not more than seven passengers in any one vehicle, but not including the driver thereof and not including children under 10 years of age who do not occupy a seat or seats, in seasonal operations between April 15, and October 1, inclusive, of each year, beginning and ending at Niagara Falls, N.Y., and extending to Grand Island, Erie County, N.Y.

**NOTE:** Applicant is authorized to conduct similar operations beginning and ending at Niagara Falls, N.Y., and points in Niagara County, N.Y., within six miles thereof, and extending to ports of entry on the United States-Canada Boundary line at Niagara Falls and Lewiston, N.Y.

**HEARING:** July 22, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Alvin H. Schutrumpf.

#### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

##### MOTOR CARRIERS OF PROPERTY

No. MC 22278 (Sub No. 6), filed June 4, 1959. Applicant: TAKIN BROS. FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, Iowa. Applicant's attorney: Charles B. Myers, 2106 Field Building, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Marshalltown, Iowa, and Cedar Falls, Iowa, from Marshalltown over Iowa Highway 14 to junction Iowa Highway 57, thence over Iowa Highway 57 to Cedar Falls, 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; (2) between Des Moines, Iowa, and Mason City, Iowa, over U.S. Highway 65, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; (3) between Marshalltown, Iowa, and Newton, Iowa, over Iowa Highway 14, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; (4) between Marshalltown,

Iowa, and Grinnell, Iowa, from Marshalltown over U.S. Highway 30 to junction Iowa Highway 146, thence over Iowa Highway 146 to Grinnell, 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; (5) between Clinton, Iowa, and Davenport, Iowa, over U.S. Highway 67, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; and (6) between Mason City, Iowa, and Sioux City, Iowa, from Mason City over U.S. Highway 65 to junction U.S. Highway 20, thence over U.S. Highway 20 to Sioux City, 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. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, and Nebraska.

**NOTE:** Any duplication with present authority to be eliminated.

No. MC 30319 (Sub No. 102), filed June 4, 1959. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, a corporation, 810 North San Jacinto Street, P.O. Box 4054, Houston, Tex. Applicant's attorney: Edwin N. Bell, 1600 Esperson Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes. Applicant seeks by this application to modify those restrictions which prohibit it from transporting commodities requiring special equipment, as set forth in Certificate MC 30319 and sub numbers 22 to 25, 27 to 29, 32, 34, 37, 41 to 43, 46, 47, 49 to 57, 60, 61, 63, 65 to 69, 72 to 79, 81 to 87, 89, 91, 92, 95 and 97, thereunder, as more specifically set forth in Appendix "E" to the application. Applicant is authorized to conduct operations in Louisiana and Texas.

**NOTE:** Applicant states it seeks only to modify the description of commodities to be handled over routes described in Appendix "E" so as to authorize the handling of commodities requiring special equipment in substituted truck-for-rail service; and that it is not proposed herein to operate over any new or additional routes nor to serve any new or additional points.

No. MC 50132 (Sub No. 63), filed June 8, 1959. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood products, skids, pallets and floor racks*, from Lutesville, Bollinger County, Mo., to points in Iowa and Nebraska, and *exempt commodities* on return. Applicant is authorized to conduct operations in Illinois, Louisiana, Missouri, Tennessee, Arkansas, Kentucky, North Carolina, South Carolina, Nebraska, Kansas, Mississippi, Alabama, Indiana, Georgia, Virginia, Ohio, West Virginia, Florida, California, Connecticut, Colorado, Massachusetts, Michigan, Minne-

sota, Maryland, New Mexico, Oklahoma, Texas, 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 50132 (Sub No. 38).

No. MC 56382 (Sub No. 3), filed May 28, 1959. Applicant: ANDREW W. KOZEL, 14 Albourne Street, Fords, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Groceries*, from the site of The Flagstaff Foods Corp. plant, in Perth Amboy, N.J., to points in Delaware, Maryland, Maine, Massachusetts, New Hampshire, points in Allegany, Broome, Cattaraugus, Chautauqua, Chemung, Chenango, Clinton, Cortland, Erie, Essex, Franklin, Fulton, Genesee, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onandaga, Ontario, Orleans, Oswego, Saint Lawrence, Saratoga, Schuyler, Seneca, Steuben, Tioga, Tompkins, Warren, Washington, Wayne, Wyoming, and Yates Counties, N.Y., points in Adams, Allegheny, Armstrong, Beaver, Bedford, Berks, Blair, Bradford, Butler, Cambria, Cameron, Carbon, Centre, Chester, Clarion, Clearfield, Clinton, Columbia, Crawford, Cumberland, Dauphin, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lackawanna, Lancaster, Lawrence, Lebanon, Luzerne, Lycoming, McKean, Mercer, Mifflin, Montour, Northumberland, Perry, Potter, Schuylkill, Snyder, Somerset, Sullivan, Tioga, Union, Venango, Warren, Washington, Westmoreland, Wyoming, and York Counties, Pa., points in Rhode Island, Vermont, and points in Amelia, Brunswick, Caroline, Chesterfield, Charles City, Dinwiddie, Fairfax, Gloucester, Goochland, Hanover, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Mathews, Middlesex, Nansemond, New Kent, Norfolk, Northumberland, Powhatan, Prince George, Prince William, Princess Anne, Richmond, Southampton, Spotsylvania, Stafford, Surry, Sussex, and Westmoreland Counties, Va., and to Washington, D.C., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, and *refused and rejected shipments* of groceries, on return. Applicant is authorized to conduct operations in Connecticut, New Jersey, New York, and Pennsylvania.

NOTE: Applicant states the proposed operation is to be performed under a continuing contract with The Flagstaff Foods Corp.

No. MC 66562 (Sub No. 1503), filed June 8, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Dept., 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Detroit, Mich., and Cincinnati, Ohio; from Detroit over U.S.

Highway 25 to junction Michigan Highway 85, thence over Michigan Highway 85 to junction U.S. Highway Alt. 24, thence over U.S. Highway Alt. 24 to Maumee, Ohio, thence over U.S. Highway 25 to junction U.S. Highway 68, thence over U.S. Highway 68 to Springfield, Ohio, and thence over Ohio Highway 4 to Cincinnati, and return over the same route; also, from Springfield over U.S. Highway 68 to Xenia, Ohio, and thence over U.S. Highway 42 to Cincinnati, and return over the same route, serving the intermediate points of Toledo, Bellefontaine, Springfield, Dayton, Middletown, and Hamilton, Ohio. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states shipments will not have an immediately prior or immediately subsequent movement by rail or air; that, however, such shipments will move under its through bill of lading or express receipt.

No. MC 110588 (Sub No. 3), filed June 5, 1959. Applicant: PINE MOUNTAIN CONTRACTING & REFRIGERATING LINES, INC., Route No. 1, Pineville, Ky. Applicant's attorney: O. E. Reams, Harlan, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, packing-house products, and articles distributed by meat packing houses*, from Middlesboro, Ky., to points in Bell, Knox, Whitley, Laurel, and Harlan Counties, Ky., points in Campbell and Claiborne Counties, Tenn., and points in Lee and Wise Counties, Va., and *rejected shipments* of the above-specified commodities from the above-described destination points to Middlesboro, Ky.

No. MC 116564 (Sub No. 8), filed June 5, 1959. Applicant: LEWIS W. McCURDY AND MARGARET J. McCURDY, doing business as McCURDY'S TRUCKING COMPANY, 571 Unity Street, Latrobe, Pa. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *advertising material* moving therewith, from Milwaukee, Wis., to Warren and Canonsburg, Pa., and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Maryland and Pennsylvania.

No. MC 118968, filed June 2, 1959. Applicant: JAMES E. SNOW, doing business as SNOW BROTHERS TOWING COMPANY, 2401 Denison Avenue, Cleveland, Ohio. Applicant's attorneys: Ewald E. Kundtz and Stephen E. Parker, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Wrecked, disabled, abandoned or refused motor vehicles*, by use of wrecker equipment only, (b) *repair parts of or for motor vehicles* specified in (a) above, (c) *replacement motor vehicles* for wrecked or disabled motor vehicles, by use of wrecker equipment only, between Cleveland, Ohio, on the

one hand, and, on the other, points in New York, Pennsylvania, the Lower Peninsula of Michigan, Indiana, and Illinois.

NOTE: Applicant states on return trips it proposes to transport rejected, damaged or returned repair parts, or wrecked or disabled motor vehicles by wrecker equipment only when replacement motor vehicles have been substituted therefor under (c) above.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 166), filed June 8, 1959. Applicant: THE GREYHOUND CORPORATION, a Delaware corporation, 5600 Jarvis Avenue, Chicago 48, Ill. Applicant's attorney: Raymond H. Warns (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, newspapers and mail*, in the same vehicle with passengers, between Statenville, Ga., and Dinsmore, Fla., from Statenville over Georgia Highway 94 to the Georgia-Florida State line near Ewing, Ga., thence over Florida Highway 2 to the Florida-Georgia State line near Moniac, Ga., thence over Georgia Highway 94 to the Georgia-Florida State line near Kent, Fla., thence over unnumbered highway to Dinsmore, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations throughout the United States.

No. MC 13300 (Sub No. 64), filed May 29, 1959. Applicant: CAROLINA COACH COMPANY, a corporation, 1201 South Blount Street, Raleigh, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Dover, Del., and junction Maryland Highways 300 and 71, from Dover over Delaware Highway 8 to Pearson, Del., thence over Delaware Highway 44 to junction Delaware Highway 300, thence over Delaware Highway 300 to the Delaware-Maryland State line, thence over Maryland Highway 300 to junction Maryland Highway 71, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Delaware, Maryland, North Carolina, Pennsylvania, and Virginia.

No. MC 112762 (Sub No. 3), filed June 8, 1959. Applicant: P. W. MINTER, doing business as MINTER PASSENGER SERVICE, Boone Road, Leaksville, N.C. Applicant's representative: Thaxton Richardson, P.O. Box 612, Greensboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, between points on North Carolina Highway 770 between Leaksville and Stoneville, N.C., including Stoneville, those on U.S. Highway 220 between Stoneville, N.C., and Ridgeway, Va., and those on an unnumbered highway running from Leaksville to Price, N.C., including Price, and points within one mile of each of said highways, on the one hand, and, on the other,

the site of the plant of the E. I. du Pont de Nemours & Company, located approximately 1.5 miles south of Martinsville, Va. Applicant is authorized to conduct similar operations in Virginia and North Carolina.

No. MC 116661 (Sub No. 1), filed June 5, 1959. Applicant: LAURENCE WERRY, 9700 Pine Avenue, Niagara Falls, N.Y. Applicant's attorney: Clarence E. Rhoney, 94 Oakwood Avenue, North Tonawanda, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* and their baggage, in special operations, in round-trip sightseeing or pleasure tours, limited to the transportation of not more than eight (8) passengers in any one vehicle, but not including the driver thereof, and not including children under ten (10) years of age who do not occupy a seat or seats, in seasonal operations between March 1 and November 1, inclusive, of each year, beginning and ending at Niagara Falls, N.Y., and points in Niagara County, N.Y. within six (6) miles thereof, and extending to Ports of Entry on the boundary between the United States and Canada at Niagara Falls and Lewiston, N.Y.

NOTE: Applicant is authorized to conduct the same operations as above in No. MC 116661, except he is limited to the transportation of seven (7) passengers in seasonal operations between April 15 and October 1, inclusive, of each year.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 106213 (Sub No. 11), filed June 8, 1959. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, P.O. Box 2307, Stockyards Station, Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products, fresh, cured, cooked and preserved meats, dressed poultry, eggs, seafoods, and articles* merchandised by packing houses, from Oklahoma City, Okla., to points in Texas, Arkansas and Oklahoma in the area bounded by a line beginning at Oklahoma City and extending in a westerly direction along U.S. Highway 66 to the Oklahoma-Texas State line, thence north and west along the Oklahoma-Texas State line to the Texas-New Mexico State line, thence in a southerly and westerly direction along the Texas-New Mexico State line to U.S. Highway 285, thence in a southeasterly direction along U.S. Highway 285 to Pecos, Tex., thence in a northeasterly direction along U.S. Highway 80 to Abilene, Tex., thence along Temporary U.S. Highway 183 to junction U.S. Highway 180, thence along U.S. Highway 180 to Mineral Wells, Tex., thence in a northerly direction along U.S. Highway 281 to Jacksboro, Tex., thence in an easterly direction along Texas Highway 24 to Decatur, Tex., thence in a northerly direction along U.S. Highway 81 to

Ringold, Tex., thence in an easterly direction along U.S. Highway 82 to Gainesville, Tex., thence in a northerly direction along U.S. Highway 77 to the Red River, thence in an easterly direction along the Red River to U.S. Highway 71, thence in a southerly direction along U.S. Highway 71 to Texarkana, Ark.-Tex., thence along the Texas-Arkansas State line to the Arkansas-Louisiana State line, thence in an easterly direction along the Arkansas-Louisiana State line to the Mississippi River, thence in a northerly direction along the Mississippi River to Helena, Ark., thence in a westerly direction along Arkansas Highway 20 to junction U.S. Highway 79, thence in a southwesterly direction along U.S. Highway 79 to Junction Arkansas Highway 17, thence in a northerly direction along Arkansas Highway 17 to junction U.S. Highway 70, thence in a westerly direction along U.S. Highway 70 to North Little Rock, Ark., thence in a northerly direction along U.S. Highway 65 to Conway, Ark., thence in a westerly direction along U.S. Highway 64 to Warner, Okla., thence along U.S. Highway 62 to Oklahoma City, including points on the indicated portions of the highways specified; *meats, meat products, meat by-products, dairy products, and articles distributed by meat-packing houses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, as modified in 61 M.C.C. 766, from Oklahoma City, Okla., to points in New Mexico; and *meat, meat products and meat by-products, dairy products, and articles distributed by meat-packing houses*, as described in sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Oklahoma City, Okla., to El Paso, Tex., and points in Texas within 25 miles thereof; and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return.

NOTE: Applicant seeks, by this application, to change its operation from a contract to a common carrier in the conduct of the above-described operations which it is authorized to perform as a contract carrier under Permits MC 106213 Sub 1 and MC 106213 Sub 9. Applicant has also filed simultaneously with this application, an application for authority under Section 5 (No. MC-F-7222) to acquire all of the common stock of F. Gaffin, Inc. and to simultaneously merge the operating properties and authority of said Gaffin (Certificate MC 114284 and sub numbers thereunder), with the operating properties and converted authority of applicant. Applicant states it seeks conversion so as to be eligible to acquire the common carrier rights of F. Gaffin, Inc. Proceeding in MC 106213 Sub 11 and proceeding in MC-F-7222 are, therefore, directly related.

#### APPLICATIONS UNDER SECTION 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

#### MOTOR CARRIERS OF PROPERTY

No. MC-F-7201, INDIANA REFRIGERATOR LINES, INC.—PURCHASE—HAMPTON LEE, published in the May 27, 1959, issue of the FEDERAL REGISTER on page 4285. Application filed June 5, 1959, for temporary authority under section 210a(b).

No. MC-F-7222. Authority sought for control and merger by FOX-SMYTHE TRANSPORTATION CO., P.O. Box 2307, Stockyards Station, Oklahoma City, Okla., of the operating rights and property of F. GAFFIN, INC., P.O. Box 2734, Stockyards Station, Oklahoma City, Okla., and for acquisition by CARL SMYTHE and GUY FOX, both of Oklahoma City, Okla., of control of such rights and property through the transaction. Applicants' attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City, Okla. Operating rights sought to be controlled and merged: *Meats, meat products, meat by-products and dairy products, as described in Sections A and B of the appendix to the report in Modification of Permits—Packing House Products*, 46 M.C.C. 23, as a *common carrier*, over irregular routes, from Oklahoma City, Okla., to points in Texas and New Mexico; *dairy products*, as described in section B of the appendix to the report in *Modification of Permits—Packing House Products*, 46 M.C.C. 23, from Fayetteville, Springdale, Siloam Springs, Bentonville, Rogers and Fort Smith, Ark., and points in Arkansas within 50 miles of Fort Smith, Ark., to Oklahoma City and Tulsa, Okla.; *meats, meat products, meat by-products, dairy products, and articles distributed by meat packing houses*, as described in the appendix to the report in *Modification of Permits—Packing House Products*, 46 M.C.C. 23, from Oklahoma City, Okla., to Texarkana, Tex.; *packing house products*, from Oklahoma City, Okla., to points in Arkansas; *damaged, defective, rejected or returned shipments of packing house products*, from points in Arkansas, to Oklahoma City, Okla.; *rice and canned fruit and vegetables*, from points in Arkansas, to points in Oklahoma; *damaged, defective, rejected or returned shipments of rice and canned fruit and vegetables*, from points in Oklahoma, to points in Arkansas; *canned goods, vinegar, and grape juice*, from points in Crawford, Carroll, Benton, and Washington Counties, Ark., to points in Oklahoma; *canned goods*, from Crane, Mo., to Oklahoma City, Okla.; *pickles*, from Sherman, Tex., to Oklahoma City, Okla.; *concrete building forms*, from Fayetteville, Ark., to Oklahoma City, Okla.; *peanuts*, from Corbin, Abilene, Stevensville, and Coleman, Tex., to points in Oklahoma; *plumbing fixtures*, between Oklahoma City, Okla., on the one hand, and, on the other, Brownsville, Tex., Bentonville, Ark., and points in Kansas; *such general merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, between Oklahoma City, Okla., on the one hand, and, on the other, Bowie, Tex.; *machinery, materials, supplies and equipment*, incidental to, or used in the maintenance of facilities for the drilling of water wells, between Oklahoma City, Okla., on

the one hand, and, on the other, points in Texas; *meats, meat products, meat by-products, and dairy products* as described in sections A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in peddle service only, from Oklahoma City, Okla., to El Paso, Tex., points in Arizona, and points in New Mexico, and from Oklahoma City, Okla., to Las Vegas, Nev., and points within 20 miles of Las Vegas; *meats, meat products, and meat by-products, dairy products, and articles distributed by meat packing houses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Oklahoma City, Okla., to points in Montezuma, La Plata, Archuleta, Rio Grande, Mineral, San Juan, Dolores, and San Miguel Counties, Colo., and San Juan County, Utah. FOX-SMYTHE TRANSPORTATION CO., is authorized to operate as a *contract carrier* in Oklahoma, Arkansas, Texas, and New Mexico. Application has not been filed for temporary authority under section 210a(b).

NOTE: MC-106213 Sub 11 is a matter directly related.

No. MC-F-7223. Authority sought for purchase by HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C., of a portion of the operating rights of UNION STORAGE & WAREHOUSE COMPANY, INC., doing business as NORTH SOUTH LINES, 2529 North Tryon Street, Post Office Box 5293, Charlotte, N.C., and for acquisition by S. H. MITCHELL, also of Winston-Salem, of control of such rights through the purchase. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk as a *common carrier*, over irregular routes, between Charlotte, N.C., on the one hand, and, on the other, all points in North Carolina on and east of U.S. Highway 29. Vendee is authorized to operate as a *common carrier* in Georgia, South Carolina, North Carolina, Virginia, Ohio, Indiana, Michigan, Maryland, Pennsylvania, New York, New Jersey, West Virginia, Illinois, Rhode Island, Massachusetts, Florida, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7224. Authority sought for purchase by MISSOURI-ARKANSAS TRANSPORTATION COMPANY, 1505 Maiden Lane, Joplin, Mo., of a portion of the operating rights of MARTHA PAYNE, EDWIN L. PAYNE, and RUTH M. SPANN, a partnership, doing business as THE PITTSBURG TRANSFER AND STORAGE COMPANY, 205 North Locust, Pittsburg, Kans., and for acquisition by W. L. GEHRS, SR., and W. L. GEHRS, JR., both of Joplin, Mo., of control of such rights through the purchase. Applicants' attorney: James F. Miller, 500 Board of Trade Building, Kansas City 5, Mo. Operating rights sought to be transferred: *General commodities*, with certain exceptions including commodities in bulk and excluding house-

hold goods, as a *common carrier*, over irregular routes, between Pittsburg, Kans., on the one hand, and, on the other, points in Kansas and Missouri, within 80 miles of Pittsburg. Vendee is authorized to operate as a *common carrier* in Kansas, Arkansas, Oklahoma, and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7225. Authority sought for control by GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road SE., Atlanta, Ga., of B. C. TRUCK LINES, INC., 2559 Jonesboro Road SE., Atlanta, Ga., and for acquisition by H. D. WINSHIP, SR., 2090 Jonesboro Road SE., Atlanta 15, Ga., of control of B. C. TRUCK LINES, INC., through the acquisition by GEORGIA HIGHWAY EXPRESS, INC. Applicants' attorneys and representatives: Allen Post, 1220 First National Bank Building, Atlanta 3, Ga., Joseph H. Blackshear, Gainesville, Ga., Robert C. Dryden, 2090 Jonesboro Road SE., Atlanta 15, Ga., and Bill Watkins, Watkins Motor Lines, Inc., Thomasville, Ga. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over irregular routes between La Grange, Ga., on the one hand, and, on the other, points in Alabama, and between La Grange, Ga., on the one hand, and, on the other, points in Georgia. GEORGIA HIGHWAY EXPRESS, INC., is authorized to operate as a *common carrier* in Georgia, Tennessee, and Alabama. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7226. Authority sought for purchase by NORTHWEST DRAYAGE COMPANY, No. 10 Angelica Street, St. Louis 7, Mo., of the operating rights of DAISY EXPRESS COMPANY, 1127 Hadley Street, St. Louis, Mo., and for acquisition by FRANK L. HOLMES, also of St. Louis, of control of such rights through the purchase. Applicants' attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between St. Louis, Mo., and Alton, Ill., and between St. Louis, Mo., and Belleville, Ill., serving all intermediate and certain offroute points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between St. Louis, Mo., on the one hand, and, on the other, points in St. Clair and Madison Counties, Ill. Vendee holds no authority from this Commission. However, through MC-FC 62320 filed June 8, 1959, it seeks authority to purchase Certificates Nos. MC-96344 and MC-96344 Sub 1, covering operations as a *common carrier* in Missouri and Illinois, from FRANK L. HOLMES, doing business as NORTHWEST DRAYAGE COMPANY. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7227. Authority sought for purchase by KLEIMER VAN LINES,

INC., 3950 Bemis Street, Los Angeles 39, Calif., of the operating rights of IRVING C. FEIN, doing business as STORE FIXTURE MOVERS, 956 McGarry Street, Los Angeles 13, Calif., and for acquisition by JOHN J. KLEIMER, also of Los Angeles, of control of such rights through the purchase. Applicants' attorney: Cromwell Warner, 3950 Bemis Street, Los Angeles 39, Calif. Operating rights sought to be transferred: *Store fixtures, and store furniture* other than fixtures and *store equipment* other than fixtures when transported in conjunction with and incidental to a shipment of store fixtures, as a *common carrier* over irregular routes, between Los Angeles, Calif., on the one hand, and, on the other, points in Arizona and Nevada. Vendee is authorized to operate as a *common carrier* in Missouri, Oklahoma, Texas, New Mexico, Colorado, Kansas, Wyoming, Utah, Arizona, California, Nevada, Idaho, Washington, Oregon, and Montana. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 59-4994; Filed, June 16, 1959;  
8:48 a.m.]

[Notice 88]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 12, 1959.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

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

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

### MOTOR CARRIERS OF PROPERTY

No. MC 2309 (Deviation No. 5), GILLETTE MOTOR TRANSPORT, INC., 2211 Butler Street, Dallas, Tex., filed June 1, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Midland over Texas Highway 158 to junction U.S. Highway 87, thence over U.S. Highway 87 to junction U.S. Highway 67, thence over U.S. Highway 67 to junction U.S. Highway 183 at

Brownwood, Tex., thence over U.S. Highway 183 to junction U.S. Highway 290 at Austin, Tex., and thence over U.S. Highway 290 to Houston, Tex., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent route: From Midland over U.S. Highway 80 to Dallas, Tex., and thence over U.S. Highway 75 to Houston, and return over the same route.

No. MC 40858 (Deviation No. 3), THE SILVER FLEET MOTOR EXPRESS, INC., 216 Pearl Street, Louisville 2, Ky., filed June 1, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: from Morristown, Tenn., over U.S. Highway 11E to junction Tennessee Highway 70, thence over Tennessee Highway 70 to the Tennessee-North Carolina State line, thence over North Carolina Highway 208 to junction U.S. Highways 25 and 70, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent route: From Morristown over U.S. Highway 25E to junction U.S. Highways 25 and 70, thence over U.S. Highways 25 and 70 to junction North Carolina Highway 208, and return over the same route.

No. MC 75320 (CORRECTION) published in the May 27, 1959 issue of the FEDERAL REGISTER.

No. MC 75320 (Deviation No. 8), CAMPBELL "66" EXPRESS, INC., P.O. Box 390, Springfield, Mo., filed May 14, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, between Seneca, Mo., and Fort Smith, Ark., as follows: from Seneca, Mo., over Missouri Highway 43 to junction Missouri Highway 90, thence over Missouri Highway 90 to junction Oklahoma Highway 20, thence over Oklahoma Highway 20 to junction Oklahoma Highway 25, thence over Oklahoma Highway 25 to junction of combination U.S. Highway 59 and Oklahoma Highway 10, thence over combination U.S. Highway 59 and Oklahoma Highway 10 to junction combination U.S. Highway 59 and Oklahoma Highway 10 near Kansas, Okla., thence over Oklahoma Highway 10 to junction Oklahoma Highway 82, thence over Oklahoma Highway 82 to junction U.S. Highway 64, thence over U.S. Highway 64 to Fort Smith, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Seneca and Fort Smith, as follows: From Seneca over Missouri Highway 43 to Joplin, Mo., thence over U.S. Highway 71 to Fort Smith.

No. MC 75320 (Deviation No. 9), CAMPBELL "66" EXPRESS, INC., P.O. Box 390, Springfield, Mo., filed June 1, 1959. Carrier proposes to operate as a

*common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Greenwood, Miss., and Canton, Miss., as follows: from Greenwood over U.S. Highway 49-E to junction Mississippi Highway 16 at or near Yazoo City, thence over Mississippi Highway 16 to Canton and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes; from Greenwood over U.S. Highway 82 to Columbus, Miss., thence over Mississippi Highway 12 to the Mississippi-Alabama State line, thence over Alabama Highway 18 to Vernon, Ala.; and from Memphis, Tenn., over U.S. Highway 51 via Grenada, Miss., to Canton, and return over the same routes.

No. MC 107500 (Deviation No. 3), BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill., filed June 5, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: from junction U.S. Highway 69 and Iowa Highway 28 over Iowa Highway 28 to junction Iowa Highway 123, thence over Iowa Highway 123 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction Iowa Highway 92, thence over Iowa Highway 92 to junction U.S. Highway 69 at Indianola and return over the same route, for operating convenience only serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent route: From Kansas City, Mo., over U.S. Highway 69 to Des Moines, Iowa, and return over the same route.

No. MC 111557 (Deviation No. 1), MOMSEN TRUCKING COMPANY, N. Highway 71 and 18, Spencer, Iowa, filed April 29, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: from Council Bluffs, Iowa, at the junction of U.S. Highway 6 and Interstate Highway 29, over Interstate Highway 29 to junction U.S. Highway 30, thence over U.S. Highway 30 to Aurora, Ill., and thence over Illinois Highway 65 to junction U.S. Highway 34 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent route: From the junction of U.S. Highway 6 and Interstate Highway 29 at Council Bluffs, Iowa, over U.S. Highway 6 to Des Moines, Iowa, thence over U.S. Highway 65 to junction Iowa Highway 92, thence over Iowa Highway 92 via Oskaloosa, Iowa, to Davenport, Iowa, thence over U.S. Highway 6 to junction Illinois Highway 92, thence over Illinois Highway 92 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction Illinois Highway 65, and return over the same route.

No. MC 111557 (Deviation No. 2), MOMSEN TRUCKING COMPANY N. Highway 71 and 18, Spencer, Iowa, filed April 29, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: from the junction of U.S. Highway 6 and Iowa Highway 64 in Des Moines over Iowa Highway 64 to junction U.S. Highway 30, thence over U.S. Highway 30 to Aurora, Ill., thence over Illinois Highway 65 to junction U.S. Highway 34 at a point seven miles east of Aurora and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from the junction of U.S. Highways 65 and 6 at Des Moines over U.S. Highway 65 to junction Iowa Highway 92, thence over Iowa Highway 92 to Davenport, Iowa, thence over U.S. Highway 6 to junction Illinois Highway 92, thence over Illinois Highway 92 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction Illinois Highway 65, and return over the same route.

No. MC 111557 (Deviation No. 3) MOMSEN TRUCKING COMPANY N. Highway 71 and 18, Spencer, Iowa, filed April 29, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Omaha, Nebr., over U.S. Highway 275 to Council Bluffs, Iowa, thence over Iowa Highway 375 to junction Iowa Highway 100, thence over Iowa Highway 100 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction Iowa Highway 92, thence over Iowa Highway 92 to junction U.S. Highway 65 and 69 at Indianola, Iowa, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent route: from Omaha over U.S. Highway 6 to Des Moines, Iowa, thence over U.S. Highway 65 to junction Iowa Highway 92 at Indianola, and return over the same route.

#### MOTOR CARRIER OF PASSENGERS

No. MC 1501 (Deviation No. 27), THE GREYHOUND CORPORATION, 2600 Hamilton Avenue, Cleveland 14, Ohio, filed June 4, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers* over deviation routes, as follows: (A) from Interchange B-1 (Post Road-U.S. Highway 9 Interchange) of the Berkshire Section of the New York State Thruway over the Berkshire Section of the New York State Thruway to junction New York State Thruway's mainline (Pennsylvania-New York State line) at Interchange number 21A of the New York State Thruway; (B) from Pittsfield, Mass., over U.S. Highway 20 to Shaker Village, Mass., thence over Massachusetts Highway 41 via Richmond, Mass., to West Stockbridge, Mass., thence over Massachusetts Highway 102 to the Massachusetts-New York State line, thence over New York Highway 22 and access roads to Interchange B-3

(New York Highway 22 Interchange) of the Berkshire Section of the New York State Thruway; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over the following pertinent routes: from Boston over Massachusetts Highway 9 to Worcester, Mass. (also from Boston over U.S. Highway 20 via Northboro, Mass., to junction unnumbered highway at a point approximately one mile southwest of Northboro, Mass., thence over unnumbered highway via Shrewsbury, Mass., to junction Massachusetts Highway 9 at a point approximately three miles east of Worcester, Mass., thence as specified above to Worcester), thence over Massachusetts Highway 12 to junction U.S. Highway 20, thence over U.S. Highway 20 via Fiskdale, Mass., to Springfield, Mass., thence over Massachusetts Highway 116 to Holyoke, Mass., thence over U.S. Highway 202 to junction U.S. Highway 5, thence over U.S. Highway 5 to Northampton, Mass., thence over Massachusetts Highway 9 to Pittsfield, Mass. (also from Springfield, Mass., over U.S. Highway 20, via West Springfield, Mass., to Pittsfield, Mass.; also from West Springfield, Mass., over U.S. Highway 5 to junction U.S. Highway 202 west of Holyoke, Mass.), thence over U.S. Highway 20 to Albany, N.Y., thence over New York Highway 5 to Schenectady, N.Y. (also from Albany, N.Y., over New York Highway 32 to Menands, N.Y., thence across the Hudson River over the Menands Bridge to junction U.S. Highway 4, thence over U.S. Highway 4 to Troy, N.Y., thence over New York Highway 7 to Schenectady, N.Y.; from Suffern over U.S. Highway 202 to junction New York Highway 59, thence over New York Highway 59 to Ramapo, N.Y.; thence over New York Highway 17 to Harriman, N.Y., thence over New York Highway 32 to Newburgh, N.Y., thence over U.S. Highway 9W via Kingston, N.Y., to Albany (also from Catskill, N.Y., over New York Highway 285 via Athens and Coxsackie, N.Y., to junction U.S. Highway 9W); from New York over U.S. Highway 9 via Albany, Saratoga Springs and Glens Falls, N.Y., to junction New York Highway 9B (formerly U.S. Highway 9), and thence over New York Highway 9B to the boundary of the United States and Canada; from Suffern (Interchange No. 15) over New York State Thruway to Buffalo (Interchange No. 50); from White Plains over New York Highway 22 via Armonk, N.Y., to Bedford, N.Y., thence over New York Highway 121 to junction New York Highway 137, thence over New York Highway 137 to Poundridge, N.Y., thence over New York Highway 124 to junction New York Highway 35, thence over New York Highway 35 to the New York-Connecticut State line, thence over Connecticut Highway 35 to junction U.S. Highway 7, thence over U.S. Highway 7 via Danbury, Conn., to New Milford, Conn., thence over Connecticut Highway 25 via Litchfield, Conn., to Torrington, Conn., thence over Connecticut Highway 8 via Winsted, Conn., to the Connecticut-Massachusetts

State line, thence over Massachusetts Highway 8 to West Becket, Mass., thence over U.S. Highway 20 via Lee, Mass., to Pittsfield; between Shaker Village, Mass., and Lenox, Mass., from Shaker Village over Massachusetts Highway 41 to Richmond, Mass., thence over unnumbered highway to junction Massachusetts Highway 183, thence over Massachusetts Highway 183 to Lenox; and return over the same routes.

By the Commission.

[SEAL]

HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 59-4996; Filed, June 16, 1959;  
8:49 a.m.]

[Notice 140]

### MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 12, 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 62054. By order of June 8, 1959, the Transfer Board approved the transfer to Caravan Lines, Inc., Salem, Oregon, of the operating rights in Certificate No. MC 6364, issued by the Commission February 1, 1950, to Lester DeLapp, Salem, Oregon, authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, canned goods, nuts, paper, paper products, sugar, salt, fruit, and cannery supplies, and over regular routes of fruit, fresh fruit, in barrels, and canned goods, nuts, and general commodities, excluding household goods, commodities in bulk, and other specified commodities, from and to specified points in Oregon and Washington. Earle V. White, 2130 Southwest Fifth Avenue, Portland 1, Oregon.

No. MC-FC 62062. By order of June 11, 1959, the Transfer Board approved the transfer to State Motor Haulage, Inc., of Hackensack, N.J., of Certificate No. MC 2599 issued February 23, 1942, to Charles J. Ellwanger, doing business as State Motor Haulage of Hackensack, N.J., authorizing the transportation of building and construction machinery and equipment, over irregular routes, between points in New York and New Jersey. George Bowen, 907 Main Street, Hackensack, N.J. and Mortimer L. Mahler, 35 Church Street, Paterson 1, N.J., for applicants.

No. MC-FC 62084. By order of June 10, 1959, the Transfer Board approved the transfer to Robert Longstreet and Howard Beaumont, doing business as Town and Country Van Lines, Philadelphia, Pa., of Certificate No. MC 25433, issued October 5, 1940, to Charles Nagle, Sr., doing business as Nagle's Storage, Philadelphia, Pa., authorizing the transportation of: Household goods, between Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware, and Maryland. Joseph S. Elmaleh, 1420 Walnut Street, Philadelphia 2, Pa., for applicants.

No. MC-FC 62123. By order of June 10, 1959, the Transfer Board approved the transfer to Walter Pitts, West Memphis, Arkansas, of that portion of the operating rights in Certificate No. MC 102948 Sub 3, issued by the Commission November 23, 1949, to D. L. Baker, Warren, Arkansas, authorizing the transportation, over irregular routes, of road and bridge-building machinery and materials, between Warren, Ark., on the one hand, and, on the other, points in Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Missouri.

No. MC-FC 62133. By order of June 10, 1959, the Transfer Board approved the transfer to Mack's Lufkin Beaumont Coaches, Inc., 205 Herndon Street, Lufkin, Texas, of certificate in No. MC 58182 Sub 3, issued November 21, 1956, to M. S. McMullen, doing business as Mack's Motor Coaches, 205 Herndon Street, Lufkin, Texas, authorizing the transportation of: *passengers*, between Bryan, Texas, and Crockett, Texas, and between Lufkin, Texas, and Centerville, Texas.

No. MC-FC 62137. By order of June 10, 1959, the Transfer Board approved the transfer to Ed Hopson Produce Company, Inc., Oxford, Ala., of the "grandfather" operating rights claimed to have been performed by Ollie M. Hall, doing business as Hall Produce Company, Birmingham, Ala., under Section 7 of the Transportation Act of 1958, (72 Stat. 574), for which a Certificate is sought in docket No. MC 118128 authorizing the transportation of: Bananas, from Tampa, Fla., and New Orleans, La., to Birmingham, Ala. Robert E. Tate and Wade H. Brown, 2031 Ninth Avenue, South Birmingham, Ala., for applicants.

No. MC-FC 62141. By order of June 8, 1959, the Transfer Board approved the transfer to Delbert Dall, doing business as Delbert Dall and Son, Cuba City, Wisconsin, of the operating rights in Certificate No. MC 96131, issued by the Commission June 12, 1953, to J. W. Wiederholt, Kieler, Wisconsin, authorizing the transportation, over irregular routes, of livestock and agricultural commodities, farm machinery and machinery parts, watermelons, chats, sand, gravel, and rock salt, seed, feed, fertilizer twine, steam pipe, radiators, soil pipe, livestock, household goods and emigrant moveables, from and to specified points in Illinois, Iowa, and Wisconsin. Glenn W. Stephens, 121 West Doty Street, Madison 3, Wisconsin.

No. MC-FC 62161. By order of June 8, 1959, the Transfer Board approved the transfer to Ivan Thompson, Bridge-water, Iowa, of a certificate in No. MC 53492, issued November 8, 1954, to Lloyd R. Heiser, Fontanelle, Iowa, authorizing the transportation of: *Livestock, feed, and grain*, between Fontanelle, Iowa, and Omaha, Nebr.; and *Livestock, agricultural commodities, building materials, agricultural implements, machinery and parts, feeds, and farm hardware*, between Fontanelle, Iowa, and Omaha, Nebr.

No. MC-FC 62177. By order of June 8, 1959, the Transfer Board approved the transfer to Frigid Food Express, Incorporated of Louisville, Ky., of Permits Nos. MC 110393 and MC 110393 Sub 3, issued January 13, 1956 and August 22, 1958, to Fred L. Ridge and W. O. McCarthy, a partnership, doing business as Frigid Food Express of Louisville, Ky., authorizing the transportation, over irregular routes, of butter, from Louisville, Ky., to points in Florida; butter, cheese, eggs, and dressed poultry, from Harrodsburg, Ky., to points in Florida; dairy products from Harrodsburg and Louisville, Ky., to points in Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Bristol, Va., and from Louisville, Ky., to points in Florida, Indiana, Mississippi, New York, Ohio, Pennsylvania, Virginia, except Bristol, and West Virginia; and oleomargarine, vegetable oils, vegetable cooking oils, shortening or compounds and lard substitutes, from Memphis, Tenn., to points in Alabama, and Georgia. Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky., for applicants.

No. MC-FC 62181. By order of June 10, 1959, the Transfer Board approved the transfer to Charles R. Pitts, West Memphis, Arkansas, of the operating rights in Certificates Nos. MC 92974 and MC 92974 Sub 4, issued by the Commission November 29, 1950, and July 29, 1942, respectively, to Thomas George Hunter, authorizing the transportation, over irregular routes, of tile and clay products, creosoted lumber, timber, and poles, untreated, oil field equipment and supplies, and general commodities, excluding household goods, commodities in bulk, and other specified commodities, from and to specified points in Arkansas and Texas. Albert G. Walker, 202 Capital National Bank Building, Austin 16, Texas, for applicants.

No. MC-FC 62287. By order of June 8, 1959, the Transfer Board approved the transfer to Henry Mavarich, doing business as Canonsburg Transfer Co., Strabane, Pennsylvania, of the operating rights in Certificate No. MC 47378, issued by the Commission May 11, 1949, to C. E. McCarthy, doing business as James McCarthy & Sons, Canonsburg, Pennsylvania, authorizing the transportation, over irregular routes, of household goods, between points in Washington County, Pa., on the one hand, and, on the other, points in Ohio, Pennsylvania, and West Virginia, and of such commodities as are used in the manufacture of tin cans between Canonsburg, Pa., on the

one hand, and, on the other, points in Hancock, Brooke, Ohio, and Marshall Counties, W. Va. Jerome Solomon, 1325 Grant Building, Pittsburgh, Pa., for applicants.

No. MC-FC 62290. By order of June 8, 1959, the Transfer Board approved the transfer to Rogers Trucking Company, Inc., Pomona, California, of a certificate in No. MC 116860 issued June 20, 1958, to W. E. Rogers, doing business as Rogers Trucking Co., Pomona, California, authorizing the transportation of paper and paper products, over irregular routes, from Pomona, Calif., to points in the Los Angeles Harbor, Calif., Commercial Zone, as defined by the Commission. Cromwell Warner, Cromwell Warner and Associates, 404 Yarmouth Road, Palos Verdes Estates, California.

No. MC-FC 62299. By order of June 9, 1959, the Transfer Board approved the transfer to Belnap Freight Lines, Inc., Los Angeles, Calif., of certificate in No. MC 35380 Sub 1, issued February 27, 1959, to Stanley W. Belnap, doing business as Belnap Freight Lines, Los Angeles, Calif., authorizing the transportation of: *General commodities*, except livestock, Class A and B explosives, and liquids in bulk, between Los Angeles, Calif., and Kingman, Ariz., and of certificate in No. MC 32117, issued December 14, 1953, to Bush Freight Lines, Inc., Salt Lake City, Utah, authorizing the transportation of: *General commodities*, except household goods, commodities in bulk, and the other usual exceptions, between Salt Lake City, Utah, and Boulder City, Nev., and between Kingman, Ariz., and Boulder City, Nev., and various other commodities between specified points in Arizona, Nevada, and Utah. Clifford W. Ferguson, 1782 Childs Avenue, Salem, Oreg., and Ronald Barker, 712 Newhouse Building, Salt Lake City, Utah, for applicants.

[SEAL]

HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 59-4997; Filed, June 16, 1959;  
8:49 a.m.]

[Notice 12]

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

JUNE 12, 1959.

Applications for motor carrier certificate or permit covering operations commenced during the "interim" period, after May 1, 1958, but on or before August 12, 1958.

The following applications and certain other procedural matters relating thereto are filed under the "interim" clause of section 7(c) of the Transportation Act of 1958. These matters are governed by special rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provides, among other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to

an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C. within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

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

No. MC 118179 (Sub No. 1), filed December 8, 1958. Applicant: HARRY MELMAN, doing business as HARRY MELMAN CO., 400 Franklin Avenue, P.O. Box 3213, New Orleans, La. Authority sought under section 7 of the Transportation Act of 1958 to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, and bananas*, from New Orleans, and Independence, La., and Memphis, Tenn., to Detroit, Mich., and Little Rock, Ark.

No. MC 118428, filed December 10, 1958. Applicant: EDWARD C. MORE, Shiloh, N.J. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought under section 7 of the Transportation Act of 1958 to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, (1) between Seabrook, N.J., and Youngstown, Ohio, from Seabrook over New Jersey Highway 77 to junction New Jersey Highway 45, thence over New Jersey Highway 45 to Westville, N.J., thence over U.S. Highway 130 via Camden, N.J., to Bordertown, N.J., thence over U.S. Highway 206 to Trenton, N.J., thence over Pennsylvania Highway 69 to junction of U.S. Highway 611, thence over U.S. Highway 611 to Scranton, Pa., thence over U.S. Highway 11 to junction New York Highway 17, thence over New York Highway 17, via Binghamton, N.Y., to junction U.S. Highway 15 near Corning, N.Y., thence over U.S. Highway 15 to Rochester, N.Y., thence over U.S. Highway 15 to New York Thruway, thence over New York Thruway to junction U.S. Highway 62 at Exit 57, thence over U.S. Highway 62 to junction New York Highway 17, thence over New York Highway 17 to Randolph, N.Y., thence over New York Highway 17 to Jamestown, N.Y., thence over U.S. Highway 62 to Youngstown, Ohio (also over above routes to Corning, N.Y., thence over New York Highway 17 to Randolph, N.Y., thence over above routes to Youngstown, Ohio), and return over the same routes serving the intermediate or off-route points of Randolph, Avon and Rochester, N.Y.; (2) between Seabrook, N.J., and Chicago, Ill., from Seabrook over New Jersey Highway 77 to junction New Jersey Highway 45, thence over New Jersey Highway 45 to junction U.S. Highway 130, thence over U.S. Highway 130 to Camden, N.J., thence to Phil-

adelphia, thence to Pennsylvania Turnpike, thence over Pennsylvania Turnpike to Pennsylvania-Ohio State line, thence over Ohio Turnpike to Ohio-Indiana State line, thence over Indiana Turnpike to Calumet Skyway, thence over Calumet Skyway to Chicago (also over above routes to junction Detroit-Toledo Expressway, thence via Detroit-Toledo Expressway to Detroit, Mich.) (also via above routes to junction Penn-

sylvania Turnpike and U.S. Highway 30, thence over U.S. Highway 30 to Pittsburgh, Pa., thence over U.S. Highway 22 to junction U.S. Highway 40, thence over U.S. Highway 40 to Indianapolis, Ind., thence over U.S. Highway 31 to junction U.S. Highway 35, thence over U.S. Highway 35 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, Ill., and return over

the same routes, serving the intermediate or off-route points of Detroit, Mich., Tipton, Ind., and Akron, Ohio. (3) from Seabrook, N.J., to points in Illinois, Indiana, Michigan, New York, and Ohio.

By the Commission.

[SEAL]

HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 59-4998; Filed, June 16, 1959;  
8:49 a.m.]

## CUMULATIVE CODIFICATION GUIDE—JUNE

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<b>50 CFR</b>	
105-----	4663
107-----	4663
108-----	4663
109-----	4663
115-----	4663

