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## Title 7—AGRICULTURE

### Chapter III—Agricultural Research Service, Department of Agriculture

#### PART 330—FEDERAL PLANT PEST REGULATIONS

#### Holding of Means of Conveyance Arriving in the United States; Further Postponement of Effective Date

On June 9, 1959, there was published in the FEDERAL REGISTER (24 F.R. 4650) a notice stating that effective at 12:01 a.m., local time, July 1, 1959, means of conveyance subject to the inspection and release requirements of § 330.105(a) of the Federal Plant Pest Regulations (7 CFR, 1958 Supp., 330.105(a)) and arriving at any port of entry outside the regularly assigned hours of duty of the Federal plant quarantine inspector, will be held for such inspection and release, until the regularly assigned hours of duty. The notice also provided for reimbursable inspection and release outside the regularly assigned hours of duty. On July 2, 1959, there was also published in the FEDERAL REGISTER (24 F.R. 5363) an order postponing the effective date of the notice published June 9, 1959, until 12:01 a.m., local time, September 1, 1959.

The affected industry has now requested a further postponement of the effective date of this notice because of the complexities involved in adjusting to this order. Accordingly, it having been found that reasonable postponement would be in the public interest, notice is here given that inspection and release will continue to be provided outside the regularly assigned hours of duty as heretofore through September 19, 1959. Therefore, the effective date of the notice published June 9, 1959 is postponed until 12:01 a.m., local time, September 20, 1959.

(Sec. 106, 71 Stat. 33, 64 Stat. 561; 7 U.S.C. 150ee, 5 U.S.C. 576)

Done at Washington, D.C., this 21st day of August 1959.

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

[F.R. Doc. 59-7089; Filed, Aug. 25, 1959; 8:48 a.m.]

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

#### PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

#### Marketing Quota Regulations, 1960-61 Marketing Year

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## CFR SUPPLEMENTS

(As of January 1, 1959)

The following Supplements are now available:

Titles 1-3 (\$1.00)

General Index (\$0.75)

All other Supplements and revised books have been issued and are now available.

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Sec.

723.1126 Determination of acreage allotments and normal yields for farms shifted from production of shade-grown cigar-leaf (type 61) wrapper tobacco to production of cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco.

723.1127 Approval of determinations made under §§ 723.1111 to 723.1126, and notices of farm acreage allotments.

723.1128 Application for review.

AUTHORITY: §§ 723.1111 to 723.1128 issued under sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, 47, as amended, 63, 69 Stat. 684; 7 U.S.C. 1301, 1313, 1363.

GENERAL

§ 723.1111 Basis and purpose.

(a) The regulations contained in §§ 723.1111 to 723.1128 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1960 farm acreage allotments and normal yields for cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco. The purpose of the regulations in §§ 723.1111 to 723.1128 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco for the 1960-61 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 723.1111 to 723.1128, public notice (24 F.R. 4964) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 723.1111 to 723.1128 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(b) In order that State and county committees may prepare and mail notices of farm acreage allotments for cigar-binder (types 51 and 52) tobacco and for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco as early as possible prior to the referenda to be held with respect to such kinds of tobacco, it is essential that the regulations in §§ 723.1111 to 723.1128, inclusive, be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable, and contrary to the public interest, and such regulations shall be effective upon filing of this document with the Director, Division of the Federal Register.

§ 723.1112 Definitions.

As used in §§ 723.1111 to 723.1128, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) The following terms shall have the meanings assigned to them in Part

719 of this chapter: "allotment", "combination", "community committee", "State committee", "county", "county office manager", "cropland", "current year", "Department", "Deputy Administrator", "division", "farm", "farm serial number", "field", "history acreage", "operator", "person", "photograph number", "preceding year", "producer", "reconstitution", "Secretary", "Soil Bank Contract", "State administrative officer", and "sub-division".

(b) "Director" means the Director, or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(c) "Base period" means the five years 1955-59.

(d) "New farm" means a farm on which tobacco will be harvested in 1959 for the first time since 1954. If in accordance with applicable law and regulations, no 1955, 1956, 1957, 1958, or 1959 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956, 1957, 1958, or 1959 respectively, shall not be considered as harvested acreage in determining whether the farm is a new farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in paragraph (c) of § 723.1116.

(e) "Old farm" means a farm on which tobacco was harvested in one or more of the five years 1955 through 1959. If in accordance with applicable law and regulations, no 1955, 1956, 1957, 1958, or 1959 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956, 1957, 1958, or 1959 respectively, shall not be considered as harvested acreage in determining whether the farm is an old farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in paragraph (c) of § 723.1116.

(f) "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1959 into the total of the 1959 tobacco acreage allotments for such old farms: *Provided*, That (1) if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factor of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(g) "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(h) "Tobacco" means:

(1) Type 43 tobacco, that type of cigar-leaf tobacco commonly known as Gebhardt, Ohio Seedleaf, or Ohio Broad-

leaf, produced principally in the Miami Valley section of Ohio and extending into Indiana;

(2) Type 43 tobacco, that type of cigar-leaf tobacco commonly known as Zimmer, Spanish, or Zimmer Spanish, produced principally in the Miami Valley section of Ohio and extending into Indiana;

(3) Type 44 tobacco, that type of cigar-leaf tobacco commonly known as Dutch, Shoestring Dutch, or Little Dutch, produced principally in the Miami Valley section of Ohio;

(4) Type 51 tobacco, that type of cigar-leaf tobacco commonly known as Connecticut Valley Broadleaf or Connecticut Broadleaf, produced primarily in the Valley area of Connecticut;

(5) Type 52 tobacco, that type of cigar-leaf tobacco commonly known as Connecticut Valley Havana Seed, or Havana Seed of Connecticut and Massachusetts, produced primarily in the Connecticut Valley area of Massachusetts and Connecticut;

(6) Type 53 tobacco, that type of cigar-leaf tobacco commonly known as York State Tobacco, or Havana Seed of New York and Pennsylvania, produced principally in the Big Flats section of New York, extending into Pennsylvania and in the Onondaga section of New York State;

(7) Type 54 tobacco, that type of cigar-leaf tobacco commonly known as southern Wisconsin cigar-leaf or southern Wisconsin binder type, produced principally south and east of the Wisconsin River; or

(8) Type 55 tobacco, that type of cigar-leaf tobacco commonly known as Northern Wisconsin cigar-leaf or Northern Wisconsin binder type, produced principally north and west of the Wisconsin River, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or all such types of tobacco as indicated by the context. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco. The term "tobacco" shall include all leaves harvested, including trash.

§ 723.1113 Extent of calculations and rule of fractions.

All acreage allotments shall be rounded to the nearest one-hundredth acre. Computations shall be carried two decimal places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 10.5536 would be 10.55; 10.5550 would be 10.55; 10.5551 would be 10.56; and 10.5582 would be 10.56.

§ 723.1114 Instructions and forms.

The director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions for internal management as

are necessary for carrying out §§ 723.1111 to 723.1128. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment, Commodity Stabilization Service.

**§ 723.1115 Applicability of §§ 723.1111 to 723.1128.**

Sections 723.1111 to 723.1128 govern the establishment of farm acreage allotments and normal yields in connection with the 1960 crop of tobacco.

**ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS**

**§ 723.1116 Determination of 1960 preliminary acreage allotments for old farms.**

(a) The 1960 preliminary acreage allotment for an old tobacco farm shall be the 1959 farm acreage allotment established for such farm, except that where a quantity of tobacco produced on a farm prior to 1959 and stored under bond pursuant to regulations to postpone or avoid payment of penalty has been reduced because the 1959 acreage allotment for such farm was not fully harvested, and the allotments for such farm for the three years 1957-59 were underharvested to the extent provided in paragraph (c) of this section, the 1960 preliminary acreage allotment for such farm shall be determined subject to the provisions of paragraph (c) of this section, if applicable.

(b) For the purpose of determining, under the provisions of paragraph (a) of this section, a 1960 preliminary acreage allotment for an old farm equal to the 1959 farm acreage allotment for such farm, the 1959 farm acreage allotment shall mean the 1959 farm acreage allotment determined for such farm prior to reduction, if any, because of a violation of the tobacco marketing quota regulations for a prior marketing year; and for the purpose of determining a 1960 preliminary acreage allotment for an old farm under the provisions of paragraph (c) of this section, the 1959 farm acreage allotment shall mean the 1959 farm acreage allotment established for such farm after any such reduction.

(c) The provisions of this paragraph shall be applied if applicable, in the case of an old farm, only where a quantity of tobacco produced thereon prior to 1959 and stored under bond pursuant to regulations to postpone or avoid payment of penalty was reduced because the 1959 allotment was not fully harvested and acreage allotments were underharvested as provided in this paragraph. If the harvested acreage (as that term is explained in subparagraphs (1) and (2) of this paragraph) of cigar-binder or cigar-filler and binder tobacco on such old farm in each of the three years 1957-59 was less than 75 percent of the farm acreage allotment for each of such respective years, the 1960 preliminary allotment for such farm shall be the larger of the largest acreage of tobacco harvested on the farm in any one of such three years, or the average acreage of tobacco harvested on the farm in the five years 1955-59: *Provided*, That any such 1960 preliminary allotment shall not exceed the

1959 farm acreage allotment or be less than 0.01 acre.

(1) For the purpose of this paragraph, the 1956 harvested acreage shall have the meaning and include the acreage as provided in § 723.816(b) (tobacco marketing quota regulations for the 1957-58 marketing year (21 F.R. 7202)); the 1957 harvested acreage shall have the meaning and include the acreage as provided in § 723.916(c) (tobacco marketing quota regulations for the 1958-59 marketing year (22 F.R. 4351, 8127; 23 F.R. 135, 638)); the 1958 harvested acreage shall have the meaning and include the acreage as provided in § 723.1016(c) (tobacco marketing quota regulations for the 1959-60 marketing year) (23 F.R. 5322, 7877); and the 1959 harvested acreage shall include the acreage on the farm applicable to the kind of tobacco involved which is determined as provided in subparagraph (2) of this paragraph to be devoted or diverted in 1959 to participation in the conservation reserve program.

(2) The acreage diverted from allotment crops on a farm in 1959 under the conservation reserve program shall be the smaller of (i) the 1959 acreage for the farm determined to be in the conservation reserve at the regular rate or (ii) the amount by which the sum of all 1959 acreage allotments for the farm (adjusted downward to reflect any acreage released, but not adjusted upward to reflect any acreage received under reapportionment procedure) which are not fully planted (not fully harvested in the case of tobacco, or not fully harvested for nuts in the case of peanuts), exceeds the sum of the 1959 planted acreages (1959 harvested acreage in the case of tobacco, 1959 acreage harvested for nuts in the case of peanuts) for such crops. The acreage diverted from allotment crops on a farm in 1959 under the conservation reserve program, determined as provided above in this subparagraph, shall be prorated to the crops involved on the basis of the respective amounts by which the 1959 allotments (adjusted as described above, where applicable) exceed the respective 1959 planted acreages (1959 harvested acreage in the case of tobacco, 1959 acreage harvested for nuts in the case of peanuts), except that the 1959 acreage diverted from any allotment crop to the conservation reserve program shall not be greater than the amount by which the 1959 allotment for such crop (adjusted as described above, where applicable) exceeds the 1959 planted acreage (the 1959 harvested acreage in the case of tobacco, or 1959 acreage harvested for nuts in the case of peanuts) for such crop. The 1959 tobacco acreage available for use in reducing the amount of tobacco produced prior to 1959, and stored under bond pursuant to regulations to postpone or avoid payment of penalty, shall be the amount by which the 1959 tobacco acreage allotment exceeds the sum of (i) the 1959 tobacco harvested acreage and (ii) the 1959 tobacco acreage diverted under the conservation reserve program.

(d) Notwithstanding the foregoing provisions of this section, no 1960 preliminary allotment or 1960 farm tobacco acreage allotment shall be determined

for any farm which is devoted to commercial or residential development or other non-agricultural purposes, which was not acquired by an agency having the right of eminent domain, and which the county committee and a representative of the State committee determine has been retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production, or for a farm for which an acreage allotment may be determined under the provisions of § 723.1120.

**§ 723.1117 1960 old farm tobacco acreage allotment.**

The preliminary allotments calculated for all old farms in the State pursuant to § 723.1116 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms, correction of errors, and for allotments for overlooked old farms pursuant to § 723.1118 shall not exceed the State acreage allotment.

**§ 723.1118 Adjustment of acreage allotments for old farms, correction of errors, and allotments for overlooked old farms.**

Notwithstanding the limitations contained in § 723.1116, the individual 1960 farm acreage allotment heretofore established for an old farm may be increased if the county committee justifies such increase to the satisfaction of a representative of the State committee as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available in the State for increasing allotments as above described under this section, correction of errors, and providing acreage allotments for overlooked farms shall not exceed in the case of cigar-binder (types 51 & 52) tobacco one percent of the total acreage allotted to all farms in the State for the production of such kind of tobacco for the 1959-60 marketing year, and shall not exceed in the case of cigar-filler and binder (types 42, 43, 44, 53, 54 & 55) tobacco 4 percent of the total acreage allotted to all farms in the State for the production of such kind of tobacco for the 1959-60 marketing year.

**§ 723.1119 Reductions of acreage allotment for violation of the marketing quota regulations for a prior marketing year.**

(a) If tobacco was marketed or was permitted to be marketed in the 1959-60 or a prior marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1960

shall be reduced as provided in this section, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all tobacco from the farm is accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in such marketing:

(b) If complete and accurate proof of the disposition of all tobacco produced on the farm in 1959 or a prior year is not furnished in the manner and within the time prescribed by the marketing quota regulations for the crop involved, the 1960 acreage allotment for the farm shall be reduced as provided in this section for the failure to furnish such proof except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made or (2) no person connected with such farm for the current year caused, aided or acquiesced in the failure to furnish such proof:

(c) If any producer files, aids, or acquiesces in the filing of, a false report with respect to the acreage of tobacco grown on the farm in 1959 or a prior year, the 1960 acreage allotment for the farm shall be reduced as provided in this section except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the filing of, aiding, or acquiescing in the filing of, such false report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false, provided the filing of the report will be construed as intentional unless the report is corrected and the payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in the filing of, the false acreage report.

(d) If in the calendar year 1958 or 1959 more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested. In case the allotment is transferred through a State pool to another farm under § 723.1120 before the allotment reduction can be made effective on the farm on which the tobacco was grown, the allotment first established for the

farm to which it is so transferred shall be reduced as described above in this paragraph.

(e) Any reduction made with respect to a farm's 1960 acreage allotment for any of the reasons heretofore provided in this section shall be made no later than May 1, 1960. If the reduction cannot be made by such date, the reduction shall be made with respect to the acreage allotment next established for the farm but no later than by a corresponding date to be specified in a subsequent year: *Provided, however*, That no reduction shall be made under this section in the 1960 acreage allotment for any farm for a violation described in paragraph (a), (b), (c), or (d) of this section if the acreage allotment for such farm for any prior year was reduced on account of the same violation.

(f) The amount of reduction in the 1960 allotment for a violation described in paragraph (a), (b), or (c) of this section shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The quantity of tobacco determined by the county committee to have been falsely identified, or produced on acreage falsely omitted from an acreage report as filed, or for which the county committee determines that proof of disposition has not been furnished, shall be considered as the amount of tobacco involved in the violation. If the actual quantity of tobacco falsely identified, or produced on acreage falsely omitted from an acreage report, or for which proof of disposition has not been furnished is not known, the county committee shall determine such quantity in the following manner, and if the actual total production of tobacco on the farm is not known, the county committee shall determine such total production and the farm marketing quota in the following manner. The yield per acre and the total production of tobacco on the farm shall be determined by taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the determination of the total production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The yield per acre and the total production of tobacco for the farm as so determined by the county committee shall be deemed to be the actual yield

per acre and the actual total production of tobacco for the farm. The actual yield per acre of tobacco on the farm as so determined by the county committee multiplied by the farm acreage allotment shall be deemed to be the actual production of the acreage allotment and the farm marketing quota. Where the actual quantity of tobacco for which proof of disposition has not been furnished is not known, such quantity shall be determined by the county committee to be the quantity of tobacco remaining after deducting from the total production of tobacco on the farm determined as aforesaid, the quantity of tobacco for which proof of disposition has been furnished. Where the actual quantity of tobacco produced on acreage falsely omitted from an acreage report is not known, such quantity shall be determined by the county committee to be the quantity resulting from multiplying the yield per acre for the farm determined as aforesaid by the acreage falsely omitted from the acreage report as filed.

(g) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied as heretofore provided in this section to that portion of the allotment for which a reduction is required under paragraph (a), (b), (c) or (d) of this section.

(h) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied as heretofore provided in this section to the allotments for the divided farms required to be reduced under paragraph (a), (b), (c) or (d) of this section.

(i) Producers of tobacco in the 1959-60 marketing year shall submit proof of disposition of tobacco and records and reports relative to the provisions of this section as set forth in § 723.1052 (Marketing Quota Regulations, 1959-60 Marketing year, 1026 (Cigar-Binder and Cigar-Filler and Binder-59)-1).

§ 723.1120 Reallocation of allotments determined for farms acquired by an agency having right of eminent domain or shifted from production of cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco to production of shade-grown cigar leaf (type 61) wrapper tobacco.

(a) The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotments to a pool, and reallocation from the pool shall be administered as provided in § 719.12 of this chapter. The normal yield for each farm to which a reallocation is made as provided in this paragraph shall be determined as provided in § 723.1122 for determining normal yields for old farms.

(b) The allotment determined or which would have been determined for any land which has been used for the production of cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco but which will be used in 1960 for the production of cigar wrapper (type 61) tobacco shall be placed in a State pool and shall be available to the State com-

mittee to establish allotments pursuant to § 723.1126(a).

**§ 723.1121 Farms divided or combined.**

Allotments for farms reconstituted for 1960 shall be determined in accordance with Part 719 of this chapter.

**§ 723.1122 Determination of normal yields for old farms.**

The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1954-58, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

**ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS**

**§ 723.1123 Determination of acreage allotments for new farms.**

(a) The acreage allotment, other than an allotment made under § 723.1120, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm, taking into consideration the past tobacco experience of the farm operator, the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors, affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 75 percent of the average of acreage allotments established for two or more but not to exceed five old farms in the community which are similar with respect to land, labor and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further*, That if the acreage planted to tobacco on a new tobacco farm is less than the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the acreage planted to tobacco on the farm.

(b) Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for and new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience in the kind of tobacco for which an allotment is requested and such experience shall consist of the preparation of the plant bed and extend through preparation of the tobacco for market: *Provided*, That production of tobacco on a farm in 1955, 1956, 1957, 1958, or 1959 for which in accordance with applicable law and regulations no 1955, 1956, 1957, 1958, or 1959 tobacco acreage allotment respectively was determined shall not be deemed such experience for any producer.

(2) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a cigar-binder (types 51 and 52) tobacco, or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco acreage allot-

ment is established for the 1960-61 marketing year.

(3) The farm operator shall receive 50 percent or more of his livelihood from the farm covered by the application.

(4) The farm or any portion thereof shall not have been a part of another farm during any of the five years 1955-59 for which an old farm tobacco acreage allotment was determined, except that this provision shall not of itself make a farm ineligible for a new farm allotment (i) if it is the same farm or a portion of the same farm for which an old farm allotment was cancelled since 1954 due to no tobacco being produced thereon for five years, or (ii) if it was a portion of an old farm during any of the years 1955-59 and at time of division of the farm contained cropland but received no part of the allotment due (a) to division of the allotment on a contribution basis, or (b) to agreement and approval of all interested parties as provided in regulations governing divisions and combinations of allotments.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One percent of the 1960 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quotas into State acreage allotments.

**§ 723.1124 Time for filing application.**

An application for a new farm allotment shall be filed with the ASC county office not later than March 11, 1960, unless the farm operator was discharged from the armed services subsequent to December 31, 1959, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

**§ 723.1125 Determination of normal yields for new farms.**

The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

**MISCELLANEOUS**

**§ 723.1126 Determination of acreage allotments and normal yields for farms shifted from production of shade-grown cigar-leaf (type 61) wrapper tobacco to production of cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco.**

(a) Notwithstanding the foregoing provisions of §§ 723.1111 to 723.1125, an allotment may be established for a farm which in 1959 was producing shade-grown cigar-leaf (type 61) wrapper tobacco but on which cigar-binder (types 51 and 52) tobacco or cigar-filler and

binder (types 42, 43, 44, 53, 54, and 55) tobacco will be produced in 1960. The acreage used for such purpose will be limited to that placed in the State pool pursuant to § 723.1120(b). Any allotment established pursuant to this paragraph shall, to the extent of available acreage in such pool, be determined by the county committee so as to be fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Allotments established pursuant to this paragraph are eligible for consideration for adjustments under § 723.1118.

(b) The normal yield for any such farm under paragraph (a) of this section shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 723.1122 for similar farms in the community.

**§ 723.1127 Approval of determinations made under §§ 723.1111 to 723.1126, and notices of farm acreage allotments.**

(a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determinations made under §§ 723.1111 to 723.1126. All acreage allotments and yields shall be approved by a representative of the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been so approved, except that revised acreage allotment notices without such prior approval may be mailed in cases (1) resulting from reconstitutions that do not involve the use of additional acreage or (2) of allotment reductions due only to failure to return marketing cards (and disposition of tobacco is not otherwise furnished as provided in § 723.1119 (b)).

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. All such notices shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeemen or an employee of the county office. Insofar as practical all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice, containing thereon the

date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, the mailing of the notice of such allotment may be delayed: *Provided*, That the notice of allotment for any farm shall be mailed no later than May 1, 1960.

(d) If the county committee determines with the approval of the State administrative officer that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1960-61 marketing year.

**§ 723.1128 Application for review.**

Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the ASC county office to have such allotment reviewed by a review committee. The procedure governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the ASC county office.

**NOTE:** The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D.C., this 20th day of August 1959.

FOREST W. BEALL,  
*Acting Administrator,*  
*Commodity Stabilization Service.*

[F.R. Doc. 59-7090; Filed, Aug. 25, 1959; 8:48 a.m.]

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

**Marketing Quota Regulations, 1960-61 Marketing Year**

**GENERAL**

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- 725.1113 Extent of calculations and rule of fractions.
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**ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS**

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- 725.1119 Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.
- 725.1120 Reallocation of allotments determined for farms acquired by an agency having right of eminent domain.
- 725.1121 Farms divided or combined.
- 725.1122 Determination of normal yields for old farms.

**ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS**

- 725.1123 Determination of acreage allotments for new farms.
- 725.1124 Time for filing application.
- 725.1125 Determination of normal yields for new farms.

**MISCELLANEOUS**

- 725.1126 Approval of determinations made under §§ 725.1111 to 725.1125 and notices of farm acreage allotments.
- 725.1127 Application for review.

**AUTHORITY:** §§ 725.1111 to 725.1127 issued under sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, as amended, 47, as amended; 63, as amended, 66 Stat. 597, as amended; 7 U.S.C. 1301, 1313, 1315, 1363.

**GENERAL**

**§ 725.1111 Basis and purpose.**

The regulations contained in §§ 725.1111 to 725.1127 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1960 farm acreage allotments and normal yields for burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco. The purpose of the regulations in §§ 725.1111 to 725.1127 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco for the 1960-61 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 725.1111 to 725.1127, public notice (24 F.R. 4964) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data,

views, and recommendations pertaining to the regulations in §§ 725.1111 to 725.1127, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

**§ 725.1112 Definitions.**

As used in §§ 725.1111 to 725.1127, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) The following terms shall have the meanings assigned to them in Part 719 of this chapter: "allotment", "combination", "community committee", "county committee", "State committee", "county", "county office manager", "cropland", "current year", "Department", "Deputy Administrator", "division", "farm", "farm serial number", "field", "history acreage", "operator", "person", "photograph number", "preceding year", "producer", "reconstitution", "Secretary", "Soil Bank Contract", "State administrative officer", and "subdivision".

(b) "Director" means the Director, or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(c) "Base-period" means the five years 1955-59.

(d) "New farm" means a farm on which tobacco will be harvested in 1960 for the first time since 1954. If in accordance with applicable law and regulations, no 1955, 1956, 1957, 1958, or 1959 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956, 1957, 1958, or 1959, respectively, shall not be considered as harvested acreage in determining whether the farm is a new farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in paragraph (c) of § 725.1116.

(e) "Old farm" means a farm on which tobacco was harvested in one or more of the five years 1955 through 1959. If in accordance with applicable law and regulations, no 1955, 1956, 1957, 1958 or 1959 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956, 1957, 1958, or 1959, respectively, shall not be considered as harvested acreage in determining whether the farm is an old farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in paragraph (c) of § 725.1116.

(f) "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1959 into the total of the 1959 tobacco acreage allotments for such old farms: *Provided*, That (1) if it is determined that the cropland factors for all communities in the county

are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factor of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(g) "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(h) "Tobacco" means:

(1) Burley tobacco type 31; flue-cured tobacco types 11, 12, 13, and 14; fire-cured tobacco type 21, fire-cured tobacco types 22, 23, and 24; dark air-cured tobacco types 35 and 36; or Virginia sun-cured tobacco type 37, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or all, as indicated by the context.

(2) Any tobacco that has the same characteristics, and corresponding qualities, colors, and lengths as either burley, flue-cured, fire-cured type 21, fire-cured types 22, 23 and 24, dark air-cured or Virginia sun-cured tobacco shall be considered respectively either burley, flue-cured, fire-cured type 21, fire-cured types 22, 23, and 24, dark air-cured or Virginia sun-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

#### § 725.1113 Extent of calculations and rule of fractions.

All acreage allotments shall be rounded to the nearest one-hundredth acre. Computations shall be carried two decimal places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 10.5536 would be 10.55; 10.5550 would be 10.55; 10.5551 would be 10.56; and 10.5582 would be 10.56.

#### § 725.1114 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by and the instructions shall be issued by, the Deputy Administrator for Production Adjustment of the Commodity Stabilization Service.

#### § 725.1115 Applicability of §§ 725.1111 to 725.1127.

Sections 725.1111 to 725.1127 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1960, in the case of burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, and July 1, 1960, in the case of flue-cured tobacco.

### ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

#### § 725.1116 Determination of 1960 preliminary acreage allotments for old farms.

(a) The 1960 preliminary acreage allotment for an old tobacco farm shall be the 1959 farm acreage allotment established for such farm, except that where a quantity of tobacco produced on a farm prior to 1959 and stored under bond pursuant to regulations to postpone or avoid payment of penalty has been reduced because the 1959 acreage allotment for such farm was not fully harvested, and the allotments for such farm for the three years 1957-59 (five years 1955-59 for burley tobacco) were underharvested to the extent provided in paragraph (c) of this section, the 1960 preliminary acreage allotment for such farm shall be determined subject to the provisions of paragraph (c) of this section, if applicable.

(b) For the purpose of determining, under the provisions of paragraph (a) of this section, a 1960 preliminary acreage allotment for an old farm equal to the 1959 farm acreage allotment for such farm, the 1959 farm acreage allotment shall mean the 1959 farm acreage allotment determined for such farm prior to reduction, if any, because of a violation of the tobacco marketing quota regulations for a prior marketing year; and for the purpose of determining a 1960 preliminary acreage allotment for an old farm under the provisions of paragraph (c) of this section, the 1959 farm acreage allotment shall mean the 1959 farm acreage allotment established for such farm after any such reduction.

(c) The provisions of this paragraph shall be applied, if applicable, in the case of an old farm, only where a quantity of tobacco produced thereon prior to 1959 and stored under bond pursuant to regulations to postpone or avoid payment of penalty was reduced because the 1959 allotment was not fully harvested, and acreage allotments were underharvested as provided in this paragraph. If the harvested acreage (as that term is explained in subparagraphs (1) and (2) of this paragraph) of flue-cured, fire-cured, dark air-cured or Virginia sun-cured tobacco on such old farm in each of the three years 1957-59 was less than 75 percent of the farm acreage allotment for each of such respective years, the 1960 preliminary allotment for such farm shall be the larger of the largest acreage of tobacco harvested on the farm in any one of such three years, or the average acreage of tobacco harvested on the farm in the five years 1955-59: *Provided*, That any such 1960 preliminary allotment shall not exceed the 1959 farm acreage allotment or be less than 0.01 acre. If the harvested acreage (as that term is explained in subparagraphs (1) and (2) of this paragraph) of burley tobacco on an old farm subject to this paragraph in each of the five years 1955-59 was less than 50 percent of the farm acreage allotment for each of such respective years, the 1960 preliminary allotment for such farm shall be the largest acreage of tobacco harvested on the farm

in any one of such five years, but not less than 0.01 acre.

(1) For the purposes of this paragraph, the 1956 harvested acreage shall have the meaning and include the acreage as provided in § 725.816(c) (tobacco marketing quota regulations for the 1957-58 marketing year (21 F.R. 6303)); the 1957 harvested acreage shall have the meaning and include the acreage as provided in § 725.916(c) (tobacco marketing quota regulations for the 1958-59 marketing year (22 F.R. 5675, 8103; 23 F.R. 135)); the 1958 harvested acreage shall have the meaning and include the acreage as provided in § 725.1016(c) (tobacco marketing quota regulations for the 1959-60 marketing year) (23 F.R. 5329, 7878; 24 F.R. 2676); and the 1959 harvested acreage shall include the acreage on the farm applicable to the kind of tobacco involved which is determined as provided in the following subparagraph (2) of this paragraph to be devoted or diverted in 1959 to participation in the conservation reserve program.

(2) The acreage diverted from allotment crops on a farm in 1959 under the conservation reserve program shall be the smaller of (i) the 1959 acreage for the farm determined to be in the conservation reserve at the regular rate or (ii) the amount by which the sum of all 1959 acreage allotments for the farm (adjusted downward to reflect any acreage released, but not adjusted upward to reflect any acreage received under reapportionment procedure) which are not fully planted (not fully harvested in the case of tobacco, or not fully harvested for nuts in the case of peanuts), exceeds the sum of the 1959 planted acreages (1959 harvested acreage in the case of tobacco, or 1959 acreage harvested for nuts in the case of peanuts) for such crops. The acreage diverted from allotment crops on a farm in 1959 under the conservation reserve program, determined as provided above in this subparagraph, shall be prorated to the crops involved on the basis of the respective amounts by which the 1959 allotments (adjusted as described above, where applicable) exceed the respective 1959 planted acreages (1959 harvested acreage in the case of tobacco, or 1959 acreage harvested for nuts in the case of peanuts); except that the 1959 acreage diverted from any allotment crop under the conservation reserve program shall not be greater than the amount by which the 1959 allotment for such crop (adjusted as described above, where applicable) exceeds the 1959 planted acreage (the 1959 harvested acreage in the case of tobacco, or 1959 acreage harvested for nuts in the case of peanuts) for such crop. The 1959 tobacco acreage available for use in reducing the amount of tobacco produced prior to 1959, and stored under bond pursuant to regulations to postpone or avoid payment of penalty, shall be the amount by which the 1959 tobacco acreage allotment exceeds the sum of (i) the 1959 tobacco harvested acreage and (ii) the 1959 tobacco acreage diverted under the conservation reserve program.

(d) Notwithstanding the foregoing provisions of this section, no 1960 preliminary allotment or 1960 farm tobacco acreage allotment shall be determined

for any farm which is devoted to commercial or residential development or other non-agricultural purposes, which was not acquired by an agency having the right of eminent domain, and which the county committee and a representative of the State committee determine has been retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production, or for a farm for which an acreage allotment may be determined under the provisions of § 725.1120.

**§ 725.1117 1960 old farm tobacco acreage allotment.**

The preliminary allotments calculated for all old farms in the State pursuant to § 725.1116 shall be adjusted uniformly so that the total of such allotments for old farms plus the acreage available for adjusting acreage allotments for old farms, correction of errors, and for allotments for overlooked old farms pursuant to § 725.1118 shall not exceed the State acreage allotment: *Provided*, That in the case of burley tobacco, the farm acreage allotment shall not be less than the smallest of (a) the 1959 allotment, (b) fifty-hundredths of an acre, or (c) 10 percent of the cropland in the farm: *Provided further*, That no 1959 burley tobacco allotment of seventy-hundredths of an acre or less shall be reduced more than one-tenth of an acre, and no 1959 burley tobacco farm acreage allotment or more than seventy-hundredths of an acre will be reduced to less than six-tenths of an acre.

**§ 725.1118 Adjustment of acreage allotments for old farms, correction of errors, and allotments for overlooked old farms.**

Notwithstanding the limitations contained in § 725.1116, the individual 1960 farm acreage allotment heretofore established for an old farm may be increased if the county committee justifies such increase to the satisfaction of a representative of the State committee as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available in the State for increasing allotments as above described under this section, correction of errors, and providing acreage allotments for overlooked farms shall not exceed one-tenth of one percent of the total acreage allotted to all tobacco farms in the State for the 1959-60 marketing year.

**§ 725.1119 Reductions of acreage allotment for violation of the marketing quota regulations for a prior marketing year.**

(a) If tobacco was marketed or was permitted to be marketed in the 1959-60

or a prior marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1960 shall be reduced as provided in this section, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all tobacco from the farm is accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in such marketing;

(b) If complete and accurate proof of the disposition of all tobacco produced on the farm in 1959 or a prior year is not furnished in the manner and within the time prescribed by the marketing quota regulations for the crop involved, the 1960 acreage allotment for the farm shall be reduced as provided in this section for the failure to furnish such proof except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided or acquiesced in the failure to furnish such proof;

(c) If any producer files, aids, or acquiesces in the filing of, a false report with respect to the acreage of tobacco grown on the farm in 1959 or a prior year, the 1960 acreage allotment for the farm shall be reduced as provided in this section except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the filing of, aiding, or acquiescing in the filing of, such false report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false, provided the filing of the report will be construed as intentional unless the report is corrected and the payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in the filing of, the false acreage report.

(d) If in the calendar year 1958 or 1959 more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown

and harvested. In case the allotment is transferred through a State pool to another farm under § 725.1120 before the allotment reduction can be made effective on the farm on which the tobacco was grown, the allotment first established for the farm to which it is so transferred shall be reduced as described above in this paragraph.

(e) Any reduction made with respect to a farm's 1960 acreage allotment for any of the reasons heretofore provided in this section shall be made no later than (1) April 1, 1960, in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia or (2) May 1, 1960, in all other States; otherwise, if the reduction cannot be made by such dates, the reduction shall be made with respect to the acreage allotment next established for the farm but no later than by corresponding dates to be specified in a subsequent year: *Provided, however*, That no reduction shall be made under this section in the 1960 acreage allotment for any farm for a violation described in paragraph (a), (b), (c), or (d) of this section if the acreage allotment for such farm for any prior year was reduced on account of the same violation.

(f) The amount of reduction in the 1960 allotment for a violation described in paragraph (a), (b), or (c) of this section shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The quantity of tobacco determined by the county committee to have been falsely identified, or produced on acreage falsely omitted from an acreage report as filed, or for which the county committee determines that proof of disposition has not been furnished, shall be considered as the amount of tobacco involved in the violation. If the actual quantity of tobacco falsely identified, or produced on acreage falsely omitted from an acreage report, or for which proof of disposition has not been furnished is known, such quantity shall be determined by the county committee to be the amount of tobacco involved in the violation. If the actual quantity of tobacco produced on acreage falsely omitted from an acreage report or for which proof of disposition has not been furnished is not known, the county committee shall determine such quantity in the following manner, and if the actual total production of tobacco on the farm is not known, the county committee shall determine such total production and the farm marketing quota in the following manner. The yield per acre and the total production of tobacco on the farm shall be determined by taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the determina-

tion of the total production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The yield per acre and the total production of tobacco for the farm as so determined by the county committee shall be deemed to be the actual yield per acre, and the actual total production of tobacco for the farm. The actual yield per acre of tobacco on the farm as so determined by the county committee multiplied by the farm acreage allotment shall be deemed to be the actual production of the acreage allotment and the farm marketing quota. Where the actual quantity of tobacco for which proof of disposition has not been furnished is not known, such quantity shall be determined by the county committee to be the quantity of tobacco remaining after deducting from the total production of tobacco on the farm determined as aforesaid, the quantity of tobacco for which proof of disposition has been furnished. Where the actual quantity of tobacco produced on acreage falsely omitted from an acreage report is not known, such quantity shall be determined by the county committee to be the quantity resulting from multiplying the yield per acre for the farm determined as aforesaid by the acreage falsely omitted from the acreage report as filed.

(g) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied as heretofore provided in this section to that portion of the allotment for which a reduction is required under paragraph (a), (b), (c), or (d) of this section.

(h) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied as heretofore provided in this section to the allotments for the divided farms required to be reduced under paragraph (a), (b), (c), or (d) of this section.

(i) Producers of tobacco in the 1959-60 marketing year shall submit proof of disposition of tobacco and records and reports relative to the provisions of this section as set forth in § 725.1052 (Marketing Quota Regulations, 1959-60 Marketing Year, 1026—Burley, Flue, Fire, Air, and Sun-59) (24 F.R. 4682, 4947).

**§ 725.1120 Reallocation of allotments determined for farms acquired by an agency having right of eminent domain.**

The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotments to a pool, and reallocation from the pool shall be administered as provided in § 719.12 of this chapter. The normal yield for each farm to which a reallocation is made as provided in this paragraph shall be determined as provided in § 725.1122 for determining normal yields for old farms.

**§ 725.1121 Farms divided or combined.**

(a) Allotments for farms reconstituted for 1960 shall be determined in accordance with Part 719 of this chapter

except as otherwise provided in paragraphs (b) and (c) of this section.

(b) If after 1960 farm tobacco acreage allotments have been determined, one or more farms having a 1960 fire-cured (type 21) tobacco acreage allotment is combined with another or more farms having a 1960 Virginia sun-cured (type 37) tobacco acreage allotment, or if before 1960 farm tobacco acreage allotments have been established, one or more farms for which a 1959 fire-cured (type 21) tobacco acreage allotment had been established is combined with another or more farms for which a 1959 Virginia sun-cured (type 37) tobacco acreage allotment had been established and a single combined 1959 acreage allotment has not been established for such combined farm, a single combined acreage allotment for the 1960-61 marketing year designated for either fire-cured (type 21) tobacco or Virginia sun-cured (type 37) tobacco shall be established for the combined farm. Such single combined acreage allotment shall be equal to the total acreage of and be in place of the 1960 acreage allotments for fire-cured (type 21) tobacco and Virginia sun-cured (type 37) tobacco which have either previously been established for the farms comprising the combined farm, or which shall be computed and established for the farms comprising the combined farm in accordance with the provisions of §§ 725.1116 to 725.1119 solely for the purpose of enabling a single combined 1960 acreage allotment to be determined and established for the combined farm. The county committee shall give written notification to the owner or owners of such combined farm that the owner or his representative may designate, or if there is more than one owner of the land comprising the farm that the representative of all such owners may designate, a single combined 1960 acreage allotment for the combined farm either for fire-cured (type 21) tobacco or for Virginia sun-cured (type 37) tobacco by submitting his choice to the local county committee within 15 days following the date of mailing of such notification, or within such extended period of time thereafter as the county committee in any case may fix and notify the owner or owners of such extension; and that if within such time the county committee is not notified that a choice has been made as heretofore provided, the county committee, with approval of a representative of the State committee, shall designate the 1960 single combined acreage allotment for the farm as either for fire-cured (type 21) tobacco or Virginia sun-cured (type 37) tobacco on the basis of the prevalent kind of tobacco grown in the area in which such farm is located, the curing facilities on such farm, and the proximity and nature of markets. The occurrence on the same farm of concurrent acreage allotments for fire-cured (type 21) tobacco and Virginia sun-cured (type 37) tobacco pursuant to the provisions of § 725.1120 shall be deemed to be of the same effect, for the purposes of and in applying the provisions of this paragraph, as a combination of farms described in this paragraph.

(c) For the purposes of this paragraph and paragraph (b) of this section, the term "representative" shall mean the person named and authorized by the owner of a farm to act for him, or if there are two or more owners of the land comprising a farm, the person named and authorized by such owners to act for all of them in designating or choosing for the farm a single combined acreage allotment for either fire-cured (type 21) tobacco or Virginia sun-cured (type 37) tobacco. The county committee may require any person to furnish to it such evidence as it may require to reasonably establish such person as an owner or representative of an owner or owners.

**§ 725.1122 Determination of normal yields for old farms.**

The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1954-58, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

**ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS**

**§ 725.1123 Determination of acreage allotments for new farms.**

(a) The acreage allotment, other than an allotment made under § 725.1120, for a new farm shall be that acreage which the county committee with the approval of the State committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator, the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 50 percent of the average of acreage allotments established for two or more but not more than five old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further*, That if the acreage planted to tobacco on a new tobacco farm is less than the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the acreage planted to tobacco on the farm.

(b) Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested either as a share cropper, tenant, or as a farm operator during two of the past five years; *Provided*, That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements of this

subparagraph if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from the date of discharge: *And provided further*, That production of tobacco on a farm in 1955, 1956, 1957, 1958 or 1959 for which, in accordance with applicable law and regulations no 1955, 1956, 1957, 1958 or 1959 tobacco acreage allotment, respectively, was determined, shall not be deemed such experience for any producer.

(2) The farm operator shall live on and obtain 50 percent or more of his livelihood from the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a burley, fire-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco allotment is established for the 1960-61 marketing year.

(4) The farm shall be operated by the owner thereof.

(5) The farm or any portion thereof shall not have been a part of another farm during any of the five years 1955-59 for which an old farm tobacco acreage allotment was determined, except that this provision shall not of itself make a farm ineligible for a new farm allotment (i) if it is the same farm or a portion of the same farm for which an old farm allotment was cancelled since 1954 due to no tobacco being produced thereon for five years, or (ii) if it was a portion of an old farm during any of the years 1955-59 and at time of division of the farm contained cropland but received no part of the allotment due to division of the allotment on a contribution basis.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-fourth of one percent of the 1960 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quotas into State acreage allotments.

#### § 725.1124 Time for filing application.

An application for a new farm allotment shall be filed with the ASC county office prior to February 16, 1960, unless the farm operator was discharged from the armed services subsequent to December 31, 1959, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

#### § 725.1125 Determination of normal yields for new farms.

The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil

and other physical factors affecting the production of tobacco are similar.

#### MISCELLANEOUS

#### § 725.1126 Approval of determinations made under §§ 725.1111 to 725.1125, and notices of farm acreage allotments.

(a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determinations made under §§ 725.1111 to 725.1125. All acreage allotments and yields shall be approved by a representative of the State committee, and no official notice of acreage allotment shall be mailed to a farm operator until such allotment has been so approved, except that revised acreage allotment notices without such prior approval may be mailed in cases (1) resulting from reconstitutions that do not involve the use of additional acreage, or (2) of allotment reductions due only to failure to return marketing cards, and disposition of tobacco is not otherwise furnished as provided in § 725.1119(b).

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. All such notices shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeemen or an employee of the county office. Insofar as practical, all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, the mailing of the notice of such allotment may be delayed: *Provided*, That the notice of allotment for any farm shall be mailed no later than (i) April 1, 1960, in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, or (ii) May 1, 1960, in all other States.

(d) If the county committee determines with the approval of the State administrative officer that the official written notice of the farm acreage allot-

ment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1960-61 marketing year.

#### § 725.1127 Application for review.

Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the ASC county office to have such allotment reviewed by a review committee. This procedure governing the review of farm acreage allotments and marketing quotas is contained in Part 711 of this chapter, which is available at the ASC county office.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D.C., this 20th day of August 1959.

FOREST W. BEALL,  
Acting Administrator,  
Commodity Stabilization Service.

[F.R. Doc. 59-7091; Filed, Aug. 25, 1959;  
8:48 a.m.]

## PART 727—MARYLAND TOBACCO

### Marketing Quota Regulations, 1960-61 Marketing Year

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ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR  
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- 727.1126 Approval of determinations made under §§ 727.1111 to 727.1125 and notices of farm acreage allotments.  
727.1127 Application for review.

AUTHORITY: §§ 727.1111 to 727.1127 issued under sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, as amended, 47, as amended, 63, 69 Stat. 684; 7 U.S.C. 1301, 1313, 1363.

GENERAL

§ 727.1111 Basis and purpose.

(a) The regulations contained in §§ 727.1111 to 727.1127 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1960 farm acreage allotments and normal yields for Maryland tobacco. The purpose of the regulations in §§ 727.1111 to 727.1127 is to provide the procedure for allocating on an acreage basis, the national marketing quota for Maryland tobacco for the 1960-61 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 727.1111 to 727.1127, public notice (24 F.R. 4964) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 727.1111 to 727.1127, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(b) In order that State and county committees may prepare and mail notices of farm acreage allotments for Maryland tobacco as early as possible prior to the referendum required to be held with respect to such kind of tobacco, it is essential that the regulations in §§ 727.1111 to 727.1127, inclusive, be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest, and such regulations shall be effective upon filing of this document with the Director, Division of the Federal Register.

§ 727.1112 Definitions.

As used in §§ 727.1111 to 727.1127 and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) The following terms shall have the meanings assigned to them in Part 719 of this chapter: "allotment", "combination", "community committee", "county committee", "State committee", "county", "county office manager", "cropland", "current year", "Department", "Deputy Administrator", "division", "farm", "farm serial number", "field", "history acreage", "operator",

"person", "photograph number", "preceding year", "producer", "reconstitution", "Secretary", "Soil Bank Contract", "State administrative officer", and "subdivision".

(b) "Director" means the Director, or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(c) "Base period" means the five years 1955-59.

(d) "New farm" means a farm on which tobacco will be harvested in 1960 for the first time since 1954. If, in accordance with applicable law and regulations, no 1955, 1956, 1957, 1958, or 1959 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956, 1957, 1958, or 1959, respectively, shall not be considered as harvested acreage in determining whether the farm is a new farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in paragraph (c) of § 727.1116.

(e) "Old farm" means a farm on which tobacco was harvested in one or more of the five years 1955 through 1959. If in accordance with applicable law and regulations, no 1955, 1956, 1957, 1958, or 1959 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956, 1957, 1958, or 1959, respectively, shall not be considered as harvested acreage in determining whether the farm is an old farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in paragraph (c) of § 727.1116.

(f) "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1959 into the total of the 1959 tobacco acreage allotment for such old farms: *Provided*, That (1) if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factor of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(g) "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(h) "Tobacco" means Maryland tobacco, type 32, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title), of the Bureau of Agricultural Economics of the United States Department of Agriculture. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths, shall be treated as one type, regardless of any factors of historical

or geographical nature which cannot be determined by an examination of the tobacco.

§ 727.1113 Extent of calculations and rule of fractions.

All acreage allotments shall be rounded to the nearest one-hundredth acre. Computations shall be carried two places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 10.5536 would be 10.55; 10.5550 would be 10.55; 10.5551 would be 10.56; and 10.5582 would be 10.56.

§ 727.1114 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions for internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment of the Commodity Stabilization Service.

§ 727.1115 Applicability of §§ 727.1111 to 727.1127.

Sections 727.1111 to 727.1127 govern the establishment of farm acreage allotments and normal yields in connection with the 1960 crop of tobacco.

ACREAGE ALLOTMENTS AND NORMAL YIELDS  
FOR OLD FARMS

§ 727.1116 Determination of 1960 preliminary acreage allotments for old farms.

(a) The 1960 preliminary acreage allotment for an old tobacco farm shall be the 1959 farm acreage allotment established for such farm, pursuant to §§ 727.1011 to 727.1028, inclusive, of the Maryland tobacco marketing quota regulations for the 1959-60 marketing year (23 F.R. 5334, 7879), except that where a quantity of tobacco produced on a farm prior to 1959 and stored under bond pursuant to regulations to postpone or avoid payment of penalty has been reduced because the 1959 acreage allotment for such farm was not fully harvested, and the allotments for such farm for the three years 1957-59 were under-harvested to the extent provided in paragraph (c) of this section, the 1960 preliminary acreage allotment for such farm shall be determined subject to the provisions of paragraph (c) of this section, if applicable.

(b) For the purpose of determining, under the provisions of paragraph (a) of this section, a 1960 preliminary acreage allotment for an old farm equal to the 1959 farm acreage allotment for such farm, the 1959 farm acreage allotment shall mean the 1959 farm acreage allotment determined for such farm prior to reduction, if any, because of a violation of the tobacco marketing quota regulations for a prior marketing year; and for the purpose of determining a 1960 preliminary acreage allotment for an old farm under the provisions of paragraph

(c) of this section, the 1959 farm acreage allotment shall mean the 1959 farm acreage allotment established for such farm after any such reduction.

(c) The provisions of this paragraph shall be applied, if applicable, in the case of an old farm, only where a quantity of tobacco produced thereon prior to 1959 and stored under bond pursuant to regulations to postpone or avoid payment of penalty was reduced because the 1959 allotment was not fully harvested, and acreage allotments were underharvested as provided in this paragraph. If the harvested acreage (as that term is explained in subparagraphs (1) and (2) of this paragraph) of Maryland tobacco on such old farm in each of the three years 1957-59 was less than 75 percent of the farm acreage allotment for each of the respective years, the 1960 preliminary allotment for such farm shall be the larger of the largest acreage of tobacco harvested on the farm in any one of such three years, or the average acreage of tobacco harvested on the farm in the five years 1955-59; *Provided*, That any such 1960 preliminary allotment shall not exceed the 1959 farm acreage allotment or be less than 0.01 acre.

(1) For the purposes of this paragraph, the 1956 harvested acreage shall have the meaning and include the acreage as provided in § 727.816(b) (tobacco marketing quota regulations for the 1957-58 marketing year (21 F.R. 6882)), the 1957 harvested acreage shall have the meaning and include the acreage as provided in § 727.916(c) (tobacco marketing quota regulations for the 1958-59 marketing year (22 F.R. 4355, 4912; 23 F.R. 136)); the 1958 harvested acreage shall have the meaning and include the acreage as provided in § 727.1016(c) (tobacco marketing quota regulations for the 1959-1960 marketing year (23 F.R. 5334, 7879)); and the 1959 harvested acreage shall include the acreage on the farm applicable to the kind of tobacco involved which is determined as provided in the following subparagraph (2) of this paragraph to be devoted or diverted in 1959 to participation in the conservation reserve program.

(2) The acreage diverted from allotment crops on a farm in 1959 under the conservation reserve program shall be the smaller of (i) the 1959 acreage for the farm determined to be in the conservation reserve at the regular rate or (ii) the amount by which the sum of all 1959 acreage allotments for the farm (adjusted downward to reflect any acreage released, but not adjusted upward to reflect any acreage received under reapportionment procedure) which are not fully planted (not fully harvested in the case of tobacco, or not fully harvested for nuts in the case of peanuts), exceeds the sum of the 1959 planted acreages (1959 harvested acreage in the case of tobacco, or 1959 acreage harvested for nuts in the case of peanuts) for such crops. The acreage diverted from allotment crops on a farm in 1959 under the conservation reserve program, determined as provided above in this subparagraph, shall be prorated to the crops involved on the basis of the respective amounts by which the 1959 allotments

(adjusted as described above, where applicable) exceed the respective 1959 planted acreages (1959 harvested acreage in the case of tobacco, or 1959 acreage harvested for nuts in the case of peanuts), except that the 1959 acreage diverted from any allotment crop to the conservation reserve program shall not be greater than the amount by which the 1959 allotment for such crop (adjusted as described above, where applicable) exceeds the 1959 planted acreage (the 1959 harvested acreage in the case of tobacco, or 1959 acreage harvested for nuts in the case of peanuts) for such crop. The 1959 tobacco acreage available for use in reducing the amount of tobacco produced prior to 1959, and stored under bond pursuant to regulations to postpone or avoid payment of penalty, shall be the amount by which the 1959 tobacco acreage allotment exceeds the sum of (i) the 1959 tobacco harvested acreage and (ii) the 1959 tobacco acreage diverted under the conservation reserve program.

(d) Notwithstanding the foregoing provisions of this section, no 1960 preliminary allotment or 1960 farm tobacco acreage allotment shall be determined for any farm which is devoted to commercial or residential development or other non-agricultural purposes, which was not acquired by an agency having the right of eminent domain, and which the county committee and a representative of the State committee, determine has been retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production, or for a farm for which an acreage allotment may be determined under the provisions of § 727.1120.

**§ 727.1117 1960 old farm tobacco acreage allotment.**

The preliminary allotments calculated for all old farms in the State pursuant to § 727.1116 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms, correction of errors made in old farm allotments, and allotments for overlooked old farms pursuant to § 727.1118 shall not exceed the State acreage allotment.

**§ 727.1118 Adjustment of acreage allotments for old farms, correction of errors made in old farm allotments and allotments for overlooked old farms.**

Notwithstanding the limitations contained in § 727.1116, the farm acreage allotment for an old farm may be increased if the county committee justifies such increase to the satisfaction of a representative of the State committee as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and

other physical factors affecting the production of tobacco. The acreage available for increasing allotments under this section, correction of errors made in old farm allotments, and allotments for overlooked old farms shall not exceed three-fourths of one percent of the total acreage allotted to all tobacco farms in the State for the 1959-60 marketing year.

**§ 727.1119 Reductions of acreage allotment for violation of the marketing quota regulations for a prior marketing year.**

(a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm for the 1958-59 or a prior marketing year which in fact was produced on a different farm, the acreage allotments established for both such farms for 1960 shall be reduced as provided in this section, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all tobacco from the farm is accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in such marketing;

(b) If complete and accurate proof of the disposition of all tobacco produced on the farm in 1958 or a prior year is not furnished in the manner and within the time prescribed by the marketing quota regulations for the crop involved, the 1960 acreage allotment for the farm shall be reduced as provided in this section for the failure to furnish such proof except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided or acquiesced in the failure to furnish such proof;

(c) If any producer files, aids or acquiesces in the filing of, a false acreage report with respect to the acreage of tobacco grown on the farm in 1958 or a prior year, the 1960 acreage allotment for the farm shall be reduced as provided in this section except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the filing of, aiding or acquiescing in the filing of, such false report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false, provided the filing of the report will be construed as intentional unless the report is corrected and the payment of all additional penalty is

made, or (2) no person connected with such farm for the current year caused, aided or acquiesced in the filing of, the false acreage report.

(d) If in the calendar year 1958 or 1959 more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested. In case the allotment is transferred through a State pool to another farm under § 727.1120 before the allotment reduction can be made effective on the farm on which the tobacco was grown, the allotment first established for the farm to which it is so transferred shall be reduced as described above in this paragraph.

(e) Any reduction made with respect to a farm's 1960 acreage allotment for any of the reasons heretofore provided in this section shall be made no later than May 1, 1960. If the reduction cannot be made by such date, the reduction shall be made with respect to the acreage allotment next established for the farm but no later than by a corresponding date to be specified in a subsequent year: *Provided, however,* That no reduction shall be made under this section in the 1960 acreage allotment for any farm for a violation described in paragraph (a), (b), (c), or (d) of this section if the acreage allotment for such farm for any prior year was reduced on account of the same violation.

(f) The amount of reduction in the 1960 allotment for a violation described in paragraph (a), (b), or (c) of this section shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The quantity of tobacco determined by the county committee to have been falsely identified, or produced on acreage falsely omitted from an acreage report as filed, or for which the county committee determines that proof of disposition has not been furnished, shall be considered as the amount of tobacco involved in the violation. If the actual quantity of tobacco falsely identified, or produced on acreage falsely omitted from an acreage report, or for which proof of disposition has not been furnished is not known, the county committee shall determine such quantity in the following manner, and if the actual total production of tobacco on the farm is not known, the county committee shall determine such total production and the farm marketing quota in the following

manner. The yield per acre and the total production of tobacco on the farm shall be determined by taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided,* That the determination of the total production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The yield per acre and the total production of tobacco for the farm as so determined by the county committee shall be deemed to be the actual yield per acre and the actual total production of tobacco for the farm. The actual yield per acre of tobacco on the farm as so determined by the county committee multiplied by the farm acreage allotment shall be deemed to be the actual production of the acreage allotment and the farm marketing quota. Where the actual quantity of tobacco for which proof of disposition has not been furnished is not known, such quantity shall be determined by the county committee to be the quantity of tobacco remaining after deducting from the total production of tobacco on the farm determined as aforesaid, the quantity of tobacco for which proof of disposition has been furnished. Where the actual quantity of tobacco produced on acreage falsely omitted from an acreage report is not known, such quantity shall be determined by the county committee to be the quantity resulting from multiplying the yield per acre for the farm determined as aforesaid by the acreage falsely omitted from the acreage report as filed.

(g) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied as heretofore provided in this section to that portion of the allotment for which a reduction is required under paragraph (a), (b), (c), or (d) of this section.

(h) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied as heretofore provided in this section to the allotments for the divided farms required to be reduced under paragraph (a), (b), (c), or (d) of this section.

(i) Producers of tobacco in the 1958-59 marketing year shall submit proof of disposition of tobacco and records and reports relative to the provisions of this section as set forth in § 727.952 (Marketing Quota Regulations, 1958-59 Marketing Year, 1026—Maryland—58).

§ 727.1120 Reallocation of allotments determined for farms acquired by an agency having right of eminent domain.

The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotments to a pool, and reallocation from the pool shall be administered as provided in § 719.12 of this chapter. The normal yield for each farm to which

a reallocation is made as provided in this paragraph shall be determined as provided in § 727.1122 for determining normal yields for old farms.

§ 727.1121 Farms divided or combined.

Allotments for farms reconstituted for 1960 shall be determined in accordance with Part 719 of this chapter.

§ 727.1122 Determination of normal yields for old farms.

The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1954-58, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 727.1123 Determination of acreage allotments for new farms.

(a) The acreage allotment, other than an allotment made under § 727.1120, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator, the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided,* That the acreage allotment so determined shall not exceed 50 percent of the average of the acreage allotments established for two or more, but not more than five, old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further,* That if the acreage planted to tobacco on a new tobacco farm is less than the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the acreage planted to tobacco on the farm.

(b) Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience during two of the past five years in Maryland tobacco and such experience shall have been for the entire crop year beginning with the preparation of the plant bed and extending through preparation of the tobacco for market: *Provided,* That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements of this subparagraph if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from

## MISCELLANEOUS

**§ 727.1126 Approval of determinations made under §§ 727.1111 to 727.1125, and notices of farm acreage allotments.**

(a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determinations made under §§ 727.1111 to 727.1125. All acreage allotments and yields shall be approved by a representative of the State committee, and no official notice of acreage allotment shall be mailed to a grower until such allotment has been so approved, except that revised acreage allotment notices without such prior approval may be mailed in cases (1) resulting from reconstitutions that do not involve the use of additional acreage or (2) of allotment reductions due only to failure to return marketing cards (and disposition of tobacco is not otherwise furnished as provided in § 727.1119(b)).

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. All such notices shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeemen or an employee of the county office. Insofar as practicable all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice, containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, the mailing of the notice of such allotment may be delayed: *Provided*, That the notice of allotment for any farm shall be mailed no later than May 1, 1960.

(d) If the county committee determines with the approval of the State administrative officer that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the

operator on notice thereof, and that the operator relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1960-61 marketing year.

**§ 727.1127 Application for review.**

Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may within fifteen days after mailing of the official notice of farm acreage allotment and marketing quota, file application in writing with the ASC county office to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in Part 711 of this chapter, which is available at the ASC county office.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D.C., this 20th day of August 1959.

FOREST W. BEALL,  
Acting Administrator,  
Commodity Stabilization Service.

[F.R. Doc. 59-7092; Filed, Aug. 25, 1959; 8:48 a.m.]

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

[Lemon Reg. 305, Amdt. 1]

**PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA**

**Limitation of Handling**

*Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date

date of discharge: *And provided further*, That production of tobacco on a farm in 1955, 1956, 1957, 1958, or 1959 for which in accordance with applicable law and regulations no. 1955, 1956, 1957, 1958, or 1959 tobacco acreage allotment, respectively, was determined shall not be deemed such experience for any producer.

(2) The farm operator shall live on and receive 50 percent or more of his livelihood from the farm covered by the application.

(3) The farm shall not have a 1960 allotment for any kind of tobacco other than that for which application is made under this part.

(4) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a Maryland tobacco acreage allotment is established for the 1960-61 marketing year.

(5) The farm shall be operated by the owner thereof.

(6) The farm or any portion thereof shall not have been a part of another farm during any of the five years 1955-59 for which an old farm tobacco acreage allotment was determined except that this provision shall not of itself make a farm ineligible for a new farm allotment (i) if it is the same farm or a portion of the same farm for which an old farm allotment was cancelled since 1954 due to no tobacco being produced thereon for five years, or (ii) if it was a portion of an old farm during any of the years 1955-59 and at time of division of the farm contained cropland but received no part of the allotment due to division of the allotment on a contribution basis.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-eighth of one percent of the 1960 national marketing quota shall, when converted to an acreage allotment by use of the national average yield be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

**§ 727.1124 Time for filing application.**

An application for a new farm allotment shall be filed with the ASC county office no later than February 15, 1960, unless the farm operator was discharged from the armed services subsequent to December 31, 1959, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

**§ 727.1125 Determination of normal yields for new farms.**

The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

*Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 953.912 (Lemon Regulation 805, 24 F.R. 6642) are hereby amended to read as follows:

(ii) District 2: 418,500 cartons.

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

Dated: August 20, 1959.

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

[F.R. Doc. 59-7069; Filed, Aug. 25, 1959;  
8:45 a.m.]

### PART 958—IRISH POTATOES GROWN IN COLORADO

#### Approval of Expenses and Rate of Assessment; Area No. 3

Notice of rule making regarding the proposed expenses and rate of assessment to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, was published in the FEDERAL REGISTER July 28, 1959 (24 F.R. 6005). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674). The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 15 days after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the area committee for Area No. 3, established pursuant to said marketing agreement and order, it is hereby found and determined that:

#### § 958.230 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 3, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending May 31, 1960, will amount to \$3,125.00.

(b) The rate of assessment for Area No. 3 to be paid by each handler, pursuant to Marketing Agreement No. 97 and Order No. 58, shall be \$0.00125 per hundredweight of potatoes handled by

him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

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

Dated: August 20, 1959, to become effective 30 days after publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,  
Deputy Director, Fruit and Veg-  
etable Division, Agricultural  
Marketing Service.

[F.R. Doc. 59-7074; Filed, Aug. 25, 1959;  
8:46 a.m.]

[Avocado Order 18, Amtd. 3]

### PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

#### Limitation of Shipments

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674),

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
Tonnage.....	Aug. 31, 1959	14 ounces..... 3 <sup>3</sup> / <sub>16</sub> inches.	Sept. 7, 1959	12 ounces..... 3 <sup>3</sup> / <sub>16</sub> inches.	Sept. 14, 1959.

3. Add a new subdivision (iv) in subparagraph 2 reading as follows:

(iv) During the period beginning at 12:01 a.m., e.s.t., September 14, 1959, and ending at 12:01 a.m., e.s.t., September 21, 1959, no handler shall handle any avocados of the Tonnage variety unless the individual fruit of such variety weighs at least 10 ounces or measures at least 2<sup>1</sup>/<sub>16</sub> inches in diameter.

(c) The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., August 31, 1959.

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

Dated: August 20, 1959.

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

[F.R. Doc. 59-7070; Filed, Aug. 25, 1959;  
8:45 a.m.]

### PART 992—IRISH POTATOES GROWN IN WASHINGTON

#### Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992) regulating the handling of Irish potatoes grown in the State of

and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter 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 amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of avocados.

(b) It is, therefore, ordered that the provisions of paragraph (b) of § 969.318 (24 F.R. 4050, 4827, 5824) are hereby further amended as follows:

- Delete the reference to Tonnage variety appearing in Table I of subparagraph 1.
- Add to Table II of subparagraph 2 the following:

Washington, was published in the FEDERAL REGISTER July 11, 1959 (24 F.R. 5614). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674). After considering all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the State of Washington Potato Committee, established in said agreement and order, it is hereby found and determined that:

#### § 992.211 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to perform its functions, pursuant to the provisions of the marketing agreement and order, during the fiscal year ending May 31, 1960, will amount to \$23,664.00.

(b) The rate of assessment to be paid each handler, pursuant to Marketing Agreement No. 113 and Order No. 92, shall be three-eighths of one cent (\$0.00375) per hundredweight of potatoes handled by him, as the first handler thereof, during the fiscal year.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92.

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

Dated: August 21, 1959, to become effective 30 days after publication in the FEDERAL REGISTER.

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

[F.R. Doc. 59-7088; Filed, Aug. 25, 1959;  
8:48 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

#### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Doc. No. 59-WA-21, Amdt. 25]

#### PART 608—RESTRICTED AREAS

##### Designation of Restricted Area

On July 25, 1959, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (24 F.R. 5974) stating that the Federal Aviation Agency was considering an amendment to Part 608 of the regulations of the Administrator which would designate the Yukon, Alaska, restricted area in the vicinity of Fairbanks, Alaska, for use of the U.S. Army.

As stated in the Notice, this restricted area will cover approximately one hundred ninety-six square miles and will be used for the firing of the Nike-Hercules surface-to-air missiles. It will also be utilized for training in the firing of such missiles as well as the use of artillery, mortars, chemical munitions and tanks. The restricted area will not conflict with any existing Federal airway, control area or other designated airspace.

The only comment received was from the Division of Aviation for the State of Alaska which was to the effect that there was no objection to the designation of the restricted area.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 608, published as a "Revision of Part" on November 4, 1958 (23 F.R. 8575) is amended as follows:

1. In § 608.61 add:

**YUKON, ALASKA (R-575)**

*Description by geographical coordinates.* Beginning at latitude 64°45'30" N., longitude 146°47'20" W., thence around the arc of a circle of twenty-five statute miles radius from the center of Ladd AFB (latitude 64°50'13" N., longitude 147°36'46" W.) to the south boundary of the Chena extension to the Fairbanks control area at latitude 64°-46'12" N., longitude 146°46'40" W., thence along the south boundary of the Chena extension of the Fairbanks control area to latitude 64°46'10" N., longitude 146°11'15" W., thence to latitude 64°35'18" N., longitude 146°11'15" W., thence to latitude 64°33'24" N., longitude 146°18'30" W., thence to the east boundary of Amber Federal airway No.

2 at latitude 64°33'25" N., longitude 146°-25'00" W., thence along the east boundary of Amber 2 to the point of beginning.

*Designated altitudes.* Surface to 80,000 feet MSL.

*Time of designation.* Continuous.  
*Controlling agency.* Commanding General, Yukon Command, U.S. Army, Alaska.

This amendment shall become effective 0001 E.S.T., September 26, 1959.

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

Issued in Washington, D.C., on August 24, 1959.

E. R. QUESADA,  
Administrator.

[F.R. Doc. 59-7116; Filed, Aug. 25, 1959;  
8:50 a.m.]

[Reg. Docket No. 95; Amdt. 51]

#### PART 610—MINIMUM EN ROUTE IFR ALTITUDES

##### Miscellaneous Alterations

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days notice. Part 610 is amended as follows:

Section 610.13 *Green Federal airway 3* is amended to read in part:

From Goshen, Ind., LFR; to Toledo, Ohio, LFR; MEA 2,300.

Section 610.101 *Amber Federal airway 1* is amended to read in part:

From Fresno, Calif., LFR; to Turlock INT, Calif.; northwestbound, MEA 5,000; southeastbound, MEA 3,000.

From Turlock INT, Calif.; to Copper INT, Calif.; MEA 5,000.

Section 610.107 *Amber Federal airway 7* is amended to read in part:

From Little Ferry INT, N.J.; to Meriden INT, Conn.; MEA 2,000.

Section 610.219 *Red Federal airway 19* is amended to read in part:

From Detroit, Mich., LFR; to Int. SE crs Detroit, Mich., LFR and W crs Akron, Ohio, LFR; MEA 2,300.

From Int. SE crs Detroit LFR and W crs Akron, Ohio, LFR; to Sandusky INT, Ohio; MEA 1,900.

Section 610.226 *Red Federal airway 26* is amended to read:

From Int. NW crs Richmond, Va., LFR and NW crs Waverly, LFR; to Waverly, Va., LFR; MEA 1,500.

From Waverly, Va., LFR; to Int. SE crs Waverly, Va., LFR and SW crs Norfolk LFR; MEA 1,400.

Section 610.312 *Red Federal airway 112* is amended to read:

From Int. 154-334 M brg. Albany, N.Y., LFR and W crs Westfield, Mass., LFR; to Westfield, Mass.; MEA 4,000.

Section 610.618 *Blue Federal airway 18* is amended to read in part:

From Int. NW crs LaGuardia, N.Y., LFR and SW crs Foughkeepsie, LFR; to Spring Valley INT, N.J.; MEA 2,000.

Section 610.6001 *VOR Federal airway 1* is amended to read in part:

From Charleston, S.C., VOR; to \*Jamestown INT, S.C.; MEA 1,300. \*2,900—MRA.

From Wilmington, N.C., VOR via W alter.; to \*Kenansville INT, N.C., via W alter.; MEA \*\*11,000. \*6,000—MRA. \*\*1,400—MOCA.

From Kenansville INT, N.C., via W alter.; to \*Kinston INT, N.C., via W alter.; MEA \*\*11,000. \*3,500—MRA. \*\*1,400—MOCA.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From \*Cashmere INT, Wash., via N alter.; to \*\*Ephrata, Wash., VOR via N alter.; MEA 9,000. \*11,000—MCA Cashmere INT, westbound. \*\*4,000—MCA Ephrata VOR, westbound.

From \*Spokane, Wash., VOR via N alter.; to Hayden Lake INT, Idaho, via N alter.; MEA 7,000. \*5,600—MCA Spokane VOR, eastbound.

Section 610.6003 *VOR Federal airway 3* is amended to read in part:

From Jacksonville, Fla., VOR via E alter.; to \*Sea Island INT, Fla., via E alter.; MEA \*\*2,500. \*3,000—MRA. \*\*1,300—MOCA.

From Brunswick, Ga., VOR; to \*Fairhope INT, Ga.; MEA 1,500. \*4,000—MRA.

From Fairhope INT, Ga.; to \*Harris Neck INT, Ga.; MEA 1,500. \*4,000—MRA.

From Sapelo INT, Ga., via E alter.; to \*Catherine INT, Ga., via E alter.; MEA 1,500. \*4,000—MRA.

From Catherine INT, Ga., via E alter.; to Savannah, Ga., VOR via E alter.; MEA 1,500.

Section 610.6004 *VOR Federal airway 4* is amended to read in part:

From Denver, Colo., VOR; to Thurman, Colo., VOR; MEA 7,000. (Deletes MCA at Thurman VOR.)

From Cherokee, Wyo., VOR; to Snowy Range INT, Wyo.; MEA 14,000.

From Snowy Range INT, Wyo.; to \*Laramie, Wyo. VOR; westbound, MEA 14,000; eastbound, MEA 11,000. \*12,500—MCA Laramie VOR, westbound.

Section 610.6005 *VOR Federal airway 5* is amended to read in part:

From \*Cottontown INT, Tenn.; to \*\*Portland INT, Tenn.; MEA 2,300. \*4,000—MRA. \*\*3,500—MRA.

From Portland INT, Tenn.; to Bowling Green, Ky., VOR; MEA 2,300.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From Signal INT, Calif., via N alter.; to Reno, Nev., VOR via N alter.; MEA 11,000. (Deletes MCA at Reno VOR.)

From South Bend, Ind., VOR; to \*Pioneer INT, Ohio; MEA \*\*3,000. \*4,000—MRA. \*\*2,300—MOCA.

From Pioneer INT, Ohio; to Elmira INT, Ohio; MEA \*3,000. \*2,300—MOCA.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From Tallahassee, Fla., VOR; to Blountstown INT, Fla., MEA 1,500.

From Blountstown INT, Fla.; to Marianna, Fla., VOR; MEA \*1,500. \*1,300—MOCA.

From Bristol INT, Fla., via W alter.; to Marianna, Fla., VOR via W alter.; MEA \*1,500. \*1,300—MOCA.

From \*Tanner INT, Ala., via E alter.; to Bethel INT, Ala., via E alter.; MEA \*\*4,500. \*3,500—MRA. \*\*2,000—MOCA.

From Bethel INT, Ala., via E alter.; to \*Fall River INT, Tenn., via E alter.; MEA \*\*4,500. \*7,000—MRA. \*\*2,400—MOCA.

Section 610.6008 *VOR Federal airway 8* is amended to read in part:

From Goshen, Ind., VOR; to Findlay, Ohio, VOR; MEA 3,000.

Section 610.6011 *VOR Federal airway 11* is amended to read in part:

From Edgerton INT, Ind.; to \*Pioneer INT, Ohio; MEA \*\*4,000. \*4,000—MRA. \*4,500—MCA Pioneer INT, northeastbound. \*\*2,100—MOCA.

From Pioneer INT, Ohio; to Hudson INT, Mich.; MEA \*4,500. \*2,100—MOCA.

From Hudson INT, Mich.; to Tipton INT, Mich.; MEA \*2,600. \*2,100—MOCA.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From Tucumcari, N. Mex., VOR; to \*Vega INT, Tex.; MEA 6,000. \*6,500—MRA.

From Vega INT, Tex.; to Amarillo, Tex.; VOR MEA 6,000.

From Tucumcari, N. Mex., VOR via N alter.; to Amarillo, Tex., VOR via N alter.; MEA 7,000.

Section 610.6014 *VOR Federal airway 14* is amended to read in part:

From Oklahoma City, Okla., VOR via N alter.; to Guthrie INT, Okla., via N alter.; MEA 3,100.

From Guthrie INT, Okla., via N alter.; to Stillwater INT, Okla., via N alter.; MEA 2,500.

Section 610.6015 *VOR Federal airway 15* is amended to read in part:

From \*Skidmore INT, Mo.; to \*\*Coin INT, Iowa; MEA 2,500. \*3,000—MRA. \*\*3,700—MRA.

From Sioux Falls, S. Dak., VOR via W alter.; to Huron, S. Dak., VOR via W alter.; MEA \*3,500. \*2,800—MOCA.

From Barclay INT, Tex., via W alter.; to \*Bruceville INT, Tex.; via W alter.; MEA 2,500. \*4,700—MRA.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From Columbus, N. Mex., VOR; to \*Harrington Ranch INT, N. Mex.; MEA 8,500. \*9,500—MRA.

From Harrington Ranch INT, N. Mex.; to El Paso, Tex., VOR; MEA 8,500.

From Scotts Hill INT, Tenn., via S alter.; to \*Coble INT, Tenn., via S alter.; MEA 2,000. \*3,000—MRA.

From Coble INT, Tenn., via S alter.; to Graham, Tenn., VOR via S alter.; MEA 2,000.

From \*Piedmont INT, Tenn.; to \*\*White Pine INT, Tenn.; MEA 4,000. \*8,000—MRA. \*\*3,000—MRA.

From White Pine INT, Tenn.; to \*Ottway INT, Tenn.; MEA 4,000. \*7,200—MRA.

Section 610.6017 *VOR Federal airway 17* is amended to read in part:

From Liberal, Kans., VOR via W alter.; to Garden City, Kans., VOR via W alter.; MEA 4,700.

From Barclay INT, Tex., via E alter.; to \*Bruceville INT, Tex., via E alter.; MEA 2,500. \*4,700—MRA.

Section 610.6018 *VOR Federal airway 18* is amended to read in part:

From Allendale, S.C., VOR; to \*Waltersboro INT, S.C.; MEA \*1,600. \*3,000—MRA. \*\*1,500—MOCA.

From Waltersboro INT, S.C.; to Charleston, S.C., VOR; MEA \*1,600. \*1,500—MOCA.

Section 610.6019 *VOR Federal airway 19* is amended to read in part:

From El Paso, Tex., VOR; to \*Harrington Ranch INT, N. Mex.; MEA \*9,500. \*9,500—MRA.

Section 610.6020 *VOR Federal airway 20* is amended to read in part:

From Lafayette, La., VOR via S alter.; to \*Allen INT, La., via S alter.; MEA \*\*3,500. \*3,500—MRA. \*\*1,500—MOCA.

From Allen INT, La., via S alter.; to \*Race-land INT, La., via S alter.; MEA \*\*4,700. \*4,700—MRA. \*\*1,100—MOCA.

From Lake Charles, La., VOR; to \*Arthur INT, La.; MEA 1,300. \*3,800—MRA.

From Arthur INT, La.; to \*Midland INT, La.; MEA 1,300. \*3,800—MRA.

From Midland INT, La.; to Lafayette, La., VOR; MEA 1,300.

Section 610.6022 *VOR Federal airway 22* is amended to read in part:

From Tallahassee, Fla., VOR; to Blounts-town INT, Fla.; MEA 1,500.

From Blountstown INT, Fla.; to Marianna, Fla., VOR; MEA \*1,500. \*1,300—MOCA.

From Taylor INT, Fla., via N alter.; to \*Swamp INT, Fla., via N alter.; MEA \*\*4,500. \*1,900—MRA. \*\*1,200—MOCA.

From Swamp INT, Fla., via N alter.; to \*Toledo INT, Ga., via N alter.; MEA \*\*1,600. \*1,900—MRA. \*\*1,200—MOCA.

From Toledo INT, Ga., via N alter., to Jacksonville, Fla., VOR via N alter.; MEA \*1,600. \*1,200—MOCA.

Section 610.6023 *VOR Federal airway 23* is amended to read in part:

From \*Los Angeles, Calif., VOR; to Valley INT, Calif.; northbound, MEA 5,000; southbound, MEA 4,000. \*3,000—MCA Los Angeles VOR, northbound.

From Valley INT, Calif.; to \*Saugus INT, Calif.; MEA 7,000. \*7,000—MCA Saugus INT, northbound.

Section 610.6025 *VOR Federal airway 25* is amended to read in part:

From \*Redfin INT, Calif.; to Triton INT, Calif.; MEA 4,000. \*2,500—MRA.

From Triton INT, Calif.; to \*Pacific INT, Calif.; MEA 6,000. \*4,000—MRA.

From \*Redfin INT, Calif., via E alter.; to Triton INT, Calif., via E alter.; MEA 4,000. \*2,500—MRA.

From Triton INT, Calif., via E alter.; to \*Pacific INT, Calif., via E alter.; MEA 6,000. \*4,000—MRA.

Section 610.6037 *VOR Federal airway 37* is amended to read in part:

From Savannah, Ga., VOR via W alter.; to \*Marlow INT, Ga., via W alter.; MEA 1,400. \*1,700—MRA.

From Marlow INT, Ga.; via W alter.; to \*Kildare INT, Ga., via W alter.; MEA \*\*1,700. \*1,700—MRA. \*\*1,500—MOCA.

From Kildare INT, Ga., via W alter.; to Allendale, S.C., VOR via W alter.; MEA \*1,700. \*1,500—MOCA.

Section 610.6062 *VOR Federal airway 62* is amended to read in part:

From Zuni, N. Mex., VOR; to Cactus INT, N. Mex.; MEA 12,000.

From Cactus INT, N. Mex.; to Santa Fe, N. Mex., VOR; MEA 10,000.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From \*El Centro, Calif., VOR; to \*\*Sand Hills INT, Calif.; MEA 3,000. \*4,000—MCA El Centro VOR, westbound. \*\*6,000—MRA.

From Columbus, N. Mex., VOR; to \*Harrington Ranch INT, N. Mex.; MEA 8,500. \*9,500—MRA.

From Harrington Ranch INT, N. Mex.; to El Paso, Tex., VOR; MEA 8,500.

Section 610.6068 *VOR Federal airway 68* is amended to read in part:

From \*Hagerman INT, N. Mex.; to \*\*Malca INT, N. Mex.; MEA 6,000. \*6,500—MRA. \*\*6,500—MRA.

From Malca INT, N. Mex.; to Hobbs, N. Mex., VOR; MEA 6,000.

Section 610.6070 *VOR Federal airway 70* is amended to read in part:

From Lake Charles, La., VOR; to \*Arthur INT, La.; MEA 1,300. \*3,800—MRA.

From Arthur INT, La.; to \*Midland INT, La.; MEA 1,300. \*3,800—MRA.

From Midland INT, La.; to Lafayette, La., VOR; MEA 1,300.

Section 610.6083 *VOR Federal airway 83* is amended to read in part:

From Santa Fe, N. Mex., VOR; to Alamosa, Colo., VOR; MEA \*15,500. \*12,000—MOCA.

Section 610.6095 *VOR Federal airway 95* is amended to read in part:

From Winslow, Ariz., VOR; to Farmington, N. Mex., VOR; MEA \*13,000. \*12,000—MOCA.

Section 610.6096 *VOR Federal airway 96* is amended to read in part:

From Ft. Wayne, Ind., VORTAC; to McClure INT, Ohio; MEA 2,200.

From McClure INT, Ohio; to Waterville, Ohio, VOR; MEA 2,000.

Section 610.6097 *VOR Federal airway 97* is amended to read in part:

From Lobster INT, Fla.; to \*Raspberry INT, Fla.; MEA \*\*2,000. \*2,500—MRA. \*\*1,000—MOCA.

From Raspberry INT, Fla.; to St. Marks INT, Fla.; MEA \*2,000. \*1,000—MOCA.

Section 610.6100 *VOR Federal airway 100* is amended to read in part:

From Dubuque, Iowa, VOR; to Freeport INT, Ill.; MEA 2,600.

From Freeport INT, Ill.; to Rockford, Ill., VOR; MEA 2,500.

Section 610.6112 *VOR Federal airway 112* is amended to read in part:

From Amboy INT, Ore., via N alter.; to \*Lyle INT, Wash., via N alter.; MEA \*\*8,000. \*10,500—MRA. \*\*7,000—MOCA.

From Lyle INT, Wash., via N alter.; to The Dalles, Ore., VOR via N alter.; MEA \*8,000. \*7,000—MOCA.

Section 610.6120 *VOR Federal airway 120* is amended to read in part:

From Charlo INT, Mont.; to \*Elk INT, Mont.; MEA 12,700. \*17,000—MRA.

From Elk INT, Mont.; to Augusta INT, Mont.; MEA 12,700.

Section 610.6152 *VOR Federal airway 152* is amended to read in part:

From Lakeland, Fla., VOR via S alter.; to \*Campbell INT, Fla., via S alter.; MEA 1,700. \*3,000—MRA.

From Campbell INT, Fla., via S alter.; to Orlando, Fla., VOR via S alter.; MEA 1,700.

Section 610.6154 *VOR Federal airway 154* is amended to read in part:

From \*Lotts INT, Ga.; to \*\*Marlow INT, Ga.; MEA \*\*1,700. \*2,000—MRA. \*\*1,700—MRA. \*\*\*1,300—MOCA.

Section 610.6158 *VOR Federal airway 158* is amended to read in part:

From Dubuque, Iowa, VOR; to Polo, Ill., VOR; MEA 6,800.

Section 610.6163 *VOR Federal airway 163* is amended to read in part:

From Johnson City INT, Tex.; to Willow City INT, Tex.; MEA \*\*3,000. \*3,000—MRA. \*\*2,500—MOCA.

From Willow City INT, Tex.; to \*Kingsland INT, Tex.; MEA \*\*3,500. \*3,100—MRA. \*\*2,700—MOCA.

Section 610.6172 *VOR Federal airway 172* is amended to read in part:

From Denver, Colo., VOR; to Wiggins INT, Colo.; MEA 7,000.

From Wiggins INT, Colo.; to \*Ft. Morgan INT, Colo.; MEA \*\*8,000. \*8,000—MRA. \*\*7,000—MOCA.

From Ft. Morgan INT, Colo.; to Sterling INT, Colo.; MEA \*10,000. \*7,000—MOCA.

From \*Sterling INT, Colo.; to Holyoke INT, Colo.; MEA \*\*13,000. \*13,000—MCA Sterling INT, westbound. \*\*7,000—MOCA.

Section 610.6176 *VOR Federal airway 176* is amended to read in part:

From Holly Springs, Miss., VOR; to \*Guntown INT, Miss.; MEA 1,800. \*2,200—MRA.

From Guntown INT, Miss.; to Hamilton INT, Ala.; MEA \*4,000. \*1,700—MOCA.

From Hamilton INT, Ala.; to Jasper INT, Ala.; MEA \*2,000. \*1,700—MOCA.

Section 610.6182 *VOR Federal airway 182* is amended to read in part:

From Amboy INT, Oreg., via N alter.; to \*Lyle INT, Wash., via N alter.; MEA \*\*8,000. \*10,500—MRA. \*\*7,000—MOCA.

From Lyle INT, Wash., via N alter.; to The Dalles, Oreg., VOR via N alter.; MEA \*8,000. \*7,000—MOCA.

Section 610.6185 *VOR Federal airway 185* is amended to read in part:

From \*Ottway INT, Tenn., via E alter.; to \*\*White Pine INT, Tenn., via E Alter.; MEA 4,000. \*7,200—MRA. \*\*8,000—MRA.

From White Pine INT, Tenn., via E alter.; to \*Piedmont INT, Tenn., via E alter.; MEA 4,000. \*8,000—MRA.

From Savannah, Ga., VOR; to \*Kildare INT, Ga.; MEA 1,500. \*1,700—MRA.

Section 610.6187 *VOR Federal airway 187* is amended to read in part:

From Albuquerque, N. Mex., VOR; to Cactus INT, N. Mex.; MEA 10,000.

From Cactus INT, N. Mex., to Farmington, N. Mex., VOR; MEA 10,500.

From Farmington, N. Mex., VOR; to \*Grand Junction, Colo., VOR; MEA 14,500. \*11,000—MCA Grand Junction VOR, southbound.

Section 610.6197 *VOR Federal airway 197* is amended to read:

From Las Vegas, N. Mex., VOR; to \*Gordon INT, Colo.; MEA 12,000. \*13,500—MRA.

From Gordon INT, Colo.; to Pueblo, Colo., VOR; northbound, MEA 8,000; southbound, MEA 12,000.

Section 610.6198 *VOR Federal airway 198* is amended to read in part:

From Columbus, N. Mex., VOR; to \*Harrington Ranch INT, N. Mex.; MEA 8,500. \*9,500—MRA.

From Harrington Ranch INT, N. Mex.; to El Paso, Tex., VOR; MEA 8,500.

Section 610.6200 *VOR Federal airway 200* is amended to read in part:

From \*Yuba INT, Calif.; to Reno, Nev., VOR; MEA 11,000. \*6,000—MCA Yuba INT, eastbound. (Deletes MCA at Reno VOR.)

Section 610.6205 *VOR Federal airway 205* is amended to read in part:

From \*Skidmore INT, Mo.; to \*\*Coin INT, Iowa; MEA 2,500. \*3,000—MRA. \*\*3,700—MRA.

Section 610.6213 *VOR Federal airway 213* is amended to read in part:

From Myrtle Beach, S.C., VOR; to \*Kenansville INT, N.C.; MEA \*\*5,500. \*6,000—MRA. \*\*2,000—MOCA.

From Kenansville INT, N.C.; to Rocky Mt., N.C., VOR; MEA \*5,500. \*2,000—MOCA.

Section 610.6230 *VOR Federal airway 230* is amended to read in part:

From Panoche, Calif., VOR; to Mendota INT, Calif., MEA 4,500.

From Mendota INT, Calif.; to Fresno, Calif., VOR; westbound, MEA 4,500; eastbound, MEA 2,000.

Section 610.6233 *VOR Federal airway 233* is amended to read in part:

From Springfield, Ill., VOR; to \*Luther INT, Ill.; MEA 2,000. \*2,800—MRA.

Section 610.6280 *VOR Federal airway 280* is amended to read in part:

From \*Vega INT, Tex.; to Amarillo, Tex., VOR; MEA 6,000. \*6,500—MRA.

From Salt INT, Kans.; to Hutchinson, Kans., VOR; MEA \*6,300. \*2,900—MOCA.

Section 610.6295 *VOR Federal airway 295* is amended to read in part:

From \*Clermont INT, Fla.; to Bushnell INT, Fla.; MEA \*\*2,000. \*2,000—MRA. \*\*1,700—MOCA.

Section 610.6296 *VOR Federal airway 296* is amended to read in part:

From Asheville, N.C., VOR; to \*Rutherford INT, N.C.; MEA 6,000. \*5,000—MCA Rutherford INT, northwestbound.

From Rutherford INT, N.C.; to Cherokee INT, N.C.; MEA 4,000.

Section 610.6421 *VOR Federal airway 421* is amended to read in part:

From Zuni, N. Mex., VOR; to Farmington, N. Mex., VOR; MEA 10,000.

Section 610.6437 *VOR Federal airway 437* is amended to read in part:

From Charleston, S.C., VOR via W alter.; to \*Lane INT, S.C., via W alter.; MEA 1,300. \*1,700—MRA.

Section 610.6606 *VOR Federal airway 1506* is amended to read in part:

From Dubuque, Iowa, VOR; to Freeport INT, Ill.; MEA 2,600.

From Freeport INT, Ill.; to Rockford, Ill., VOR; MEA 2,500.

Section 610.6008 *VOR Federal airway 1508* is amended to read in part:

From Myton, Utah, VOR; to Albany INT, Wyo.; MEA \*18,000. \*14,000—MOCA.

From Albany INT, Wyo.; to \*Laramie, Wyo., VOR; westbound, MEA 18,000; eastbound, MEA 12,000. \*12,000—MCA Laramie VOR, westbound.

From Dubuque, Iowa, VOR; to Freeport INT, Ill.; MEA 2,600.

From Freeport INT, Ill.; to Rockford, Ill., VOR; MEA 2,500.

Section 610.6610 *VOR Federal airway 1510* is amended to read in part:

From South Bend, Ind., VOR via N alter.; to \*Pioneer INT, Ohio, via N alter.; MEA \*\*3,000. \*4,000—MRA. \*\*2,300—MOCA.

From Pioneer INT, Ohio, via N alter.; to Elmira INT, Ohio, via N alter.; MEA \*3,000. \*2,300—MOCA.

Section 610.6612 *VOR Federal airway 1512* is amended to read in part:

From \*Alamosa, Colo., VOR; to \*\*Gordon INT, Colo.; MEA 15,000. \*15,000—MCA Alamosa VOR, northeastbound. \*\*13,500—MRA.

From Gordon INT, Colo.; to \*Rattlesnake INT, Colo.; MEA 13,500. \*13,000—MCA Rattlesnake INT, westbound.

Section 610.6614 *VOR Federal airway 1514* is amended to read in part:

From Gunnison, Colo., VOR; to \*Coaldale INT, Colo.; MEA 16,000. \*17,000—MRA.

From Coaldale INT, Colo.; to \*Pueblo, Colo., VOR; westbound, MEA 16,000; eastbound, MEA 12,000. \*10,000—MCA Pueblo VOR, westbound.

Section 610.2218 *VOR Federal airway 1518* is amended to read in part:

From Tucumcari, N. Mex., VOR; to \*Vega INT, Tex.; MEA 6,000. \*6,500—MRA.

From Vega INT, Tex.; to Amarillo, Tex., VOR; MEA 6,000.

From Highway INT, Tenn.; to London, Ky., VOR; MEA \*4,500. \*3,000—MOCA.

From London, Ky., VOR; to \*Daley INT, ky.; MEA 4,000. \*5,000—MRA.

Section 610.6622 *VOR Federal airway 1522* is amended to read in part:

From Columbus, N. Mex., VOR; to \*Harrington Ranch INT, N. Mex.; MEA 8,500. \*9,500—MRA.

From Harrington Ranch INT, N. Mex.; to El Paso, Tex., VOR; MEA 8,500.

Section 610.6635 *VOR Federal airway 1535* is amended to read in part:

From \*Missoula, Mont., VOR; to \*\*Elk INT, Mont.; MEA 17,000. \*14,000—MCA Missoula VOR, northeastbound. \*\*17,000—MRA.

From Elk INT, Mont.; to Cut Bank, Mont., VOR; MEA 17,000.

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

These rules shall become effective September 24, 1959.

Issued in Washington, D.C., on August 18, 1959.

B. PUTNAM,  
Acting Director,  
Bureau of Flight Standards.

[F.R. Doc. 59-7014; Filed, Aug. 25, 1959; 8:45 a.m.]

**Chapter V—National Aeronautics and Space Administration**  
**PART 1209—BOARDS AND COMMITTEES**

**Subpart 2—Source Selection Boards**

- Sec. 1209.200 Scope of subpart.
- 1209.201 Policy.
- 1209.202 Establishment of Boards.
- 1209.203 Procurement Advisory Committees.
- 1209.204 Evaluation of proposals.
- 1209.205 Final selection of source.
- 1209.206 Disclosure of information.
- 1209.207 Disclosure of private interests of board members.

Sec.  
1209.208 Debriefing of unsuccessful companies.

AUTHORITY: §§ 1209.200 to 1209.208 issued under sec. 203, Pub. Law 85-568.

§ 1209.200 Scope of subpart.

This subpart establishes procedures for the appointment and utilization of Source Selection Boards in connection with major procurements of the National Aeronautics and Space Administration (NASA). It also defines NASA policy on debriefing unsuccessful bidders.

§ 1209.201 Policy.

It is the policy of NASA to utilize Source Selection Boards in evaluating proposals and recommending procurement sources for all competitive negotiated procurements where it is estimated that the total cost of the contract will exceed \$1,000,000. Board action is also required for procurements in a lesser amount for feasibility studies or preliminary work where it is likely that the source selected will receive other contracts for later phases of the same project which together would total more than \$1,000,000. In other appropriate cases, a NASA contracting officer may request the appointing authority, as designated in § 1209.202, to apply Source Selection Board procedures to a particular procurement.

§ 1209.202 Establishment of Boards.

Source Selection Boards established pursuant to this subpart shall be composed chiefly of technical staff members who are familiar with the technical details of the procurement. Each board shall also include one or more representatives of the business management staff. Board members shall be appointed as follows:

(a) NASA Headquarters: The Director of Business Administration (hereinafter referred to as the "appointing authority") shall appoint members of Source Selection Boards for contracts placed by NASA Headquarters, and shall designate one member of each board as Chairman. Technical members shall be appointed on the recommendations of the Director of Space Flight Development or Aeronautical and Space Research, as appropriate.

(b) Field Installations: The Director, or other head, of a NASA field installation (hereinafter referred to as the "appointing authority") shall appoint members of Source Selection Boards for contracts placed by such installation, and shall designate one member of each board as Chairman. Field boards shall include at least one representative each from the Headquarters technical staff and business management staff, such representatives to be selected by the appropriate Headquarters office.

(c) Except in unusual circumstances, boards and committees established pursuant to this subpart shall be appointed prior to the final date for submission of proposals.

§ 1209.203 Procurement Advisory Committees.

In the case of more complicated procurements, the appointing authority

may, in his discretion, establish Procurement Advisory Committees to evaluate different phases of the proposals and make recommendations to the Source Selection Board. In such cases, at least a Technical Committee and a Business Management Committee shall be formed. Members of such committees may be selected from other Government agencies and from the Jet Propulsion Laboratory, where appropriate. The appointing authority shall designate a Chairman for each committee.

§ 1209.204 Evaluation of proposals.

(a) Source Selection Boards shall establish a rating system for evaluating proposals prior to the opening of proposals. Where Procurement Advisory Committees have also been established, the Source Selection Board may call upon such committees for recommendations concerning the criteria to be used. In establishing a rating system, the technical quality of the proposals and the technical abilities of a potential contractor shall normally be given greater weight than the business management factors.

(b) Each Source Selection Board and Procurement Advisory Committee shall make a written report of its recommendations.

§ 1209.205 Final selection of source.

The report and recommendations of a Source Selection Board shall be submitted through appropriate channels to the Administrator, NASA, who shall determine the selection of source or direct such other action as he deems appropriate.

§ 1209.206 Disclosure of information.

(a) Participants in proceedings of Source Selection Boards and Procurement Advisory Committees shall not disclose any information in connection with the selection proceedings or recommendations to any person not involved in the selection process, either before or after completion. Any question relating to the release of such information shall be referred to the General Counsel, NASA, for advice. The substance of this paragraph shall be incorporated in documents appointing Source Selection Board and Procurement Advisory Committee members.

(b) All copies of reports of Source Selection Boards and Procurement Advisory Committees, and all other written material connected with the Source Selection Board proceedings which is retained, shall be maintained in a separate file by the appointing authority.

§ 1209.207 Disclosure of private interests of board members.

Any member of a Source Selection Board or Procurement Advisory Committee who, at any time following his appointment, finds that he has an interest in or connection with a company submitting a proposal for evaluation by the board or committee on which he serves shall promptly report the fact of his interest or connection, and the nature of it, to the appointing authority. A reportable interest or connection shall in-

clude the following: (a) ownership of a company's securities by a member or his wife; (b) a close family relationship to an official of a company; (c) any other interest in or connection with a company which might tend to subject NASA to criticism on the basis that such interest or connection would impair the objectivity of a member's participation on a board or committee. The appointing authority shall determine in each case whether the board or committee member making such a report will be excused from serving on the board or committee, or take other appropriate action.

§ 1209.208 Debriefing of unsuccessful companies.

Debriefing, as used herein, means providing proposing companies with the details of NASA's evaluation of the proposals submitted and a discussion of their relative merits. It is NASA policy that companies submitting proposals will not be debriefed.

*Effective date.* The provisions of this subpart are effective August 26, 1959.

T. KEITH GLENNAN,  
Administrator.

[F.R. Doc. 59-7078; Filed, Aug. 25, 1959;  
8:47 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 7355]

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

##### Hy Fishman, Inc., et al.

Subpart—*Advertising falsely or misleadingly*: § 13.50 *Dealer or seller assistance*; § 13.155 *Prices*: Exaggerated as regular and customary; fictitious marking. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure*: § 13.1865 *Manufacture or preparation*: Fur Products Labeling Act; § 13.1900 *Source or origin*: Fur Products Labeling Act; *Place*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Hy Fishman, Inc., et al., New York, N.Y., Docket 7355, July 14, 1959]

*In the Matter of Hy Fishman, Inc., a Corporation, and Hy Fishman, Individually and as an Officer of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City furrier with violating the Fur Products Labeling Act by such means as advertisements in letters and brochures mailed to customers which failed to disclose that certain fur products contained artificially colored fur or the name of the country of origin of imported furs, represented fictitious amounts as the usual prices of fur products, and represented falsely that certain illustrated fur products were advertised in Glamour Magazine.

[Docket 7049 c.o.]

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

**Government Employees' Merchandise Mart, Inc., et al.**

Subpart—*Advertising falsely or misleadingly*: § 13.15 *Business status, advantages, or connections*: Cooperative nature; non-profit character; § 13.60 *Earnings and profits*.

(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, Gov-Mart a/k/a Government Employees' Merchandise Mart, Inc. (Seattle, Wash.), et al., Docket 7049, July 15, 1959]

*In the Matter of Gov-Mart a/k/a Government Employees' Merchandise Mart, Inc., a Corporation, and A. R. Early, Jack P. Scholfield, Clayton B. Willits, Thomas G. Hermans, and Harold O. Willits, as Trustees of Said Corporation, and Mission Supply Company, a Corporation, and Charles E. Klock and Harry Mallen, as Individuals and as Officers of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two associated retailing concerns in Seattle, Wash., engaged in selling to Government workers memberships in a purported buying service, with representing falsely that they were engaged in a non-profit enterprise in the sale of merchandise, misrepresenting their margin of profit, and claiming falsely that their enterprise was owned and operated by its members.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 15 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That the respondents, Gov-Mart a/k/a Government Employees' Merchandise Mart, Inc., a corporation, and its officers and trustees, and A. R. Early, Jack P. Scholfield, Clayton B. Willits, Thomas G. Hermans, and Harold O. Willits, as trustees of said corporation; Mission Supply Company, a corporation, and its officers, and Charles E. Klock, as an individual and as an officer of respondent Mission Supply Company, and Harry Mallen, as an individual; and the said respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any food, drugs, devices, or cosmetics, as "food", "drug", "device", and "cosmetic" are defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Disseminating, or causing to be disseminated, by means of the United States mails, or by any other means, in commerce as "commerce" is defined in the Federal Trade Commission Act, any

advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of food, drugs, devices or cosmetics, which advertisement represents:

(a) That respondents, or any of them, are engaged in a non-profit enterprise in the sale of merchandise;

(b) That respondents, or any of them, sell to their customers at wholesale cost plus 5% or at any other purported margin of profit however expressed, where such is contrary to the fact;

(c) That any enterprise owned, controlled or operated for profit is owned, controlled or operated by a non-profit organization or its members.

(2) Disseminating or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of food, drugs, devices or cosmetics in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in Paragraph (1) above.

*It is further ordered*, That respondents and their officers, trustees, agents, representatives and employees, directly, or through any corporate or other device, in connection with the offering for sale, sale or distribution of any merchandise, or of memberships in or subscriptions to a service or organization for the sale of any merchandise to members or subscribers therein in commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from making, directly or indirectly, any of the representations prohibited by Paragraph (1) above.

*It is further ordered*, That the complaint be, and the same hereby is, dismissed as to respondent Harry Mallen as an officer of respondent Mission Supply Company.

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

*It is ordered*, That the respondents, Gov-Mart a/k/a Government Employees' Merchandise Mart, Inc., a corporation, and A. R. Early, Jack P. Scholfield, Clayton B. Willits, Thomas G. Hermans, and Harold O. Willits, as trustees of said corporation, and Mission Supply Company, a corporation, and Charles E. Klock, individually and as an officer of said corporation, and Harry Mallen, as an individual, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 15, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
*Secretary.*

[F.R. Doc. 59-7063; Filed, Aug. 25, 1959; 8:45 a.m.]

No answer to the complaint having been filed and no appearance made by respondents, the hearing examiner made his initial decision and order to cease and desist which, on July 14, became the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That Hy Fishman, Inc., a corporation, and its officers, and Hy Fishman, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution in commerce, of fur products, or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose:

1. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

2. The name of the country of origin of any imported furs contained in a fur product;

B. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business;

C. Represents, directly or by implication, that any of respondents' fur products have been advertised in any advertising media, unless such advertising recently and regularly appeared, or unless the date thereof is set forth.

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

*It is ordered*, That respondents Hy Fishman, Inc., a corporation, and Hy Fishman, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 14, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
*Secretary.*

[F.R. Doc. 59-7062; Filed, Aug. 25, 1959; 8:45 a.m.]

[Docket 7424 c.o.]

**PART 13—DIGEST OF CEASE AND DESIST ORDERS****Noble and Noble, Publishers, Inc., et al.**

Subpart—*Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 Old, used, reclaimed, or reused as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Noble and Noble, Publishers, Inc., et al., New York, N.Y., Docket 7424, July 15, 1959]

*In the Matter of Noble and Noble, Publishers, Inc., a Corporation, and J. Kendrick Noble, Sr., Stanley Noble and J. Kendrick Noble, Jr., Individually and as Officers of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging publishers in New York City with selling home-study preparation books for United States Civil Service examinations without disclosing that the information in them was not up to date.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 15 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That respondent Noble and Noble, Publishers, Inc., a corporation, and its officers, and respondents J. Kendrick Noble, Sr., Stanley Noble and J. Kendrick Noble, Jr., individually and as officers of said corporate respondent, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the publication, advertising, offering for sale, sale and distribution of books entitled "Ward's Questions and Answers for Civil Service Clerical Positions" and "Ward's Questions and Answers for Civil Service Railway Postal Clerk and Clerk-Carrier Positions" in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from offering for sale or selling said books, unless the fact that the information contained therein is not up to date is clearly disclosed, or offering for sale or selling any other book of the same general nature, in which the information contained therein is not up to date, unless such fact is clearly disclosed.

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

*It is ordered,* That respondents herein shall, within sixty (60) days after service upon them, of this order, file with the Commission a report in writing setting forth in detail the manner and form

in which they have complied with the order to cease and desist.

Issued July 15, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F.R. Doc. 59-7064; Filed, Aug. 25, 1959; 8:45 a.m.]

**Title 19—CUSTOMS DUTIES**

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

[T.D. 54918]

**PART 1—CUSTOMS DISTRICTS,  
PORTS, AND STATIONS**

**PART 6—AIR COMMERCE  
REGULATIONS**

**Customs Offices in Foreign Countries;  
List of International Airports**

August 17, 1959.

1. On or about August 15, 1959, the Bureau of Customs will establish an office in Nassau, Bahama Islands. The Bureau has maintained an office in Winnipeg, Canada, for some time. To show that customs officers are stationed at these two places and that customs offices in foreign countries are no longer confined to Canada, § 1.3 of the Customs Regulations is amended to read as follows:

**§ 1.3 Customs offices in foreign countries.**

There are listed below the places in foreign countries where United States customs officers are stationed, the customs districts under which they function, and the comptrollers of customs having jurisdiction over such district:

Customs office	Customs district having supervision	Comptroller having supervision
St. John, New Brunswick (winter)	Maine and New Hampshire	Boston, Mass.
Montreal, Quebec	Vermont	Do.
Toronto, Ontario	Buffalo	New York, N.Y.
Nassau, Bahama Islands	Florida	Baltimore, Md.
Vancouver, British Columbia	Washington	San Francisco, Calif.
Prince Rupert, British Columbia	Alaska	Do.
Winnipeg, Manitoba	Dakota	Chicago, Ill.

(R.S. 161, as amended, 251, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66)

**§ 6.13 [Amendment]**

2. The official name of the Municipal Airport, at Buffalo, New York, which is a designated international airport (airport of entry), was changed by the Niagara Frontier Port Authority to "Greater Buffalo International Airport." Therefore, § 6.13 of the Customs Regulations is hereby amended by substituting the name "Greater Buffalo International

Airport" for the name "Municipal Airport" opposite Buffalo, New York.

(R.S. 161, as amended, sec. 1109, 72 Stat. 799, 5 U.S.C. 22, 49, U.S.C. 1509)

[MC 192]

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

[F.R. Doc. 59-7079; Filed, Aug. 25, 1959; 8:47 a.m.]

**Title 32—NATIONAL DEFENSE**

**Chapter XI—National Guard and State Guard, Department of the Army**

**PART 1101—NATIONAL GUARD REGULATIONS**

**Discharge and Separation**

Section 1101.18 is revised and § 1101.19 is revoked, as follows:

**§ 1101.18 Discharge and separation.**

(a) *Purpose.* This section prescribes the criteria and procedures for effecting discharge of enlisted personnel of the Army National Guard and in specific cases from enlistment as a Reserve of the Army.

(b) *Policy.* (1) The separation of enlisted personnel from the Army National Guard is effected through discharge by appropriate State authorities. Unless concurrently discharged from his enlistment as a Reserve of the Army, whenever a member of the Army National Guard is discharged from the Army National Guard, he becomes a member of the Army Reserve and ceases to be a member of the Army National Guard of the United States (10 U.S.C. 3260).

(2) An enlisted person who has incurred an injury or contracted a disease in line of duty and who is hospitalized, awaiting final disposition of his case, or whose physical condition as a result of such injury or disease raises a doubt as to his qualification for reenlistment will be administered in accordance with pertinent National Guard regulations.

(3) An enlisted person will not be discharged when awaiting trial or result of trial by courts-martial.

(c) *Discharge authority.* The authority to discharge enlisted personnel from the Army National Guard rests with the State. The authority to discharge an enlisted man from an enlistment as a Reserve of the Army rests with the Secretary of the Army and it is delegated to appropriate officers of the Army National Guard designated by the State adjutant general concerned for the purpose of this section.

(d) *Concurrent discharge from the Army National Guard and Reserve of the Army.* An enlisted person discharged from the Army National Guard of the State for the following reasons will be concurrently discharged from his enlistment as a Reserve of the Army:

(1) Upon expiration of term of enlistment, when a person to be discharged

has no service obligation under the Universal Military Training and Service Act (65 Stat. 75), as amended (50 U.S.C. App. 451 et seq.).

(2) When discharged prior to expiration of term of service for any reason specified in this section if no period of obligated service exists.

(3) Immediate reenlistment in the Army National Guard.<sup>1</sup>

(4) Enlistment in a regular component of any of the Armed Forces of the United States, including the United States Coast Guard.<sup>1</sup>

(5) Induction into the active Armed Forces.<sup>1</sup>

(6) Enlistment in a Reserve component of the Navy, Marine Corps, Air Force, or Coast Guard.<sup>1</sup>

(7) Acceptance of appointment as an officer, warrant officer, or Aviation cadet in:

An Armed Force of the United States.  
Public Health Service.  
Coast and Geodetic Survey.

An Advanced Course in AFROTC or NROTC, provided evidence of concurrent enlistment in Air Force Reserve or Naval Reserve, as appropriate, is presented.<sup>1</sup>

(8) Reenlisting in order to attend a service school when the unexpired portion of the current enlistment is less than the length of the course to be attended plus 24 months.<sup>1</sup>

(9) Physical disability (see paragraph (f) (5) of this section).

(10) Unsuitability.

(11) Unfitness.

(12) Homosexuality.

(13) Fraudulent entry.

(14) Hardship and dependency.

(15) Conviction by civil courts of offenses involving moral turpitude or punishment of an offense for which the maximum penalty is death or confinement in excess of one year. Retention of individuals convicted by civil courts for offenses, other than felonies, will be determined as prescribed by § 1101.14.

(16) Security reasons. The Chief, National Guard Bureau, will issue instructions in each individual case.

(17) Voluntary request of an individual who has become a regular or duly ordained minister of religion.

(18) Application of an individual who for the purpose of pursuing theological studies, obtaining ordination, and/or taking final vows in a religious order is required to be separated from his military status.

(19) Minority.

(e) *Discharge from the Army National Guard of the State only.* (1) An enlisted person who has a remaining service obligation under the Universal Military Training and Service Act, as amended, will be discharged only from the Army National Guard for the following reasons:

(i) Expiration of enlistment unless the enlisted person signifies his intention to reenlist on the day following his discharge from the Army National Guard.

(ii) Disbandment of a unit and there is no other Army National Guard unit in

the vicinity to which the individual may be reassigned.

(iii) Change of residence to another State.

(iv) Expiration of term of service while assigned the Inactive National Guard or while on active duty.

(v) Voluntary request of an individual preparing for the ministry in a recognized theological or divinity school (10 U.S.C. 685).

(vi) Voluntary request of an individual who has incurred a religious obligation, the performance of which requires his full-time service, and results in his being unavailable for participation in prescribed training.

(vii) Acceptance of appointment as a cadet at the United States Military Academy, United States Air Force Academy, United States Coast Guard Academy, or Midshipman at the United States Naval Academy or the Naval Reserve.

(viii) Incompatible occupation, dependency, or continuous and willful absence from military duty.

(2) An enlisted person with or without a remaining service obligation under the Universal Military Training and Service Act, as amended, will be discharged only from the Army National Guard under the following criteria:

(i) Upon request that he not be discharged from his reserve of the Army status in order to become a member of the Army Reserve.

(ii) Enrolled in the Advanced Course, Senior Division, Army ROTC.

(f) *Procedures in certain cases—*(1) *To enlist in Regular Army, Navy, U.S. Air Force, Marine Corps, or U.S. Coast Guard, or by reason of induction in the active Armed Forces—*(i) *Enlistment in the Regular Army.* Upon written notification from a recruiting officer of the Armed Forces that an enlisted member of the Army National Guard will be accepted for enlistment in the Regular Army, subject to his discharge from the Army National Guard, the State adjutant general will notify the recruiting officer of the effective date of discharge of the enlisted person from the Army National Guard. Discharge will be held in abeyance pending clearance of property accounts of the enlisted person concerned.

(ii) *Enlistment in the Navy, U.S. Air Force, Marine Corps, or U.S. Coast Guard.* Members of the Army National Guard are eligible to enlist in the regular components of another military service at any time except:

(a) Within the 60-day period immediately preceding the effective date of orders to extended active duty or active duty for training other than annual, and

(b) During the performance of extended active duty or active duty for training included annual.

The discharge procedures described in subdivision (i) of this subparagraph are equally applicable in cases of this nature.

(iii) *Induction under Universal Military Training and Service Act, as amended.* An enlisted member of the Army National Guard will be discharged upon induction for training and service in the Armed Forces under the provisions

of Universal Military Training and Service Act, as amended.

(2) *Physical disability.* An enlisted person considered physically disqualified for continued military service because of injuries or illness will be discharged due to physical disability.

(3) *Continued and willful absence from military duty.* The determination of "continuous and willful absence" is the responsibility of the State adjutant general. The discharge certificate awarded will be of such nature to insure that the discharge "because of continued absence from military duties" will not act as a bar to fulfillment of any currently remaining service obligation.

(4) *Change of residence to another State.* An enlisted member of the Army National Guard who permanently changes his residence to another State will be discharged from the Army National Guard as provided in these regulations unless he still lives within such distance of the home station of his unit that he can properly perform his military duties and indicates a desire to continue his enlistment in the Army National Guard, and, further, the laws of the State to which the unit belongs do not otherwise prohibit such enlisted person from continuing as a member of the unit.

(5) *Minority.* In case of enlisted personnel under 18 years of age, the criteria prescribed in § 582.1 of this title will apply. Upon determination that an enlistment is void, the individual will be released from military control and will not be furnished a discharge certificate or NGB Form 22. The State adjutant general will direct final action.

(g) *Classes of discharge.* Each enlisted person discharged from the Army National Guard under the provisions of this section will be furnished an appropriate certificate of a type to be determined solely by the member's record of military service. As the type of discharge may significantly influence the individual's civilian rights and eligibility for benefits provided by law, it is essential that all pertinent factors be considered so that the type of discharge will reflect accurately the nature of the service rendered. The discharge of an individual from his status in the Army National Guard is a function of the State military authorities in accordance with State laws and regulations.

(h) *Effective date of discharge.* (1) The discharge of an enlisted person is effective at 2400 hours on the date that notification of discharge is given to the individual concerned. The completed and signed discharge certificate and the original copy of NGB Form 22 should be delivered to the individual on the date of discharge.

(2) Notification of discharge may be either actual or constructive as indicated in paragraph (i) of this section.

(3) The discharge may not be revoked after its effective date provided the discharge order was published by an officer qualified to issue a discharge certificate, there is no evidence of fraud in its procurement, and the individual received actual or constructive notice thereof.

(4) After consummation of discharge action, administrative errors concerning

<sup>1</sup> Discharge does not terminate the service obligation of the individual under the UMT&S Act, as amended.

rank, service number, misspelled names, etc., may be amended by the discharge authorities to reflect correct data.

(i) *Notification of discharge.* Notification of discharge may be either actual or constructive as follows:

(1) *Actual notice.* Actual notice involves personal delivery to the individual of the discharge certificate.

(2) *Constructive notice.*

(i) Constructive notice is accomplished when actual delivery of the discharge certificate cannot be accomplished owing to the absence of the individual to be discharged. Receipt by the individual's organization of the order directing his discharge will be deemed sufficient notice.

(ii) When personal delivery cannot be made due to the absence of the individual, his discharge is effective on the date placed on the certificate. In this instance the officer effecting discharge will note under "Remarks" on NGB Form 22 and "Remarks" on DA Form 24, the fact that the enlisted person was discharged without personal notice and the reason therefor. In addition, the date of receipt of the order and the reason why actual notice thereof was not given will be entered by indorsement on the back of the discharge certificate. The discharge order, certificate, and NGB Form 22 will be mailed, without delay, to the individual at his last-known address by registered mail with return receipt requested. The signed return receipt, or if not delivered the discharge certificate and NGB Form 22 in its mailing cover, will be forwarded to the State adjutant general for file with the individual's records.

(j) *Amendments and corrections to forms—(1) Discharge certificate.* The discharge certificate as originally prepared cannot be altered. Corrections referred to in paragraph (h) of this section can be furnished the individual concerned by preparing NGB Form 22A. In the event an individual who has been discharged from his enlistment in the Army National Guard and as a Reserve of the Army wishes to appeal with respect to the type of discharge certificate awarded, he may submit such appeal with respect to his discharge as a Reserve of the Army to the Army Discharge Review Board, Washington 25, D.C., for action.

(2) *NGB Form 22.* When it has been determined from official records available to the State military authorities that NGB Form 22 issued an enlisted person contains an error or omission of pertinent facts, it may be corrected by preparing NGB Form 22A (Correction to NGB Form 22, Report of Separation and Record of Service).

(k) *Lost or destroyed discharge records.* Upon satisfactory proof of the loss or destruction of the discharge certificate or NGB Form 22 which has been issued to an enlisted person, in accordance with governing laws and regulations, the adjutant general of the State concerned, will, upon request, issue a signed official statement showing date and place of enlistment, the date and cause of discharge, and the type of discharge, as originally shown on the lost

or destroyed certificate of discharge or NGB Form 22.

### § 1101.19 Discharge certificates.

[Revoked]

[NGR 25-3, July 1, 1959] (Sec. 110, 70A Stat. 600; 32 U.S.C. 110)

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

[F.R. Doc. 59-7085; Filed, Aug. 25, 1959; 8:48 a.m.]

## Title 39—POSTAL SERVICE

### Chapter I—Post Office Department

#### PART 95—TRANSPORTATION OF MAIL BEYOND BORDERS OF THE UNITED STATES

##### Transportation and Protection of Mail Between Post Offices and Ships

###### Correction

In F.R. Doc. 59-6996, appearing in the issue of Friday, August 21, 1959, at page 6812, the word "classification" in the ninth line of column 2 should read "clarification".

## Title 43—PUBLIC LANDS: INTERIOR

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

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1951]

[Idaho 09772]

#### IDAHO

##### Withdrawing Lands Within Nez Perce National Forest for Use of the Forest Service as Recreation Areas, Streamside and Roadside Zones

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

Subject to valid existing rights, the following described public lands within the Nez Perce National Forest are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Forest Service, Department of Agriculture as recreation areas, streamside and roadside zones, as indicated:

###### BOISE MERIDIAN

###### COTTER BAR RECREATION AREA

T. 29 N., R. 3 E.,  
Sec. 1, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  and W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
Totaling 40 acres.

###### PROSPECTOR BAR RECREATION AREA

T. 29 N., R. 3 E.,  
Sec. 1, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Totaling 5 acres.

###### BOUNDARY RECREATION AREA

T. 30 N., R. 3 E.,  
Sec. 36, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  and N $\frac{1}{2}$ NW $\frac{1}{4}$ -NW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
Totaling 15 acres.

###### EARTHQUAKE CREEK RECREATION AREA

T. 29 N., R. 4 E.,  
Sec. 18, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  and W $\frac{1}{2}$ NW $\frac{1}{4}$ -NW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Totaling 10 acres.

###### SHEEP CREEK RECREATION AREA

T. 29 N., R. 4 E.,  
Sec. 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ -NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
Totaling 17.5 acres.

###### BIVOUCAC RECREATION AREA

T. 29 N., R. 4 E.,  
Sec. 20, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$  and E $\frac{1}{2}$ SW $\frac{1}{4}$ -NW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Totaling 10 acres.

###### NELSON CREEK RECREATION AREA

T. 29 N., R. 4 E.,  
Sec. 20, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Totaling 10 acres.

###### MEADOW CREEK RECREATION AREA

T. 29 N., R. 4 E.,  
Sec. 26, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
Totaling 12.5 acres.

###### MILL CREEK STREAMSIDE ZONE AND RECREATION AREA

A strip of land 5 chains wide being 2.5 chains wide on each side of the thread of Mill Creek beginning at the mouth of Mill Creek and extending 1.0 miles upstream and located wholly within the following-described subdivisions:

T. 29 N., R. 4 E.,  
Sec. 26, W $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 27, SE $\frac{1}{4}$ NE $\frac{1}{4}$  and E $\frac{1}{2}$ SE $\frac{1}{4}$ .  
Totaling 40 acres.

###### COUGAR CREEK STREAMSIDE ZONE AND RECREATION AREA

A strip of land 5 chains wide being 2.5 chains wide on each side of the thread of Cougar Creek beginning at the mouth of Cougar Creek and extending 10 chains upstream and located wholly within the following-described subdivisions of unsurveyed land which will be when surveyed:

T. 29 N., R. 5 E.,  
Sec. 29, NE $\frac{1}{4}$ .  
Totaling 5 acres.

###### SILVER CREEK STREAMSIDE AND SCENIC SPOT

A strip of land 2 chains wide being 1 chain wide on each side of the thread of Silver Creek beginning at the mouth of Silver Creek and extending 5 chains upstream and located wholly within the following-described subdivisions of unsurveyed land which will be when surveyed:

T. 29 N., R. 5 E.,  
Sec. 36, NW $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
Totaling 1 acre.

###### MOOSE CREEK STREAMSIDE ZONE AND RECREATION AREA

A strip of land 5 chains wide being 2.5 chains wide on each side of the thread of Moose Creek beginning at the mouth of Moose Creek and extending 5 chains upstream and located wholly within the following subdivisions of unsurveyed land which will be when surveyed:

T. 29 N., R. 7 E.,  
Sec. 22, SW $\frac{1}{4}$ .  
Totaling 2.5 acres.

**DUTCH OVEN CREEK STREAMSIDE ZONE AND RECREATION AREA**

A strip of land 3 chains wide being 1.5 chains wide on each side of the thread of Dutch Oven Creek beginning at the mouth of Dutch Oven Creek and extending 5 chains upstream and located wholly within the following-described subdivisions of unsurveyed land which will be when surveyed:

T. 29 N., R. 7 E.,  
 Sec. 23, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
 Sec. 26, N $\frac{1}{2}$ N $\frac{1}{2}$ .  
 Totalling 1.5 acres.

**CROOKED CREEK ROADSIDE ZONE AND RECREATION AREA**

A strip of land 6 chains wide on the north-westerly side and 2 chains wide on the south-easterly side of and contiguous to the centerline of Forest Development Road No. 222 beginning at the point where Forest Development Road No. 222 leaves the northerly end of the Dixie Landing Field and extending southwesterly for 1.25 miles along Forest Development Road No. 222 and located wholly within the following-described subdivisions of unsurveyed land which will be when surveyed:

T. 25 N., R. 8 E.,  
 Sec. 7, S $\frac{1}{2}$ ;  
 Sec. 18, N $\frac{1}{2}$ .  
 Totalling 80 acres.

**DITCH CREEK RECREATION AREA**

A strip of land 4 chains wide contiguous to the east side of the thread of Ditch Creek and 1 chain wide contiguous to the west side of the thread of Ditch Creek beginning at the mouth of Ditch Creek and ending 20 chains upstream and located wholly within the following-described subdivisions of unsurveyed land which will be when surveyed:

T. 28 N., R. 9 E.,  
 Sec. 23, NE $\frac{1}{4}$  and SE $\frac{1}{4}$ ;  
 Sec. 24, NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
 Totalling 10 acres.

The areas described aggregate 260 acres.

This order shall be subject to existing withdrawals for other than national forest purposes so far as they affect any of the lands described, and shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,  
*Assistant Secretary of the Interior.*

AUGUST 20, 1959.

[F.R. Doc. 59-7066; Filed, Aug. 25, 1959; 8:45 a.m.]

**§ 401.41 [Amendment]**

1. Section 401.41 is amended as follows:

a. By deleting paragraph (f) and inserting in lieu thereof the following:

(f) Tools, equipment, and initial stocks (including livestock) and supplies; equipment and initial stocks and supplies for vending stands. "Equipment" as used here includes, in the case of shelters, only those for a business undertaking which are customarily furnished by the operator of a like undertaking occupying premises under a short-term lease.

b. By deleting the second sentence of paragraph (g) and inserting as a separate paragraph immediately following paragraph (g) the following:

Federal financial participation will not be available in any expenditure made, either directly or indirectly, on behalf of a handicapped individual, for the purchase of any land, or for the purchase or erection of any building. This exclusion with respect to buildings does not apply to shelters as described in paragraph (f) of this section.

2. Section 401.42 is amended by deleting the entire section and inserting in lieu thereof the following:

**§ 401.42 Vending stands and small businesses under management and supervision of State agency.**

Federal financial participation will be available in expenditures made under the State plan for the acquisition of vending stands or other equipment, and initial stocks (including livestock) and supplies, for use by severely handicapped individuals in any type of small business under the management and supervision of the State or local rehabilitation agency. "Vending stands or other equipment" as used here includes, in the

case of shelters, only those for a business undertaking which are customarily furnished by the operator of a like undertaking occupying premises under a short-term lease. Federal financial participation will not be available in any expenditure for meeting the costs of continuing day-to-day management and supervision of such vending stands and other small businesses, nor for the purchase or rental of any land, nor for the purchase, rental, or erection of any building. This exclusion with respect to buildings does not apply to shelters as described in the second sentence of this section.

(Sec. 7, 68 Stat. 658; 29 U.S.C. 37)

Dated: August 20, 1959.

[SEAL] ARTHUR S. FLEMMING,  
*Secretary.*

[F.R. Doc. 59-7065; Filed, Aug. 25, 1959; 8:45 a.m.]

**Title 50—WILDLIFE**

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

**SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE**

**PART 6—MIGRATORY BIRDS**

**Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds**

*Correction*

In F.R. Doc. 59-6718, appearing in the issue of Friday, August 14, 1959, at page 6623, the following change should be made:

In § 6.41(a), the semicolon following the figure "15" in the second line of footnote 1 should be deleted and a semicolon inserted after the word "sunset".

**PROPOSED RULE MAKING**

**CIVIL AERONAUTICS BOARD**

[ 14 CFR Part 302 ]

[Procedural Regs. Docket No. 10797]

**RULES OF PRACTICE IN ECONOMIC PROCEEDINGS**

**Consolidations, Simultaneous Considerations, and Expansion of Issues**

AUGUST 19, 1959.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Rule 12 of Part 302 of the Board's Procedural Regulations.

The principal features of the proposed amendment are explained in the Explanatory Statement set forth below, and the proposed amendment to Part 302 as set forth below. This regulation is proposed under the authority of sections 204(a)

and 1001 of the Federal Aviation Act of 1958 (72 Stat. 743, 788; 49 U.S.C. 1324, 1481).

Interested persons may participate in the proposed rule making through submission of seven (7) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before September 24, 1959 will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on or after September 28, 1959 for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,  
*Acting Secretary.*

**Title 45—PUBLIC WELFARE**

**Chapter IV—Office of Vocational Rehabilitation, Department of Health, Education, and Welfare**

**PART 401—THE VOCATIONAL REHABILITATION PROGRAM**

**Miscellaneous Amendments**

Pursuant to the authority conferred by Section 7 of the Vocational Rehabilitation Act, as amended, the following changes are prescribed in Part 401, in order to clarify Sections 401.41 and 401.42 by describing the types of shelters for tools, equipment, stocks and supplies which constitute "vocational rehabilitation services":

**Explanatory statement.** Under the procedures presently prescribed in Rule 12(b) (§ 302.12(b)) of Part 302 of the Board's Procedural Regulations, the filing of motions to consolidate or contemporaneously consider two or more proceedings, may be delayed until the prehearing conference in the proceeding with which consolidation or contemporaneous consideration is requested, and such motions may be made orally at such conference. A motion for consideration of issues which enlarge, expand, or change the nature of a proceeding may also be made in accordance with the same procedure.

The Board has observed that the filing and oral presentation of the aforementioned motions during prehearing conferences in Board proceedings involving route determinations and awards under section 401 of the Act have had a tendency to create confusion and procedural complications and to hamper the Board in conducting such proceedings in the manner most conducive to the proper dispatch of business.

The Board therefore believes that the orderly conduct of section 401 proceedings will be enhanced if the present provisions of Rule 12 (§ 302.12) are revised to require all motions for consolidation or contemporaneous consideration of such proceedings, motions for consideration of issues which expand or change the nature of such a proceeding, and answers thereto, to be filed with the Board prior to the date of the prehearing conference.

Specifically, the Board proposes to amend the present procedures in Rule 12 (b) and (c) (§ 302.12 (b) and (c)) to require such motions, and answers thereto, to be filed no later than the date specified in the prehearing conference notice issued in the proceeding with which consolidation or contemporaneous consideration is requested, or in the proceeding in which it is requested that the issues be expanded or changed. The date specified in the prehearing conference notice would be so established as to provide a reasonable period for the filing of such motions and answers thereto, but would require them to be filed by a date prior to the holding of the conference. Thus, under this proposed amendment such motions and, ordinarily, the answers, would no longer be filed or presented orally at the prehearing conference. As under the present rules, a motion which is not timely filed would be dismissed unless the movant could clearly show good cause for his failure to make timely filing.

It is believed that the change in procedures proposed herein will avoid the confusion which has been experienced when numbers of motions subject to Rule 12 (b) (§ 302.12(b)) have been filed or presented orally during prehearing conferences in section 401 proceedings, and will enable such Board proceedings to be conducted in a more orderly manner than heretofore without prejudicing the interests of the parties involved.

Since difficulties with current Rule 12 (b) and (c) (§ 302.12 (b) and (c)) have been experienced only in section 401 proceedings, the proposed change in pro-

cedures would be applicable only to such proceedings. Accordingly, the current rules would continue to govern in proceedings not involving matters subject to section 401 of the Act.

It will be noted, however, that the proposal would make clear the Board's intention that Rule 12(b) (§ 302.12(b)) shall apply to motions for consolidation of Board proceedings and motions to expand the issues therein whether or not such proceedings involve "applications" or are instituted by the Board on its own initiative. The proposal would also make clear the Board's intention that all motions and answers subject to Rule 12(b) (§ 302.12(b)) be addressed to the Board.

Accordingly, it is proposed to amend Part 302 of the Procedural Regulations (14 CFR Part 302) by amending paragraph (b) of § 302.12 to read as set forth below and by deleting paragraph (c) of § 302.12:

**§ 302.12 Consolidations, simultaneous consideration, and expansion of issues.**

\* \* \* \* \*

(b) *Filing of motions*—(1) *In Board proceedings involving matters subject to section 401 of the Act.* (i) Motions to consolidate or to contemporaneously consider two or more pending applications or other proceedings, including proceedings initiated by the Board, and motions for consideration of issues which enlarge, expand, or change the nature of any such proceeding, shall be addressed to the Board and filed not later than the date specified in the prehearing conference notice issued in the proceeding with which consolidation or contemporaneous consideration is requested or in which it is requested that the issues be expanded or changed. The period provided in the prehearing conference notice for the filing of such motions shall be not less than seven days. A motion which is not timely filed shall be dismissed unless the movant shall clearly show good cause for his failure to file such motion on time.

(ii) A motion which relates to an application of the movant not pending on the date specified for the filing of motions in the prehearing conference notice shall be dismissed, unless the movant shall clearly show good cause for his failure to make timely filing of his application.

(iii) If a motion to consolidate or to contemporaneously consider two or more proceedings or a motion for consideration of issues which enlarge or change the nature of a proceeding is filed, any party to any such proceedings, or any person who has a petition for intervention pending, may file an answer to such motion within the period specified for the filing of answers in the prehearing conference notice. If in any such proceeding the period between the date for the filing of such motions and the date of the prehearing conference is less than 10 days, the answers may be made orally at the prehearing conference, or in writing not later than the prehearing conference. All answers shall be addressed to the Board.

(2) *In other Board proceedings.* (i) Motions to consolidate or contemporaneously consider two or more pending

applications or other proceedings, including proceedings initiated by the Board, and motions for consideration of issues which enlarge, expand, or change the nature of any such proceeding, shall be addressed to the Board and filed not later than the prehearing conference in the proceeding with which consolidation or contemporaneous consideration is requested or in which it is requested that the issues be expanded or changed. If a motion is made orally at the prehearing conference, the presiding Examiner will present such motion to the Board for its decision. A motion which is not timely filed shall be dismissed unless the movant shall clearly show good cause for his failure to file such motion on time.

(ii) A motion which relates to an application of the movant not pending at the time of the prehearing conference in the proceeding with which consolidation or contemporaneous consideration is requested shall be dismissed, unless the movant shall clearly show good cause for his failure to make timely filing of his application.

(iii) If a motion to consolidate two or more proceedings or a motion for consideration of issues which enlarge or change the nature of a proceeding is filed, any party to any such proceedings, or any person who has a petition for intervention pending, may file an answer to such motion within such period as the Board may determine. The Examiner may require that answers to such motions be stated orally at the prehearing conference in the proceeding with which the consolidation is proposed. All answers shall be submitted to the Board.

[F.R. Doc. 59-7082; Filed, Aug. 25, 1959; 8:47 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 909 ]

#### ALMONDS GROWN IN CALIFORNIA

##### Almond Butter; Definition

Notice is hereby given that there is under consideration a proposal to amend the administrative rules and regulations (Subpart—Administrative Rules and Regulations) pertaining to operations under the Marketing Agreement No. 119, as amended, and Order No. 9, as amended, regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674). The proposed amendment would be pursuant to § 909.66(c) of said agreement and order and is based on a recommendation of the Almond Control Board and other information.

Consideration will be given to data, views and arguments pertaining to the proposal which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than ten days after publication of this notice in the FEDERAL REGISTER.

The proposal is to amend § 909.466 of said Administrative Rules and Regulations to read as follows:

**§ 909.466 Almond butter.**

Almond butter as used in § 909.66(c) is hereby defined as a comminuted food product prepared by grinding roasted shelled almonds into a homogeneous plastic or semiplastic mass or liquid having practically no particles larger than  $\frac{1}{16}$  inch in any dimension.

Dated: August 20, 1959.

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

[F.R. Doc. 59-7072; Filed, Aug. 25, 1959; 8:46 a.m.]

**17 CFR Part 1001 I**

**LIMES GROWN IN FLORIDA**

**Pack Regulation**

Notice is hereby given that the Department is giving consideration to the proposal, hereinafter set forth, submitted by the Florida Lime Administrative Committee, established pursuant to the amended marketing agreement and Order No. 101, as amended (7 CFR Part 1001), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any data, views, or arguments pertaining to the said proposal, which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., no later than September 1, 1959.

The proposal is that the Secretary revise the provisions of paragraph (b) (2) of § 1001.305 (Lime Order 5; 23 F.R. 1694) to make it clear that the grade marking required to be stamped on lime containers under such section shall be conspicuously marked on one outside end of the container. After such revision the language preceding subdivision (i) of said paragraph (b) (2) would read as follows:

(2) On and after the effective time of this order, no handler shall handle any lot of limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the production area, unless such limes meet the requirements of one of the pack specifications established in paragraph (b) (1) of this section, and at least 90 percent of the containers in such lot are conspicuously marked or stamped on one outside end in letters at least  $\frac{1}{4}$  inch in height to show the United States grade applicable to such lot: *Provided*, That, in lieu of such marking requirement, any handler may affix to the container a label, brand, or trademark, registered with the Florida Lime Administrative Committee in accordance with the fol-

lowing which appropriately identifies the grade of such limes:

Dated: August 20, 1959.

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

[F.R. Doc. 59-7071; Filed, Aug. 25, 1959; 8:46 a.m.]

**FEDERAL POWER COMMISSION**

**18 CFR Part 156 I**

[Docket No. R-178]

**APPLICATIONS FOR ORDERS UNDER SECTION 7(a) OF THE NATURAL GAS ACT**

**Notice of Proposed Rule Making**

August 18, 1959.

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

2. It is proposed to prescribe a new Part 156—Applications for Orders Under Section 7(a) of the Natural Gas Act—of Subchapter E, Regulations Under the Natural Gas Act, of Chapter I—Federal Power Commission, Title 18—Conservation of Power, of the Code of Federal Regulations, containing regulations to be followed in connection with the submission for Commission consideration of applications for orders pursuant to section 7(a) of the Natural Gas Act (52 Stat. 824(a); 15 U.S.C. 717f(a)), which authorizes the Commission, after notice and opportunity for hearing, to direct a natural gas company to establish physical connection of its transportation facilities with the facilities of, and sell natural gas to any person or municipality engaged or legally authorized to engage in the local distribution of natural gas to the public.

3. The Commission has not heretofore found it necessary to prescribe any regulations similar to those herein proposed, but, in view of the increasing number of requests for Commission action under the said section 7(a), is now of the opinion that such regulations would benefit not only the staff of the Commission in its processing of such applications but also the persons or municipalities who apply.

4. The regulations herein proposed are similar in content to the existing regulations relating to applications for certificates of public convenience and necessity under section 7(c) of the Act (18 CFR Part 157) which are designed to obtain from the applicants thereunder all the information that is necessary for a proper appraisal of the data and other material submitted in support of an application.

5. The proposed new Part 156 of the regulations under the Natural Gas Act is proposed to be issued under the authority granted the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 7 and 16 thereof (52 Stat. 824, 830; 15 U.S.C. 717f, 717o).

6. Any interested person may submit to the Federal Power Commission, Washington 25, D.C., on or before September 15, 1959, data, views, and comments in writing concerning the proposed new regulations. An original and 9 copies of any such submittal is requested. The Commission will consider these written submittals before acting on the proposed amendment.

MICHAEL J. FARRELL,  
Acting Secretary.

**§ 156.1 Who may apply.**

Any person or municipality as defined in section 2 of the Natural Gas Act engaged or legally authorized to engage in the local distribution of natural or artificial gas to the public may file with the Commission an application pursuant to the provisions of section 7(a) of the Natural Gas Act for an order of the Commission directing a natural gas company to extend or improve its transportation facilities, to establish physical connection of its transportation facilities with the facilities of, and sell natural gas to such person or municipality, and for such purpose to extend its transportation facilities to communities immediately adjacent to such facilities or to territory served by such natural gas company.

**§ 156.2 Purpose and intent of rules.**

(a) Applications filed pursuant to the provisions of section 7(a) of the Natural Gas Act shall contain all information necessary to advise the Commission fully concerning the applicant, the service which applicant requests the Commission to direct the natural gas company to render together with a description of any improvement or extension of facilities which the natural gas company would be required to make in connection with the rendition of the service, applicant's present and proposed operations, construction, service, and sales together with a description of any extension or improvement of facilities by applicant which would be required to enable applicant to engage in the local distribution of natural gas.

(b) Every requirement of this part shall be considered as an obligation upon the applicant which can be avoided only by a definite and positive showing that the information or data required by the applicable sections of the regulations is not necessary to the consideration and ultimate determination of the application.

(c) This part will be strictly applied to all applications as submitted and the burden of adequate presentation in understandable form as well as justification for omitted data or information rests with the applicant.

**§ 156.3 Applications; number of copies; general requirements.**

(a) *Applicable rules.* An original and 7 conformed copies of an application under this part shall be filed with the Commission. The Commission reserves the right to request additional copies. In all other respects applications shall conform to the requirements of §§ 156.1

through 156.5, and other applicable requirements of the Commission's rules of practice and procedure, particularly §§ 1.5, 1.15, 1.16, and 1.17 of this chapter (rules of practice and procedure). Amendments to or withdrawals of applications shall be filed in accordance with the requirements of § 1.11 of this chapter (rules of practice and procedure).

(b) *General content of application.* Each application filed shall set forth the following information:

(1) The exact legal name of applicant; the name of the natural gas company from which applicant is seeking an extension or improvement of transportation facilities, physical connection of facilities or service of natural gas together with a concise description of the extension, improvement, physical connection of facilities or service sought including the volumes of natural gas involved to meet annual and maximum day requirements for the estimated first three years of proposed operation.

(2) Applicant's principal place of business; whether applicant is an individual, corporation or municipality as defined in section 2 of the Natural Gas Act; state under the laws of which applicant is incorporated, organized or authorized; and the name, title, and mailing address of the person or persons to whom communications concerning the application are to be addressed.

(3) The facts relied upon by applicant to show that the proposed extension or improvement of transportation facilities, physical connection of facilities or service and sale of natural gas are necessary or desirable in the public interest.

(4) A concise description of applicant's operations, if any, at the time the application is filed.

(5) A concise description of applicant's proposed operations, construction, service and sales together with a description of any extension or improvement of facilities by applicant which would be required to enable applicant to engage in the local distribution of natural gas and including the proposed dates for the beginning and completion of construction and commencement of operations.

(6) A full statement concerning and description of any certificate of public convenience and necessity, franchise, or other authorization which applicant has received from any state commission or municipality covering its proposed operations.

(7) A full statement as to whether any other application must be or is to be filed by applicant with any other federal or state body, or other political subdivision or agency of a state to enable applicant to engage in the local distribution of natural gas in the territory it proposes to serve.

(8) Each application shall contain a table of contents which shall list all exhibits and documents filed in compliance with §§ 156.1 through 156.5, as well as other documents and exhibits filed therewith, identifying them by their appropriate titles and alphabetical letter designations specified in § 156.5. The alphabetical designations specified in § 156.5 must be strictly adhered to and any additional exhibits submitted on ap-

plicant's own volition, pursuant to § 156.5(b), shall be designated in sequence under the letter designation X (X1, X2, X3, etc.).

§ 156.4 Form of exhibits to be attached to applications.

(a) *General requirements.* Each exhibit shall contain a title page showing applicant's name, Docket No. G----- (number designation to be left blank), title of exhibit, and if exhibit consists of 10 or more pages a table of contents citing by page, section number or subdivision the component elements or matters contained therein.

(b) *Measurement base.* All gas volumes shall be stated upon a uniform basis of measurement, and, in addition, if the uniform basis of measurement used in any application is other than 14.73 p.s.i.a., then the volume or volumes of natural gas to be received from any source and delivered by applicant shall also be stated upon a basis of 14.73 p.s.i.a. Similarly, total volumes on all summary sheets, as well as grand totals of volumes in any exhibit, shall also be stated upon a basis of 14.73 p.s.i.a. if the basis of measurement used is other than 14.73 p.s.i.a.

§ 156.5 Exhibits.

(a) *Exhibits to be submitted with application.* All of the following exhibits shall be submitted with the application when tendered for filing. Such exhibits may be attached to the application or furnished in a separate volume or separate volumes designated "Exhibits to Application." Such separate volume or volumes shall indicate on the cover thereof applicant's name and bear Docket No. G----- (number designation to be left blank).

(1) *Exhibit A—Articles of incorporation and bylaws.* If applicant is not an individual, a conformed copy of its articles of incorporation and bylaws, and other similar documents. One certified copy shall be submitted with the original application.

(2) *Exhibit B—State and local authorizations.* (i) A copy of any certificate of public convenience and necessity or similar authorization which applicant has obtained from the state commission or commissions of each of the states in which applicant engages or proposes to engage in the local distribution of natural gas; (ii) a copy of any franchise or similar authorization which applicant has obtained from each of the municipalities in which applicant engages or proposes to engage in the local distribution of natural gas; and (iii) a copy of any other authorization or form of consent which applicant has obtained from any state, state commission, municipality or from any agency of the federal government necessary or incidental to applicant's proposal to engage in the local distribution of natural gas. One certified copy of each of the documents specified in subdivisions (i), (ii), and (iii) of this subparagraph shall be submitted as exhibits to the original application.

(3) *Exhibit C—Company officials.* A list of the names and business addresses of applicant's officers and directors, or

similar officials if applicant is not a corporation.

(4) *Exhibit D—Subsidiaries and affiliation.* If applicant or any of its officers or directors, directly or indirectly, owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities of any other person or organized group of persons engaged in production, transportation, distribution, or sale of natural gas, or of any person or organized group of persons engaged in the construction or financing of such enterprises or operations, a detailed explanation of each such relationship, including the percentage of voting strength represented by such ownership of securities. If any person or organized group of persons, directly or indirectly, owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities of applicant—give a detailed explanation of each such relationship.

(5) *Exhibit F—Location of facilities.* A geographical map of suitable scale and detail showing, and appropriately differentiating between, all of the transmission facilities proposed to be constructed and operated and existing transmission facilities of applicant, including:

(i) Location, length, and size of transmission pipeline,

(ii) Location and size (rated horsepower) of transmission compressor stations,

(iii) Location and designation of each point of connection of existing and proposed transmission facilities with (a) proposed pipeline supplier, main line industrial customers, gas pipeline or distribution systems, showing towns and communities served or to be served, and (b) gas-producing and storage fields, or other sources of supply.

(6) *Exhibit G—Flow diagram showing daily design capacity and reflecting operation with proposed transmission facilities.* A flow diagram showing daily design capacity and reflecting operating conditions with proposed transmission facilities and existing transmission facilities in operation, including the following:

(i) Diameter, wall thickness, and length of pipe to be installed.

(ii) For each proposed new transmission compressor station and existing transmission station, the size, type, and number of compressor units, horsepower required, horsepower to be installed, volume of gas to be used as fuel, suction and discharge pressures, and compression ratio.

(iii) Pressures and volumes of gas at the main line inlet and outlet connections at each compressor station.

(iv) Pressures and volumes of gas at each intake and takeoff point and at the beginning and terminus of all proposed transmission facilities.

(7) *Exhibit G-1—Flow diagram reflecting maximum capabilities.* If Exhibit G does not reflect the maximum deliveries of which applicant's existing and proposed transmission facilities would be capable of achieving under most favorable operating conditions, without installation of any facilities in addition to those proposed in the application, in-

clude an additional diagram or diagrams to depict such maximum capabilities.

(8) *Exhibit G-II—Flow diagram data.* Exhibits G and G-I shall be accompanied by a statement of engineering design data in explanation and support of the diagrams and the proposed project, setting forth:

(i) Assumption, bases, formulae, and methods used in the development and preparation of such diagrams and accompanying data.

(ii) A description of the transmission pipe and fittings to be installed, specifying the diameter, wall thickness, yield point, ultimate tensile strength, method of fabrication, and methods of testing proposed.

(iii) Type, capacity, and location of each natural gas storage field or facility, or other similar plant or facility directly attached to the applicant's transmission system.

(9) *Exhibit H—Total gas supply data.* A statement of the total gas supply committed to, controlled by, or possessed by applicant which is available to it for the acts and the services proposed, together with:

(i) The estimated total volume of proven reserves in place for each reservoir in each field from which applicant takes natural gas, giving names and location of fields (state, county, or parish).

(ii) The estimated total volumes of proven reserves available to applicant by fee or under lease, segregated by gas fields and reservoirs thereof, giving names and locations of fields (state, county, or parish).

(iii) The names and addresses of persons with whom applicant has gas purchase contracts, the effective dates and remaining terms in years of such contracts.

(iv) A study, showing the daily volumes of natural gas which can and are proposed to be obtained each year from each source of supply.

(v) Estimate of the Btu content of the gas available to or requested by applicant for proposed service.

(vi) A study of each proposed gas storage field showing: Location; geology; original and present reserves for each reservoir; original and present pressure of each reservoir; proposed top and base storage pressures; proposed top and base gas volumes to be stored; a deliverability study, including daily and annual injection and withdrawal rates and pressures; and maximum daily deliverability and maximum storage capacity under the proposed plan of development.

(10) *Exhibit I—Market data.* An estimate by distribution systems of the volumes of gas to be delivered during the year in which proposed service is estimated to begin and during each of the first 3 full years of operation of the proposed facilities, and actual data of like import for each of the 3 years next preceding the filing of the application, together with:

(i) Names and locations of areas to be served, showing the number of residential, commercial, firm industrial, interruptible industrial, residential space-heating, commercial spaceheating, and

other types of customers for each distribution system to be served; and the names and locations of each firm and interruptible direct industrial customer whose estimated consumption totals 10,000 Mcf or more in any calendar month or 100,000 Mcf or more per year.

(ii) Applicant's total annual and peak day gas requirements by classification of service in subdivision (i) of this subparagraph, divided as follows: Gas requirements (a) for each distribution area where gas is sold or to be sold by applicant at retail; (b) for all main-line direct industrial customers; and (c) company use and unaccounted-for gas.

(iii) Total past and expected curtailments of service by the applicant in each distribution area proposed to be supplied with gas from the project, all to be listed by the classifications of service as indicated in subdivision (i) of this subparagraph.

(iv) Explanation of basic factors used in estimating future requirements, including, for example: Peak day and annual degree day deficiencies, annual load factors of applicant's deliveries to its proposed customers; individual consumer peak day and annual consumption factors for each class of consumers, with supporting historical data; forecasted saturation of space heating as related to past experience; and full detail as to all other sources of gas supply available to applicant and to each of its customers, including manufacturing facilities and liquid petroleum gas.

(v) A full description of all facilities, other than transmission facilities, necessary to provide service in the communities to be served and the estimated cost of such facilities and evidence of economic feasibility.

(vi) A copy of each market survey made within the past 3 years for the markets proposed to be served.

(11) *Exhibit J—Conversion to natural gas.* If manufactured gas service exists in a community proposed to be served, submit with respect to each such community:

(i) Description of existing gas manufacturing facilities and their physical condition, including: the type, size, daily output capacity, and installation date of each gas generating unit; daily sendout capacity of plant; and capacity of storage holders.

(ii) Statement of kind of gas proposed to be distributed; use proposed to be made of gas manufacturing facilities in connection with such service; estimated cost of converting gas manufacturing facilities to high Btu gas production, showing Btu content, whether such conversion of manufacturing facilities is planned, and estimated daily sendout capacity after conversion.

(iii) Study showing estimated cost of converting consumers' appliances to natural gas and the accounting proposed for such cost.

(iv) Study showing savings, if any, for each of the first 3 full years of proposed natural gas operation and the basis therefor.

(v) Study showing any rate reduction and/or improvement in service to the ultimate consumers.

(12) *Exhibit K—Cost of facilities.* A detailed estimate of total capital cost of the proposed facilities involved in the application, showing cost of construction by operating units such as compressor stations, main pipelines, laterals, measuring and regulating stations, and separately stating the cost of rights-of-way, damages, surveys, materials, labor, engineering and inspection, administrative overhead, fees for legal and other services, interest during construction, and contingencies.

(13) *Exhibit L—Financing.* Plans for financing the proposed facilities for which the application is filed, together with:

(i) A detailed description of applicant's outstanding and proposed securities and liabilities, showing amount (face value and number), interest or dividend rate, dates of issue and maturity, voting privileges, and principal terms and conditions applicable to each.

(ii) The manner in which applicant proposes to dispose of securities by private sale, competitive bidding or otherwise; the persons, if known, to whom they will be sold or issued, and if not known, the class or classes of such persons.

(iii) A statement showing for each proposed issue, by total amount and by unit, the estimated sale price and estimated net proceeds to the applicant.

(iv) A statement as to the extent to which the applicant will rely on temporary financing in connection with the proposed construction, and statements tending to substantiate the fact that such temporary loans will be made available.

(v) Statement of anticipated cash flow, including provision during the period of construction and the first 3 full years of proposed operation for interest requirements, dividends, and capital retirements.

(vi) Statement showing, over the life of each issue, the annual amount of securities which applicant expects to retire through operation of a sinking fund or other extinguishment of the obligation.

(vii) A balance sheet and income statement (12 months) of most recent date available.

(viii) Comparative pro forma balance sheets and income statements for the period of construction and each of the first 3 full years of operation, giving effect to the proposed construction and proposed financing of the project.

(ix) Any additional data and information upon which applicant proposes to rely in showing the adequacy and availability to it of resources for financing its proposed project.

(14) *Exhibit M—Construction, operation, and management.* A concise statement setting forth arrangements for supervision, management, engineering, accounting, legal, or other similar service to be rendered in connection with the construction or operation of the project, if not to be performed by employees of applicant, including reference to any existing or contemplated agreements therefor.

(15) *Exhibit N—Revenues, expenses, income.* Applicant shall submit pro forma statements for each of the first 3 full years of operation of the proposed facilities, showing:

(i) Gas system annual revenues and volumes of natural gas related thereto, subdivided by classes of service and further subdivided by sales to direct industrial customers, sales to other utilities (if any), transportation for other gas utilities and other sales.

(ii) Gas system annual operating expenses, cost of gas purchased, depreciation, depletion, taxes, utility income and resulting rate of return on net investment in gas plant, including working capital, or in the case of a municipality applicant similar data and amortization-interest schedule for life of each bond issue related to the proposed project.

(16) *Exhibit P—Rates.* A statement of the rates proposed to be charged for the proposed services to be rendered. Indicate whether rates are subject to regulation by the state or local authorities.

(b) *Additional exhibits.* Applicant shall submit additional exhibits necessary to support or clarify its application. Such exhibits shall be identified and designated as provided by § 156.3(b) (8).

(c) *Additional information.* Upon request by the Secretary, prior to or during hearing upon the application, applicant shall submit such additional data, information, exhibits, or other detail as may be specified. Such additional information shall conform to the requirements of §§ 1.15, 1.16, and 1.17 of this chapter (rules of practice and procedure) unless otherwise directed by the Secretary.

#### § 156.6 Acceptance for filing or rejection of application.

Applications will be docketed when received and the applicant so advised. Any application which does not conform to the requirements of §§ 156.1 through 156.5 will be rejected by the Secretary. All copies of a rejected application will be returned. An application which relates to an operation concerning which a prior application has been filed and rejected, shall be docketed as a new application. Such new application shall state the docket number of the prior rejected application.

#### § 156.7 Service of application.

After an application has been accepted for filing, the Secretary will cause a copy thereof to be served upon the natural gas company against which an order pursuant to section 7(a) of the Natural Gas Act has been requested. The natural gas company shall, within thirty days after the date of service of such application file its answer (an original and 7 conformed copies) to such application in which it shall state whether it has any objection to the grant of the application. If the natural gas company objects to the grant of the relief sought by the application, it shall fully state the grounds and reasons for its objections. The answer shall be verified and shall be signed by an executive of the natural gas company.

#### § 156.8 Notice of application.

Notice of each application filed, except when rejected in accordance with § 156.6, will be published in the FEDERAL REGISTER and copies of such notice mailed to the state affected thereby.

#### § 156.9 Protests and interventions.

Notices of applications, as provided by § 156.8 will fix the time within which any person desiring to participate in the proceeding or to file a protest regarding the application, may file a petition to intervene or protest, and within which any interested regulatory agency desiring to intervene may file its notice of intervention. Failure to make timely filing will constitute ground for denial of participation, in the absence of extraordinary circumstances for good cause shown.

#### § 156.10 Hearings.

The Commission will schedule each application for public hearing at the earliest possible date giving due consideration of statutory requirements and other matters pending, with notice thereof as provided by § 1.19(b) of this chapter (rules of practice and procedure). Provided, however, that where no protests or petitions to intervene have been received and accepted, the Commission may, after the due date for such protests or petitions to intervene, issue the requested order without hearing.

#### § 156.11 Dismissal of application.

Except for good cause shown, failure of an applicant to go forward on the date set for hearing and present its full case in support of its application will constitute ground for the summary dismissal of the application and the termination of the proceedings.

[F.R. Doc. 7059; Filed, Aug. 25, 1959; 8:45 a.m.]

## NOTICES

### FEDERAL POWER COMMISSION

[Docket No. 12399, etc.]

#### NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

#### Notice of Applications Consolidating Proceedings and Fixing Date of Hearing

JUNE 17, 1959.

In the matters of Natural Gas Pipeline Company of America, Docket No. G-12399; Champlin Oil & Refining Co., Docket No. G-14830; Amerada Petroleum Corporation, Docket No. G-16029; Cities Service Gas Company, Docket No. G-16217; Phillips Petroleum Company, Docket Nos. G-16280, G-16439; Carter-Jones Drilling Company, Inc., Docket No. G-16288; Magnolia Petroleum Company, Docket Nos. G-16295, G-16296, G-16393; Johnntom Oil Company, Inc., Docket No. G-16375; McCommons Oil Company, Docket No. G-16376; Anson L. Clark, Docket No. G-16382; Cornell Oil Company, Docket No. G-16383; Bond Oil Company, Docket No. G-16392; Hudson Oil & Metals Company, Docket No. G-16436; Gulf Oil Corporation, Docket No.

G-16761; Riddell Petroleum Corporation, Docket No. G-17828; Fain-Porter Drilling Corporation, Docket No. G-17831.

Take notice that Riddell Petroleum Corporation (Riddell), Docket No. G-17828, a Delaware corporation with its principal place of business at 30 Rockefeller Plaza, New York 20, New York, filed on February 13, 1959, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act. Riddell proposes to deliver and sell natural gas to Natural Gas Pipeline Company of America to be produced from the South Rainey Field of Washita County, Oklahoma, at a price of 16 cents per Mcf. The application is on file with the Commission and open to public inspection.

Take notice that Fain-Porter Drilling Corporation (Fain-Porter), Docket No. G-17831, an Oklahoma corporation with its principal place of business at 1607 First National Building, Oklahoma City, Oklahoma, filed on February 13, 1959, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act. Fain-Porter proposes to deliver and sell natural gas to Natural Gas Pipeline Com-

pany of America to be produced from the South Rainey field in Washita County, Oklahoma, at a price of 16 cents per Mcf. The application is on file with the Commission and open to public inspection.

The above applications filed in Docket Nos. G-17828 and G-17831 are related to the above-designated applications heretofore consolidated for hearing by Commission order issued January 30, 1959, in Docket Nos. G-12399, et al., and should be heard therewith on a consolidated record.

Take further notice that, pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing be held on September 21, 1959, at 10:00 a.m., e.d.s.t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the aforesaid applications.

Protests and petitions to intervene may be filed as to Docket Nos. G-17828 and G-17831, with the Federal Power Com-

mission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 15, 1959.

MICHAEL J. FARRELL,  
*Acting Secretary.*

[F.R. Doc. 59-7060; Filed, Aug. 25, 1959; 8:45 a.m.]

[Docket No. G-18137]

**TEXAS GAS TRANSMISSION CORP.**

**Notice of Application and Date of Hearing**

AUGUST 19, 1959.

Take notice that Texas Gas Transmission Corporation (Applicant) a Delaware corporation having its principal place of business in Owensboro, Kentucky, filed on March 23, 1958, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing Applicant to sell up to 50,000 Mcf of natural gas per day on an interruptible basis to American Louisiana Pipe Line Company (Am La) for a period extending from April 16, 1959, to April 15, 1960, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to deliver up to 30,000 Mcf of natural gas per day to Am La at an existing interconnection between the systems of the two companies at Slaughters, Webster County, Kentucky, and up to 20,000 Mcf per day at an existing delivery point at Eunice, Acadia Parish, Louisiana. The sales would be on an interruptible basis, for the period from April 16, 1959, through April 15, 1960. Applicant estimates that total deliveries under the proposal would range between 7,000,000 and 10,000,000 Mcf. The sale will be made pursuant to Applicant's proposed rate schedule X-19.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 22, 1959 at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 11, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,  
*Acting Secretary.*

[F.R. Doc. 59-7061; Filed, Aug. 25, 1959; 8:45 a.m.]

**DEPARTMENT OF THE INTERIOR**

Bureau of Land Management

[Classification 88; Amdt. 2]

**ALASKA**

**Small Tract Classification**

AUGUST 19, 1959.

Effective September 11, 1959, paragraph 1 of Federal Register Document 59-5164 appearing in the issue for June 23, 1959, which amended paragraph 1 of Federal Register Document 54-7580 appearing in the issue for September 28, 1954, is hereby further amended to delete the following-described parcels of land for the reason that they were subject to prior existing claims and were not, therefore, available for classification:

**FLAT LAKE AREA**

- T. 17 N., R. 4 W., Seward Meridian, Sec. 32: Lot 2 (claimed by Anchorage 027571);
- Sec. 33: Lot 15 (claimed by Anchorage 027571); Lot 18 (claimed by Anchorage 027572).

L. T. MAIN,  
*Operations Supervisor,*  
*Anchorage.*

[F.R. Doc. 59-7086; Filed, Aug. 25, 1959; 8:48 a.m.]

**Office of the Secretary**

**ADJUSTMENTS IN MAXIMUM LEVEL OF JET FUEL AND ASPHALT IMPORTED INTO PUERTO RICO**

Pursuant to paragraph (d) of section 2 of Presidential Proclamation 3279 (24 F.R. 1781), the maximum level of imports into Puerto Rico of finished products, other than residual fuel oil to be used as fuel, now in effect is modified to permit, during the period July 1, 1959, through December 31, 1959, an increase of 2,098 barrels per day in the imports of jet fuel and of 269 barrels per day in the imports of asphalt, to meet the increased demand for such products in Puerto Rico.

Increases in allocations, pursuant to this authorization, will be granted to those eligible importers who have satisfactorily demonstrated an increased need for these products.

In accordance with Proclamation 3279, the situation with respect to imports of

crude oil, unfinished oils, and finished products into Puerto Rico will be kept under surveillance, and, if warranted, further adjustments will be made.

FRED A. SEATON,  
*Secretary of the Interior.*

AUGUST 22, 1959.

[F.R. Doc. 59-7081; Filed, Aug. 24, 1959; 4:30 p.m.]

**DEPARTMENT OF AGRICULTURE**

Agricultural Marketing Service

ALTA SALES YARD ET AL.

**Proposed Posting of Stockyards**

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

- Alta Sales Yard, Dinuba, Calif.
- Carl Johnson Co., Eureka, Calif.
- Cow Palace Livestock Auction, Elk Grove, Calif.
- Dos Palos Y Auction Yard, Dos Palos, Calif.
- El Roble Auction Yard, Ukiah, Calif.
- Escalon Livestock Auction, Escalon, Calif.
- Farris Livestock Auction Yard, Santa Rosa, Calif.
- Galt Livestock Sales Yard, Galt, Calif.
- Manteca Sales Yard, Manteca, Calif.
- Oakdale Livestock Auction Yard, Oakdale, Calif.
- Pumpkin Center Sale Yard, Pumpkin Center, Calif.
- Riverbank Livestock Auction Yard, Riverbank, Calif.
- S & C Livestock Commission Co., San Jose, Calif.
- Shasta County Livestock Auction Yard, Anderson, Calif.
- Siskiyou Stockyards, Yreka, Calif.
- West Side Auction Yard, Newman, Calif.
- 101 Livestock Commission Co., Salinas, Calif.

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

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

Done at Washington, D.C., this 20th day of August 1959.

JOHN C. PIERCE,  
*Acting Director,*  
*Livestock Division,*  
*Agricultural Marketing Service.*

[F.R. Doc. 59-7073; Filed, Aug. 25, 1959; 8:46 a.m.]

## DEPARTMENT OF COMMERCE

Office of the Secretary

DONALD B. FITZPATRICK

### Statement of Changes in Financial Interests

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

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

This statement is made as of August 16, 1959.

DONALD B. FITZPATRICK.

AUGUST 16, 1959.

[F.R. Doc. 59-7080; Filed, Aug. 25, 1959; 8:47 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-73]

### GENERAL ELECTRIC CO.

#### Issuance of Order and Amendment of Utilization Facility License

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on July 31, 1959, the Atomic Energy Commission has issued (1) an order rescinding the Commission's order dated August 13, 1958, which prohibited loading fuel into the Nuclear Test Reactor until certain conditions were satisfied and (2) an amendment to Facility License No. R-33, which permits the resumption of operations in the facility. Notice of the proposed action was published in the FEDERAL REGISTER on August 1, 1959, 24 F.R. 6212.

Dated at Germantown, Md., this 18th day of August 1959.

For the Atomic Energy Commission,

R. L. KIRK,  
Deputy Director, Division of  
Licensing and Regulation.

[F.R. Doc. 59-7056; Filed, Aug. 25, 1959; 8:45 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12481, 12482; FCC 59M-1072]

### FARMINGTON BROADCASTING CO. AND FOUR CORNERS BROADCASTING CO.

#### Order Scheduling Hearing

In re applications of Farmington Broadcasting Company, Farmington, New Mexico, Docket No. 12481, File No. BPCT-2369; Four Corners Broadcasting Company, Farmington, New Mexico, Docket No. 12482, File No. BPCT-2417;

for construction permits for new television broadcast stations.

It is ordered, This 21st day of August 1959, that the hearing in the above-entitled proceeding will be held at 10:00 a.m. on September 3, 1959, in Washington, D.C.

Released: August 21, 1959.

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

[F.R. Doc. 59-7093; Filed, Aug. 25, 1959; 8:49 a.m.]

[Docket No. 13170]

### ALBERT L. KING

#### Order To Show Cause

In the Matter of Albert L. King, Gulf Shores, Alabama, Docket No. 13170; order to show cause why there should not be revoked the license for radio station WG-5519, Aboard the Vessel "Silver Sands."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation dated April 7, 1959, calling attention to the violation (observed, April 5, 1959) of § 8.108 of the Commission's rules in that the station was emitting a harmonic on approximately 5650 kc., when operating on the frequency 2830 kc. with Type A3 emission.

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated June 2, 1959, and sent by Certified Mail—Return Receipt Requested (No. 212619), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's Rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Lillian Calloway, on June 5, 1959 to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 19th day of August 1959, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing<sup>1</sup> to be held at a time and place to be specified by subsequent order; and

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

Released: August 20, 1959.

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

[F.R. Doc. 59-7094; Filed, Aug. 25, 1959; 8:49 a.m.]

[Docket Nos. 13171, 13172; FCC 59-871]

### HOWELL B. PHILLIPS AND WMCV, INC.

#### Corrected Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Howell B. Phillips, Williamsburg, Kentucky, requests 1370 kc, 1 kw, DA, Day, Docket No. 13171, File No. BP-11832; WMCV, INC., Tompkinsville, Kentucky, requests 1370 kc, 1 kw, Day, Docket No. 13172, File No. BP-12825; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of August 1959;

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

The Commission having under consideration the above captioned and described applications;

It appearing that except as indicated by the issues specified below, WMCV, Inc. is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that except as indicated by the issues specified below, Howell B. Phillips is legally, technically, and otherwise qualified to construct and operate his instant proposal but that he may not be financially qualified; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 30, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of either of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring a hearing on the particular issues herein-after specified; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

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

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

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the interference received by either proposal from the other proposal herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of either of the instant proposals in contravention of § 3.28(c) (3) of the Commission rules and, if so, whether circum-

stances exist which would warrant a waiver of said section.

4. To determine whether Howell B. Phillips is financially qualified to construct and operate his proposed station.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

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

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 21, 1959.

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

[F.R. Doc. 59-7095; Filed, Aug. 25, 1959;  
8:49 a.m.]

**OFFICE OF CIVIL AND DEFENSE  
MOBILIZATION  
OKLAHOMA**

**Notice of Major Disaster**

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061 and 23 F.R. 6971); by virtue of the act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; and in furtherance of a declaration by the President in his letter to me dated July 8, 1959, reading in part as follows:

I hereby determine the damage in the various areas of Oklahoma adversely affected by torrential rains and floods which occurred on or about May 8, 25, and June 1, 1959, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Oklahoma to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 8, 1959:

- Beckham County.
- Custer County.
- Dewey County.
- Hughes County.
- Washita County.
- City of Okmulgee.
- City of Sayre.

Dated: August 14, 1959.

LEO A. HOUGH,  
Director.

[F.R. Doc. 59-7057; Filed, Aug. 25, 1959;  
8:45 a.m.]

**LeROY LUTES**

**Appointee's Statement of Business Interests**

The following statement lists the names of the concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Liquidated: Borax Holdings, Crucible Steel, Petroleum Corporation, Atlas Corporation (Common Stock).

Holding: Tri Continental Corporation, Texas National Petroleum, South American Gold and Platinum, Transcontinental Pipe Line Corporation, Atlas Corporation (Warrants), Textron Corporation (Common Stock), Standard Oil of New Jersey.

This amends statement published February 12, 1959 (24 F.R. 1118).

Dated: August 5, 1959.

LEROY LUTES,  
Lt. Gen. (USA Ret.)

[F.R. Doc. 59-7058; Filed, Aug. 25, 1959;  
8:45 a.m.]

**CIVIL AERONAUTICS BOARD**

[Docket No. 10755]

**EAGLE AIRWAYS (BAHAMAS) LTD.**

**Notice of Hearing**

In the matter of the application of Eagle Airways (Bahamas) Ltd., for a foreign air permit for service between points in the Bahamas, the intermediate point Havana, Cuba and the co-terminal points Miami, Palm Beach, Fort Lauderdale and Tampa, Florida.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a hearing in the above-entitled proceeding is assigned to be held on September 11, 1959, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ferdinand D. Moran.

Dated at Washington, D.C., August 20, 1959.

[SEAL] THOMAS L. WRENN,  
Associate Chief Examiner.

[F.R. Doc. 59-7083; Filed, Aug. 25, 1959;  
8:47 a.m.]

## IATA AGENCY RESOLUTION INVESTIGATION

### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on September 16, 1959, at 10:00 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW, Washington, D.C., before an Examiner of the Board.

Dated at Washington, D.C., August 21, 1959.

[SEAL] THOMAS L. WRENN,  
Associate Chief Examiner.

[F.R. Doc. 59-7084; Filed, Aug. 25, 1959;  
8:47 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 176]

### MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 21, 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 62441. By order of August 19, 1959, the Transfer Board approved the transfer to Frank John Anderson Colvin, doing business as Jack Colvin Freightways, Orange, Va., of Certificates in Nos. MC 114110 and MC 114110 Sub 2, issued September 9, 1955 and September 2, 1958, respectively, to Edward Carl Moore, doing business as Harrisonburg Motor Express, Harrisonburg, Va., authorizing the transportation of: *General commodities* with the usual exceptions and various specified commodities between specified points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Paul A. Sherier, 601 Warner Building, Washington 4, D.C., for applicants.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 59-7075; Filed, Aug. 25, 1959;  
8:46 a.m.]

[Notice 284]

### MOTOR CARRIER APPLICATIONS

AUGUST 21, 1959.

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

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

#### APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

##### MOTOR CARRIERS OF PROPERTY

No. MC 704 (Sub No. 21), filed September 12, 1958. Applicant: J. O. (RED) WILLETT PIPE LINE STRINGING CORPORATION, Louisville Station, Box 2836, Monroe, La. Applicant's attorney: Kretsinger and Kretsinger, Suite 1014-18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe line machinery, equipment, materials and supplies*, incidental to and used in connection with the construction, operation, servicing, repair, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, (1) between points in Alaska; (2) between points in Alaska on the one hand, and, on the other, points in the United States, including the District of Columbia; (3) between points in Alaska on the one hand, and, on the other, points on the international boundary line between Alaska and the Dominion of Canada; (4) between points in the United States, including the District of Columbia, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada. Applicant is authorized to conduct operations throughout the United States.

HEARING: November 2, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Harold P. Boss.

No. MC 2229 (Sub No. 96), filed April 27, 1959. Applicant: RED BALL MOTOR FREIGHT, INC., 1210 South Lamar, P.O. Box 3148, Dallas, Tex. Applicant's attorney: Charles D. Mathews, Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Tucumcari, N. Mex., and Las Vegas, N. Mex., over New Mexico Highways 65 and 104, serving no intermediate points, as an alternate route for operating conven-

ience only. Applicant is authorized to conduct operations in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

NOTE: Applicant states that it has pending before the Commission in Docket No. MC-F 6772 an application to merge the properties of Denver-Amarillo Red Ball, Inc., MC 105265 and Subs thereunder, and Red Ball Motor Freight, Inc., and the above route will be used in connection with both authorities.

HEARING: October 1, 1959, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87.

No. MC 3057 (Sub No. 4), filed July 13, 1959. Applicant: WALTON HAULING & WAREHOUSE CORP., 609-611 West 46th Street, New York 36, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Theatrical equipment and effects, including electrical equipment and effects, props, scenery, musical instruments, trunks and wardrobes*, for use in stage, radio, television, or motion picture productions, between points in New York, New Jersey, Connecticut, and Pennsylvania within 100 miles of New York, N.Y., including New York, N.Y. Applicant is authorized to transport similar commodities in New York, New Jersey, and Connecticut within 75 miles of New York, N.Y., including New York.

HEARING: October 7, 1959, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Harry Ross, Jr.

No. MC 19227 (Sub No. 69) also includes MC 89778 (Sub No. 72) (REPUBLICAN) published FEDERAL REGISTER issue of June 17, 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. By application (Form BMC 78) filed June 2, 1959, applicant 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. At the hearing held July 17, 1959 at Washington, D.C., applicant proposed to broaden the

issues to seek authority from Redstone Arsenal near Huntsville, Ala., to the site of the plant of Thiokol Chemical Corporation near Brigham City, Utah, and the Larson Air Force Base near Moses Lake, Wash. The motion was overruled for the reason that competitors who might protest the broadened issues had no notification of them. An order of Division 1, dated August 13, 1959, allows the amendment, and provides for this republication of the applications as amended, and broadened in the FEDERAL REGISTER, to seek authority from the Redstone Arsenal near Huntsville, Ala., to the site of the plant of the Thiokol Chemical Corporation near Brigham City, Utah, and the Larson Air Force Base near Moses Lake, Wash.

**CONTINUED HEARING:** September 10, 1959, in Room 202, State Office Building, Las Vegas, Nev., before Examiner Mack Myers.

No. MC 19416 (Sub No. 10), filed September 12, 1958. Applicant: DUNN BROS., INC., 301 Mercantile Securities Building, P.O. Box 5771, Dallas 22, Tex. Applicant's attorney: Rollo E. Kidwell, 305 Empire Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipeline machinery, equipment, materials and supplies* incidental to and used in connection with the construction, operation, servicing, repair, maintenance and dismantling of pipelines, including the stringing and picking up thereof, (1) between points in Alaska; (2) between points in Alaska, on the one hand, and, on the other, points in the United States; (3) between points in Alaska, on the one hand, and, on the other, ports of entry on the International boundary line between Alaska and Canada; and (4) between points in the United States and Canada. Applicant is authorized to conduct operations throughout the United States, except California.

**HEARING:** November 2, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Harold P. Boss.

No. MC 29886 (Sub No. 148), filed May 4, 1959. 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 vehicle, over irregular routes, transporting: *Cranes, and tools, parts and other equipment and attachments* designed for use in connection with the above-described cranes, in driveway and truckaway service, from Chattanooga, Tenn., to points in the United States, including Alaska, and, on return, such of the above-described commodities when moving as show equipment and displays or which are being returned for repair or reconditioning, or which have been repossessed. Applicant is authorized to conduct operations throughout the United States.

**HEARING:** October 1, 1959, at the U.S. Court Rooms, Knoxville, Tenn., before examiner Richard H. Roberts.

No. MC 30209 (Sub No. 3), filed June 23, 1959. Applicant: JOHN O'SHEA, INC, P.O. Box 417, Ridgefield Park, N.J.

Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, together with *premiums, advertising and display materials*, between New York, N.Y., and Newark, N.J., on the one hand, and, on the other, points in Northampton, Lehigh, and Berks Counties, Pa. **RESTRICTION:** The operations to be authorized herein are to be limited to a transportation service to be performed under a continuing contract or contracts, with Seeman Bros., Inc., New York, N.Y. Applicant is authorized to conduct operations in New Jersey and New York.

**HEARING:** September 29, 1959, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Harry Ross, Jr.

No. MC 30605 (Sub No. 111), filed June 18, 1959. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a Corporation, 433 East Waterman, Wichita, Kans. Applicant's attorney: F. J. Steinbrecher, Law Department, The Atchison, Topeka and Santa Fe Railway System, 80 East Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives* (other than liquid nitroglycerine), and excluding those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Fort Sumner, N. Mex., and Willard, N. Mex., over U.S. Highway 60, and (2) between Albuquerque, N. Mex., and Holbrook, Ariz., over U.S. Highway 66, serving all intermediate points, and off-route points located on the Santa Fe Railway, including all termini, on the above-specified routes. Applicant states the service to be performed by the carrier shall be limited to service which is auxiliary to, or supplemental of rail service. Applicant is authorized to conduct operations in Colorado, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

**HEARING:** October 8, 1959, at the Hilton Hotel, Albuquerque, N. Mex., before Joint Board No. 129.

No. MC 34180 (Sub No. 21), filed July 16, 1959. Applicant: J. L. NAYLOR, doing business as EL PASO-PECOS VALLEY TRUCK LINES, 141 North Lee Street, El Paso, Tex. Applicant's attorney: O. Russell Jones, P.O. Box 1437, 54½ East San Francisco Street, Southwest Corner Plaza, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives and other dangerous articles*, and except commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Alamogordo, N. Mex., and the site of the White Sands Missile Range (White Sands Proving Grounds), N. Mex., from Alamogordo over U.S. Highway 70 to junction un-

numbered highway (about three miles north of White Sands Missile Range), and thence over said unnumbered highway to the site of the White Sands Missile Range, and return over the same route, serving all intermediate points. (2) Serving all points within the White Sands Missile Range (White Sands Proving Grounds), N. Mex., as off-route points in connection with carrier's regular-route operations between Alamogordo, N. Mex., and Carrizozo, N. Mex., over U.S. Highway 54. Applicant is authorized to conduct operations in New Mexico and Texas. Duplication with present authority to be eliminated.

**HEARING:** October 6, 1959, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87.

No. MC 34767 (Sub No. 39) (CLARIFICATION), filed July 28, 1959, published issue August 19, 1959. Applicant: GOOD'S TRANSFER, INCORPORATED, 234 Charles Street, Harrisonburg, Va. Applicant's attorney: Glenn F. Morgan, 1006-1008 Warner Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products and articles distributed by meat packing houses, and empty containers or other such incidental facilities* used in transporting the above commodities, between Broadway, Va., and points within 5 miles thereof on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (2) *Frozen foods and frozen food articles and dressed poultry and poultry plant and packing house waste products and empty containers or other such incidental facilities* used in transporting the above commodities, between Alma, Edinburg, Glen Allen, Luray, New Market, Richmond, Staunton, Stephens City, Strasburg, Stuarts Draft, Winchester, and Woodstock, Va., and Brandywine and Moorefield, W. Va., and points in Rockingham County, Va., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Applicant is authorized to conduct operations in Pennsylvania, Virginia, New York, the District of Columbia, Maryland, New Jersey, Ohio, North Carolina, West Virginia, Nebraska, Alabama, Louisiana, Georgia, Connecticut, Delaware, Kentucky, Massachusetts, Florida, Illinois, Indiana, Michigan, Rhode Island, South Carolina, Tennessee, Iowa, Minnesota, and Wisconsin.

**HEARING:** Remains as assigned September 24, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 44605 (Sub No. 11), filed August 10, 1959. Applicant: MILNE TRUCK LINES, INC., 1000 South Third West Street, Salt Lake City, Utah. Applicant's attorney: Wood R. Worsley, 701 Continental Bank Building, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Class A and B explosives, petroleum products in bulk, heavy equipment requiring special rigging, baled cotton, and household goods as defined by the Commission, between Las Vegas, Nev., and Hurricane, Utah, from Las Vegas over U.S. Highway 91 to Harrisburg Junction, Utah, thence over Utah Highway 17 to Hurricane, Utah, and return over the same routes serving all intermediate points in Utah and points within 5 miles of Hurricane. Applicant is authorized to conduct operations in Arizona, California, Colorado, Nevada, New Mexico, and Utah.

**NOTE:** Applicant states no duplicating authority is requested.

**HEARING:** September 28, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 241.

No. MC 52458 (Sub No. 150), filed July 27, 1959. Applicant: T. I. McCORMACK TRUCKING CO., INC., U.S. Route No. 9, Woodbridge, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid cleaning compounds*, in bulk, from Nashua, N.H., to points in Indiana and Ohio. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

**HEARING:** October 14, 1959, at the New Post Office and Court House Building, Boston, Mass., before Examiner Harry Ross, Jr.

No. MC 52629 (Sub No. 40), filed May 27, 1959. Applicant: HUBER & HUBER MOTOR EXPRESS, INC., 970 South Eighth Street, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring special equipment, between Knoxville, Tenn., and Cartersville, Ga.: from Knoxville over U.S. Highway 129 to Marysville, Tenn., and thence over U.S. Highway 411 to Cartersville, and return over the same route, serving the intermediate point of Conasauga, Tenn. Applicant is authorized to conduct operations in Illinois, Kentucky, Tennessee, Georgia, and Indiana.

**HEARING:** September 30, 1959, at the U.S. Court Rooms, Knoxville, Tenn., before Joint Board No. 238, or, if the Joint

Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 52657 (Sub No. 562), filed June 15, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranes*, and *tools, power shovels, back hoes, cruiser cranes, truck cranes, crane booms, parts and other equipment and attachments* designed for use in connection with the above-described cranes, in driveaway and truckaway service, from Chattanooga, Tenn., to points in the United States, including Alaska, and, on return, such of the above-described commodities when moving as show equipment and displays or which are being returned for repair or reconditioning, or which have been repossessed. Applicant is authorized to conduct operations throughout the United States.

**HEARING:** October 1, 1959, at the U.S. Court Rooms, Knoxville, Tenn., before Examiner Richard H. Roberts.

No. MC 59583 (Sub No. 80), filed May 21, 1959. Applicant: THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, over the following alternate routes, for operating convenience only, in connection with applicant's authorized regular route operations: (1) between Elizabethton, Tenn., and Hickory, N.C.: from Elizabethton over Tennessee Highway 67 to Mountain City, Tenn., thence over U.S. Highway 421 to Boone, N.C., and thence over U.S. Highway 321 to Hickory, and return over the same route, serving no intermediate points; (2) between Conover, N.C., and Charlotte, N.C.: from Conover over North Carolina Highway 16 to Charlotte, and return over the same route, serving no intermediate points; (3) between Falmouth, Va., and Opal, Va.: from Falmouth over Virginia Highway 17 to Opal, and return over the same route, serving no intermediate points; and (4) between Frederick, Md., and junction U.S. Highways 15 and 29, approximately nine (9) miles north of Warrenton, Va.: from Frederick over U.S. Highway 15 to junction U.S. Highways 15 and 29 approximately 9 miles north of Warrenton, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in the District of Columbia, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, and Virginia.

**HEARING:** September 28, 1959, at the U.S. Court Rooms, Roanoke, Va., before Examiner Richard H. Roberts.

No. MC 59583 (Sub No. 81), filed June 29, 1959. Applicant: THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. Applicant's

attorney: Clifford E. Sanders, 311 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of Gates Rubber Company located near the intersection of Two Mile Pike and Gallatin Pike (part of U.S. Highway 31E), approximately seven miles north of the city limits of Nashville, Tenn., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and the District of Columbia.

**HEARING:** October 14, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 60012 (Sub No. 43), filed June 8, 1959. Applicant: RIO GRANDE MOTOR WAY, INC., 775 Wazee Street, P.O. Box 5482, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including Class A and B explosives*, but excepting commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and commodities which, because of their unusual size or weight require special equipment, (1) between Denver, Colo., and the missile launching sites located approximately 23 miles east of downtown Denver and what is now known as the Lowry Bombing and Gunnery Range, and (2) between Denver and Castle Rock, Colo., and the missile launching site which is to be located about five (5) miles southeast of Elizabeth, Colo.

**NOTE:** Applicant states it proposes to tack the authority now held by it in Docket No. MC 60012 and Subs thereto, and to interline with other carriers at any point on its routes west and/or south of Denver, principally at Grand Junction, Pueblo, Alamosa, Cortez, and Durango, Colo., and Farmington and Aztec, N. Mex. Applicant states it proposes to perform a coordinated service with The Denver and Rio Grande Western Railroad Company on traffic which has had a prior or will have a subsequent rail-haul destined to or from the missile launching sites located as herein described. This traffic will have a prior or subsequent rail-haul by The Denver and Rio Grande Western Railroad Company or a prior or subsequent line-haul by this applicant. Applicant is authorized to conduct operations in Colorado and New Mexico.

**HEARING:** September 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 126.

No. MC 60012 (Sub No. 45), filed June 17, 1959. Applicant: RIO GRANDE MOTOR WAY, INC., 775 Wazee Street, P.O. Box 5482, Denver, Colo. Applicant's attorney: Ernest Porter, 1531 Stout Street, P.O. Box 5482, Denver 17, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: (1) *General commodities, including*

*Class A and B explosives*, but excluding articles of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those which, because of size or weight, require special equipment, serving the site of the dam and the Four Corners Electric Generating plant to be constructed by Ebasco Services, Inc., located approximately 23 miles southwest of Farmington, N. Mex., as an off-route point in connection with applicant's authorized regular route operations; and (2) *Commodities*, which because of their unusual size and weight, require special equipment, serving the site of the dam and the Four Corners Electric Generating plant to be constructed by Ebasco Services, Inc., located approximately 23 miles southwest of Farmington, N. Mex., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Colorado and New Mexico.

**NOTE:** Applicant is a wholly owned subsidiary of The Denver and Rio Grande Western Railroad Company. Common control and dual operations under Section 210 may be involved.

**HEARING:** October 5, 1959, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87.

No. MC 62904 (Sub No. 2), filed July 2, 1959. Applicant: HIGHWAY TRANSPORTATION CO., INC., 429 Bellevue Avenue, Hammonton, N.J. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Hammonton, N.J., and points in Cape May County, N.J. Applicant is authorized to conduct operations in New Jersey, Pennsylvania, New York, Delaware, Maryland, the District of Columbia, Connecticut, Rhode Island, and Massachusetts.

**NOTE:** Applicant states it proposes to tack the above with its existing authority.

**HEARING:** October 6, 1959, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Harry Ross, Jr.

No. MC 66562 (Sub No. 1508), (CORRECTION) filed June 16, 1959, published FEDERAL REGISTER issue August 12, 1959, page 6541. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Previous notice of the filing of the subject application lines 43, 44 and 45 thereof read as follows (to Adel, thence east over Iowa Highway 90 to Waukee, and thence east over Iowa Highway 90 to Des Moines,) is corrected to read "to Adel, thence east over U.S. Highway 6 to Waukee, and thence east over U.S. Highway 6 to Des Moines."

**HEARING:** Remains as assigned September 21, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92.

No. MC 69275 (Sub No. 33), filed August 13, 1959. Applicant: M & M TRANSPORTATION COMPANY, 250 Mystic Avenue, Somerville 45, Mass. Applicant's attorney: Francis E. Barrett, Jr., 7 Water Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate coating, chocolate liquor and cocoa butter*, from Boston, Mass., to Hackettstown, N.J., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

**HEARING:** October 16, 1959, at the New Post Office and Court House Building, Boston, Mass., before Examiner Harry Ross, Jr.

No. MC 70451 (Sub No. 213), filed June 12, 1959. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1910 Harney Street, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, fish, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Alamosa, Colo., and Santa Fe, N. Mex., from Alamosa over U.S. Highway 285 to Santa Fe, and return over the same route, serving no intermediate points, and serving the Los Alamos Atomic Energy plant near Santa Fe, N. Mex., as an off-route point. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, and Wyoming.

**HEARING:** October 5, 1959, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 125.

No. MC 72122 (Sub No. 1), filed July 23, 1959. Applicant: W. J. HILL, INC., 215 Washington Street, East Walpole, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: In truckloads and less-than-truckloads. *Paper plant bands*, and *paper flowers pots*, corrugated or solid boxes (knocked down flat) with or without wooden frames, in packages, *waste paper* in packages, and *skids* (loose) and *pallets* (loose); (1) from Bird & Son, Inc., plant site at New Britain, Conn., to Bird & Son, Inc., plant site at East Walpole, Mass. (2) From Bird & Son, Inc., plant site at Manchester, N.H., to Bird & Son, Inc., plant site at East Walpole, Mass. *Paper flower pots, machinery, and machinery parts, tools, and hardware*, from points in Connecticut, New Hampshire, and Rhode Island, to Bird & Son, Inc., plant site at East Walpole, Mass. *Returned shipments of paper plant bands, paper flower pots*, corrugated or solid boxes (knocked down flat), with or without wooden frames in packages, from points in Connecticut, Massachusetts, New

Hampshire, and Rhode Island to East Walpole and Norwood, Mass. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Hampshire, and Rhode Island.

**HEARING:** October 14, 1959, at the New Post Office and Court House Building, Boston, Mass., before Examiner Harry Ross, Jr.

No. MC 73627 (Sub No. 2), filed May 1, 1959. Applicant: ODESSA SALES CORPORATION, a Corporation, 314 South Fourth, Odessa, Mo. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing house products, and commodities used by packing houses*, as defined by the Commission in Appendix I *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 272-273, as modified in 61 M.C.C. 766, from Kansas City and St. Joseph, Mo., and Omaha, Nebr., to points in Louisiana and Mississippi, and *exempt commodities* on return.

**NOTE:** Applicant states that it is authorized to transport the above specified commodities between Kansas City, Mo., and certain radial areas in Mississippi and Louisiana and is filing the instant application so it may serve all points in those states. Applicant states that it does not seek duplicating authority.

**HEARING:** October 5, 1959, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Richard H. Roberts.

No. MC 73675 (Sub No. 26), filed May 18, 1959. Applicant: GALLAGHER FREIGHT LINES, INC., 2424 Arapahoe Street, Denver, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, except commodities in bulk and commodities requiring special equipment, and *shipper-owned compressed gas trailers*, loaded with compressed gas (other than liquefied petroleum gas), or empty, serving ballistic missiles testing and launching sites and supply points therefor within sixty (60) miles of Denver, Colo., as off-route points in connection with applicant's authorized regular route operations to and from Denver, Colo., and (2) *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk and those requiring special equipment, serving intercontinental ballistic missile launching sites located in Wyoming within 70 miles of Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular route operations to and from Cheyenne, Wyo. Applicant is authorized to conduct operations in Colorado, Utah, Wyoming, Montana, New Mexico, Nebraska, Kansas, and Illinois.

**NOTE:** Applicant states it has authority in No. MC 73675 Sub 23 to transport the involved commodities within a 25-mile radius of Cheyenne, and that in view of new missile sites scheduled for construction in said area which are beyond the authorized 25-mile limit, it seeks an enlargement of said area. No duplicating authority is sought.

**HEARING:** September 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 50.

No. MC 78632 (Sub No. 107), filed June 4, 1959. Applicant: HOOVER MOTOR EXPRESS COMPANY, INC., P.O. Box 450, Nashville, Tenn. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Whisky*, except that which moves in bulk in tank vehicles, between Nashville, Tenn., and Louisville, Ky.: from Nashville over U.S. Highway 31W, to Louisville, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Tennessee, Georgia, Missouri, Kentucky, Indiana, Alabama, Illinois, and Ohio.

**HEARING:** October 12, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 25, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 88748 (Sub No. 2), filed July 2, 1959. Applicant: CONTRACT PACKERS, INC., 2331 12th Avenue, New York 27, N.Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, restricted to operation in retail delivery service, (1) from Jersey City, N.J., and New York and Westbury, N.Y., to points in Fairfield and New Haven Counties, Conn.; (2) from New York, N.Y., to points in Hudson, Bergen, Essex, Passaic, Sussex, Warren, Hunterdon, Mercer, Ocean, Monmouth, Somerset, Middlesex, Union, and Morris Counties, N.J.; and (3) *Rejected, returned, or traded-in shipments* of the above-described commodities, from the above-specified destination points to the respective origin points. Applicant is authorized to conduct similar operations in New Jersey and New York.

**NOTE:** Applicant states it presently holds authority to serve the New Jersey Counties for other named shippers. Applicant proposes to transport the above-specified commodities under a continuing contract with B. Altman & Co., of New York, N.Y., and proposes to operate from its warehouses in Jersey City, N.J., and New York, N.Y.

**HEARING:** September 30, 1959, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Harry Ross, Jr.

No. MC 89778 (Sub No. 72) (also includes MC 19227 (Sub No. 69) (REPUBLICATION) published FEDERAL REGISTER issue of April 22, 1959. Applicant: BAGGETT TRANSPORTATION COMPANY (A Corporation), 2 South 32d Street, Birmingham, Ala. By application (Form BMC 78) filed March 18, 1959, applicant sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Jet thrust units, explosive and inert, and Class A and B explosives*, from Redstone Arsenal, near Huntsville, Ala., to Moses Lake, Wash., and the plant site of Thiokol Chemical Corporation, near Brigham

City, Utah. Applicant is authorized to conduct operations throughout the United States except Arizona, California, Idaho, Nevada, Oregon, and Washington.

**NOTE:** A proceeding has been instituted under section 212(c) of the Act to determine whether applicant's status is that of a common or contract carrier in MC 89778 (Sub No. 69). Dual operations may be involved. At the hearing held July 17, 1959, at Washington, D.C., applicant proposed to broaden the issues to seek authority from Redstone Arsenal near Huntsville, Ala., to the site of the plant of Thiokol Chemical Corporation near Brigham City, Utah, and the Larson Air Force Base near Moses Lake, Wash. The motion was overruled for the reason that competitors who might protest the broadened issues had no notification of them. An order of Division 1, dated August 13, 1959, allows the amendment, and provides for this republication of the applications as amended, and broadened in the FEDERAL REGISTER, to seek authority from the Redstone Arsenal near Huntsville, Ala., to the site of the plant of the Thiokol Chemical Corporation near Brigham City, Utah, and the Larson Air Force Base near Moses Lake, Wash.

**CONTINUED HEARING:** September 10, 1959, in Room 202, State Office Building, Las Vegas, Nev., before Examiner Mack Myers.

No. MC 95540 (Sub No. 307), filed July 6, 1959. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, P.O. Box 785, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Laredo, Brownsville, and McAllen, Tex., to points in Georgia and Florida. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

**HEARING:** September 22, 1959, at 680 Peachtree Street, Atlanta, Ga., before Examiner Robert A. Joyner.

No. MC 96079 (Sub No. 1), filed April 24, 1959. Applicant: KELLY AUGUSTA CRAWFORD, doing business as KELLY CRAWFORD TRANSFER, Richlands, Va. Applicant's attorney: R. Roy Rush, Box 614, Boxley Building, Roanoke, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Richlands, Va., to points in West Virginia, and points in Kentucky on and east of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 25 through Lexington, Ky., thence along U.S. Highway 27, through Danville, Ky., and thence along Kentucky Highway 35 to the Kentucky-Tennessee State line; to points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line and extending along Tennessee Highway 28 to the Tennessee-Georgia State line; to points in North Carolina on and west of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 1 to the North Carolina-

South Carolina State line; and to points in Virginia on and west of a line beginning at the Maryland-Virginia State line and extending along U.S. Highway 15 to the North Carolina-Virginia State line. Applicant is authorized to conduct operations in Virginia and West Virginia.

**HEARING:** September 28, 1959, at the U.S. Court Rooms, Roanoke, Va., before Examiner Richard H. Roberts.

No. MC 96448 (Sub No. 6), filed July 2, 1959. Applicant: BROOK LEDGE, INC., 210 Main Street, Hackensack, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses* (other than ordinary livestock) and *personnel, equipment, and paraphernalia* incidental to the transportation, care, and display of such horses, between points in New York, New Jersey, Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Rhode Island, Ohio, Kentucky, Indiana, Maine, New Hampshire, Vermont, North Carolina, South Carolina, Georgia, Florida, Illinois, Michigan, and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

**NOTE:** Applicant states that no duplicating authority is sought.

**HEARING:** October 1, 1959, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Harry Ross, Jr.

No. MC 98599 (Sub No. 10), filed June 15, 1959. Applicant: ZUNI TRUCKING COMPANY, a Corporation, P.O. Box 746, Airport Road, Grants, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore concentrates*, in containers, from points in McKinley, San Juan and Valencia Counties, N. Mex., to railheads in McKinley, San Juan, and Valencia Counties, N. Mex., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Colorado and New Mexico.

**HEARING:** October 7, 1959, at the Hilton Hotel, Albuquerque, N. Mex., before Joint Board No. 87.

No. MC 100955 (Sub No. 11), filed August 12, 1959. Applicant: THE JACOBS TRANSFER COMPANY OF BALTIMORE, a Corporation, 606 South Sharp Street, Baltimore 30, Md. Applicant's attorney: Hugh M. Steinberger, 61 Pierce Street NE., Washington 2, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving on railroad bills of lading, except Class A and B explosives, commodities in bulk, and commodities requiring special equipment, (1) between Baltimore, Md., and Point of Rocks, Md.: from junction Maryland Highways 100 and 105 over Maryland Highway 105 to

Daniels, thence over Daniels Road and/or Holofield Road to junction Maryland Highway 99, thence west over Maryland Highway 99 to Marriottsville Road, thence north over Marriottsville Road to Marriottsville, thence south on Marriottsville Road to junction Maryland Highway 99, thence west over Maryland Highway 99 to junction Maryland Highway 32, thence north over Maryland Highway 32 to Sykesville, thence south over Maryland Highway 32 to junction U.S. Highway 40, thence west over U.S. Highway 40 to junction Maryland Highway 27, thence north over Maryland Highway 27 to Mt. Airy, thence south over Maryland Highway 27 to junction U.S. Highway 40, thence west over U.S. Highway 40 to Frederick, thence south over U.S. Highway 240 to junction Maryland Highway 15, thence south over Maryland Highway 15 to Lime Kiln, and thence south over Maryland Highway 15 to Point of Rocks, and return over the same route; from Baltimore, Md., to Frederick, Md., over U.S. Highway 40, as an alternate route for operating convenience only, serving no intermediate points; between Frederick, Md., and Hagerstown, Md., over U.S. Highway 40, as an alternate route for operating convenience only, serving no intermediate points; (2) between Washington, D.C., and Point of Rocks, Md.: from Washington to Dickerson, Md., over route authorized in Certificate MC 100955 Sub 4, thence over Maryland Highway 28 to junction U.S. Highway 15, and thence over U.S. Highway 15 to Point of Rocks, and return over the same route; (3) between Point of Rocks, Md., and Harpers Ferry, Md.: from Point of Rocks over Maryland Highway 15 to junction Maryland Highway 464, thence over Maryland Highway 464 to Brunswick, thence over Maryland Highway 364 to junction U.S. Highway 340, thence over U.S. Highway 340 to Weaverton, and thence continue to Harpers Ferry, and return over the same route; between Washington, D.C., and Frederick, Md., over U.S. Highway 240 as an alternate route for operating convenience only, serving no intermediate points; (4) between Weaverton, Md., and Hagerstown, Md.: from Weaverton, north over Maryland Highway 67 to Brownsville, thence via Gapland and Rohrsersville to junction Maryland Highway 67 and U.S. Alternate Highway 40, thence north over U.S. Alternate Highway 40 to Boonsboro, and thence north over U.S. Alternate Highway 40 to Hagerstown, and return over the same route; (5) between Weaverton, Md., and Strasburg, Va.: from Weaverton south over U.S. Highway 340 to Charlestown, W. Va., thence south over West Virginia Highway 761 to junction U.S. Highway 11, thence over U.S. Highway 11 to Winchester, Va., and thence south over U.S. Highway 11 to Strasburg, and return over the same route; between Washington, D.C., and Winchester, Va., over U.S. Highway 50 as an alternate route for operating convenience only, serving no intermediate points; (6) between Charlestown, W. Va., and Martinsburg, W. Va.: from Charlestown north over West Virginia Highway 9 to

Martinsburg, and return, serving, by unnumbered roads, Engle, Shenandoah Junction, Kearneysville, Vanclevessville, and other intermediate or off-route points which are points on the Baltimore & Ohio Railroad; (7) between Martinsburg, W. Va., and Hancock, Md.: from Martinsburg over West Virginia Highway 9, approximately 7 miles, to junction unnumbered road, thence north over said road to North Mountain, thence return via said unnumbered road to junction West Virginia Highway 9, thence north over West Virginia Highway 9, approximately 5 miles, to unnumbered state road, thence over said unnumbered state road to Cherry Run, W. Va., and Sleepy Creek, W. Va., to junction U.S. Highway 522, and thence north over U.S. Highway 522 to Hancock, and return over the same route; between Martinsburg, W. Va., and Hancock, Md.: from Martinsburg over West Virginia Highway 9 to Berkely Springs, W. Va., and thence over U.S. Highway 522 to Hancock, and return over the same routes; as alternate routes for operating convenience only, serving no intermediate points; between Hagerstown, Md., and Hancock, Md., over U.S. Highway 40 as an alternate route for operating convenience only, serving no intermediate points; (8) between Hancock, Md., and Cumberland, Md.: from Hancock over U.S. Highway 522 to Berkely Springs, W. Va., thence over West Virginia Highway 9 to Great Cacapon, thence over unnumbered state road and West Virginia Highway 9 to Paw Paw, thence over unnumbered state roads to Little Cacapon, thence to Okonoko, Green Spring and Pattersons Creek, thence to West Virginia Highway 28, and over said Highway 28 to junction Maryland Highway 51, thence over Maryland Highway 51 to North Branch, thence return over Route 51 to junction Route 28, and thence over said route to Cumberland, and return over the same route; between Hancock and Cumberland, Md., over U.S. Highway 40, as an alternate route for operating convenience only, serving no intermediate points; and (9) between Green Spring, W. Va., and Petersburg, W. Va.: from Green Spring over West Virginia Highway 28 to Romney, and thence over U.S. Highway 50 to junction U.S. Highway 220 (West Virginia Highway 28), to Petersburg, and return over the same route. Service is proposed to all intermediate and off-route points in connection with the above-described routes (except the alternate routes) which are stations on the rail line of the Baltimore and Ohio Railroad. Applicant is authorized to conduct operations in Maryland, the District of Columbia, and Delaware.

NOTE: Applicant states it does intend to transport commodities of unusual value or household goods if tendered to applicant for transportation by the Baltimore and Ohio Railroad.

HEARING: September 30, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 103435 (Sub No. 85), filed May 18, 1959. Applicant: BUCKINGHAM TRANSPORTATION, INC., 900 East

Omaha, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: (1) *Class A and B explosives*, and *general commodities*, except those of unusual values and except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving ballistic missiles testing and launching sites and supply points therefor, within a 60 mile radius of Denver, Colo., as off-route points in connection with applicant's authorized regular route operations to and from Denver, Colo.; and (2) *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, serving intercontinental ballistics missile launching sites located in Wyoming within 70 miles of Cheyenne, Wyo., as off-route points, in connection with applicant's regular route operations to and from Cheyenne, Wyo. Applicant is authorized to conduct operations in Colorado, Illinois, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Utah, Wisconsin, and Wyoming.

NOTE: Any duplication with present authority to be eliminated.

HEARING: September 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 50.

No. MC 103516 (Sub No. 6) filed July 9, 1959. Applicant: THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, a Corporation, 140 Cedar Street, New York 6, N.Y. Applicant's attorney: Richard E. Costello, The Delaware, Lackawanna and Western Railroad Company (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, in substituted motor-for-rail service which is auxiliary to, or supplemental of, applicant's rail service, (1) between Portland, Pa., and Bath, Pa., from Portland over U.S. Highway 611 to junction Pennsylvania Legislative Route 166 (south of Mt. Bethel), thence over Pennsylvania Legislative Route 166 to Pen Argyl, Pa., thence return over Pennsylvania Legislative Route 166 to Bangor, Pa., thence over Pennsylvania Highway 90 to Belfast, Pa., thence over Pennsylvania Highway 12-115 to Stockertown (Hercules), Pa., thence over Pennsylvania Highway 12 to Nazareth, Pa., thence over Pennsylvania Highway 45 to Bath, and return over the same route. (2) Between Bangor and Martins Creek, Pa., from Bangor over Pennsylvania Legislative Route 165 to Martins Creek, and return over the same route. Serving all intermediate and off-route points which are stations on the railroad, namely, Portland, Stier, Bangor, Belfast, Nazareth, Bath, Pen Argyl, Stockertown (Hercules), and Martins Creek, Pa., on the foregoing proposed routes. ALTER-NATE ROUTES FOR OPERATING CONVENIENCE ONLY, serving no intermediate points, in connection with ap-

licant's operations. (3) Between Bangor and Belfast, Pa., from Bangor over Pennsylvania Legislative Route 166 to Pen Argyl, Pa., thence over Pennsylvania Legislative Route 165 to Wind Gap, Pa., thence over Pennsylvania Highway 12 to Belfast, and return over the same route. (4) Between Nazareth, Pa., and Phillipsburg, N.J., from Nazareth over Pennsylvania Highway 12 to junction Pennsylvania Highway 45, thence over Pennsylvania Highway 45 to junction U.S. Highway 22, thence over U.S. Highway 22 to Phillipsburg, and return over the same route. (5) Between Portland, Pa., and Phillipsburg, N.J., from Portland over U.S. Highway 611 to junction U.S. Highway 22, at Easton, Pa., thence over U.S. Highway 22 to Phillipsburg, and return over the same route. (6) Between Stockertown (Hercules), Pa., and Phillipsburg, N.J., from Stockertown over Pennsylvania Highway 90-115 to Easton, Pa., thence over U.S. Highway 22 to Phillipsburg, and return over the same route. (7) Between junction U.S. Highway 46 and New Jersey Highway 519 and Nazareth, Pa., from junction U.S. Highway 46 and New Jersey Highway 519 over New Jersey Highway 519 to Belvidere, N.J., thence over unnumbered New Jersey Highway to the New Jersey-Pennsylvania State line, thence over unnumbered Pennsylvania Highway to Nazareth, and return over the same route.

NOTE: Applicant states it proposed to tack the authority requested in this application, if granted, to its present authority in Certificates No. MC 103516 and MC 103516 Sub Nos. 2 and 5. Applicant is authorized to conduct operations in New Jersey, New York and Pennsylvania.

HEARING: October 2, 1959, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Harry Ross, Jr.

No. MC 106497 (Sub No. 12), filed August 28, 1958. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 3807, 2000 East Jasper, Tulsa 23, Okla. Applicant's attorney: Tom B. Kretsinger, 1014-18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe-line machinery, equipment, materials, and supplies*, incidental to and used in connection with the construction, operation, servicing, repair, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, (1) Between points in Alaska; (2) Between points in Alaska, on the one hand, and, on the other, points in the United States, including the District of Columbia; (3) Between points in Alaska, on the one hand, and, on the other, ports of entry on the International Boundary line between Alaska and Canada; and (4) Between points in the United States, including the District of Columbia, on the one hand, and, on the other, ports of entry on the International Boundary line between the United States and Canada. Applicant is authorized to conduct operations throughout the United States.

HEARING: November 2, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Harold P. Boss.

No. MC 106977 (Sub No. 22), filed August 6, 1959. Applicant: T. S. C. MOTOR FREIGHT LINES, INC., 400 Pinckney Street, P.O. Box 2625, Houston, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Gulf States Utilities Company plant located approximately seven (7) miles southwest of Orange, Tex., near junction Texas Highway 87 and Texas Farm-to-Market Road 105, as an off-route point in connection with applicant's authorized regular route operations between Houston, Tex., and New Orleans, La. over U.S. Highway 90. Applicant is authorized to conduct operations in Alabama, Louisiana, Mississippi, and Texas.

HEARING: October 21, 1959, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 107002 (Sub No. 144), filed April 22, 1959. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, P.O. Box 547, Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Luling, La., to points in Alabama, Arkansas, Florida, Georgia, Oklahoma, Mississippi, Tennessee, and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: November 18, 1959, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Harold P. Boss.

No. MC 107496 (Sub No. 144), filed August 14, 1959. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Harrison County, Mo. to points in Iowa, Kansas, Missouri, and Nebraska. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma,

Pennsylvania, South Dakota, Texas, and Wisconsin.

HEARING: September 23, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner A. Lane Cricher.

No. MC 108207 (Sub No. 63), filed April 17, 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: *Grape juice*, frozen and unfrozen, *jam*s, *jellies*, and *preserves*, from the sites of the plants of the Welch Grape Juice Company, Inc., at Lawton, Mich., and Springdale, Ark., to points in Texas. Applicant is authorized to conduct operations in Arkansas, Arizona, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin.

HEARING: November 5, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Harold P. Boss.

No. MC 108207 (Sub. No. 66), filed June 8, 1959. Applicant: FROZEN FOOD EXPRESS, a Corporation, 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen prepared dough*, from Van Wert, Ohio, to points in Texas, Louisiana, Arkansas, and Oklahoma, and to Memphis, Tenn. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin.

HEARING: November 10, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Harold P. Boss.

No. MC 108449 (Sub. No. 92), Filed August 13, 1959. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *ANHYDROUS ammonia, aqua ammonia, fertilizer solutions and compounds, urea, urea nitrate and other nitrogen solutions and compounds*, in bulk, in tank vehicles, between points in Colorado, Iowa, Kansas, Missouri, Nebraska, Oklahoma, South Dakota, and Wyoming. Applicant is authorized to conduct operations in Illinois, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

NOTE: Applicant states that no authority is sought between Colorado and Wyoming or between two points in any one state.

HEARING: September 21, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner Lacy W. Hinely.

No. MC 108449 (Sub No. 93), Filed August 13, 1959. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glen W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicles, over *irregular routes*, transporting: (1) *Light weight aggregate materials*, in bulk, from points in Hennepin, Ramsey, Dakota, Scott, Carver, and Washington Counties, Minn., to points in Iowa and Wisconsin; (2) *trap rock and silica*, in bulk, from points in Wisconsin to points in Minnesota and Iowa; (3) *limestone and limestone products*, in bulk, from points in Iowa to points in Minnesota and Wisconsin. Applicant is authorized to conduct operations in Illinois, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

HEARING: September 23, 1959, at the Metropolitan Building, Room 926, Second Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 181.

No. MC 108461 (Sub No. 81), filed July 31, 1959. Applicant: WHITEFIELD TRANSPORTATION, INC., 240 West Amador Street, Las Cruces, N. Mex. Applicant's attorney: David G. MacDonald, Commonwealth Bldg., 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives and other dangerous articles*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Las Cruces, N. Mex., and San Antonio, N. Mex., from Las Cruces over U.S. Highway 70 to Alamogordo, thence over U.S. Highway 54 to Carrizozo, thence over U.S. Highway 380 to San Antonio, and return over the same route, serving all intermediate points, except between San Antonio and Carrizozo, not including Carrizozo, and serving the off-route points of White Sands Missile Range (White Sands Proving Ground), and Holloman Air Force Base (Holloman Air Development Center), N. Mex., (2) serving all points located within the White Sands Missile Range (White Sands Proving Ground), and Holloman Air Force Base (Holloman Air Development Center), N. Mex., in connection with the above proposed route. Applicant is authorized to conduct operations in Texas, New Mexico, Utah, Arizona, California, Colorado, and Wyoming.

HEARING: October 2, 1959, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87.

No. MC 109346 (Sub No. 5), filed August 21, 1958. Applicant: J. L. COX & SON, INC., P.O. Box 9476, Raytown 33, Mo. Applicant's attorney: Tom B. Kretzinger, 1014-18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe line machinery, and equipment, materials and supplies incidental*

to and used in connection with the construction, operation, servicing, repair, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, (1) between points in Alaska; (2) between points in Alaska, on the one hand, and, on the other, points in the United States; (3) between points in Alaska, on the one hand, and, on the other, points along the boundary between Alaska and Canada; and (4) between points in the United States, on the one hand, and, on the other, ports of entry on and along the boundary between the United States and Canada. Applicant is authorized to conduct operations in all states (including the District of Columbia), except California.

NOTE: Applicant states, in connection with (2) above, it will traverse Canada for operating convenience only.

HEARING: November 2, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Harold P. Boss.

No. MC 109637 (Sub No. 109), filed March 9, 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: *Dry commodities*, in bulk, in tank hopper, and dump vehicles, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, between points in Illinois, Indiana, Kentucky, Missouri, Ohio, and Tennessee. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: October 19, 1959, at the Kentucky Hotel, Louisville, Ky., before Examiner Richard H. Roberts.

No. MC 111159 (Sub No. 88), filed June 23, 1959. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, 700 Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Shelby County, Tenn., to points in Arkansas and Missouri. Applicant is authorized to conduct operations in Mississippi, Alabama, Arkansas, Georgia, Louisiana, Tennessee, Florida, Kentucky, Missouri, Oklahoma, Illinois, Indiana, and Ohio.

HEARING: October 8, 1959, at the Claridge Hotel, Memphis, Tenn., before Examiner Richard H. Roberts.

No. MC 111170 (Sub No. 55), filed June 29, 1959. Applicant: WHEELING PIPE LINE, INC., P.O. Box 270, El Dorado, Ark. Applicant's attorney: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products* (except asphalt and petrochemicals), in bulk, in tank vehicles, from points in Shelby County, Tenn., to points in Missouri and those in Arkansas on and east of U.S. Highway 167 from the Arkansas-

Louisiana State line to Little Rock, and those on and east of U.S. Highway 65 from Little Rock to the Arkansas-Missouri State line, (2) *Petroleum and petroleum products*, from Baton Rouge, La., to points in Arkansas, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Georgia, Indiana, Louisiana, Mississippi, Missouri, Tennessee, and Texas.

HEARING: October 8, 1959, at the Claridge Hotel, Memphis, Tenn., before Examiner Richard H. Roberts.

No. MC 112446 (Sub No. 21), filed June 9, 1959. Applicant: REFINERS TRANSPORT, INC., 1300 51st Avenue North, Nashville 9, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Benzoic acid esters, aromatic chlorides, benzyl alcohol, and benzonitrile*, in bulk, in tank vehicles, from Chattanooga, Tenn., and points in Hamilton County, Tenn., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Minnesota, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Rhode Island, Virginia, and Wisconsin, and *rejected shipments* of the above-specified commodities, *empty containers or other such incidental facilities* and any *leased tank vehicles and shipper-owned vehicles* used in initial movement, on return. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Minnesota, Mississippi, New Jersey, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Virginia, and Wisconsin.

HEARING: October 16, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Richard H. Roberts.

No. MC 112497 (Sub No. 145), filed June 19, 1959. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, P.O. Box 3096, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, between Mobile, Ala., on the one hand, and, on the other, Baton Rouge, La. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, and Texas.

HEARING: November 16, 1959, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 165, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 112696 (Sub No. 14), Filed August 13, 1959. Applicant: HARTMANS, INCORPORATED, P.O. Box 466, Harrisonburg, Va. Applicant's attorney: Francis W. McInerny, 1625 L Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, transport-

ing: *Frozen foods, and poultry and poultry by-products*, requiring protective services in transit, from Harrisonburg, Timberville, and Winchester, Va., to points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Indiana, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia.

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

No. MC 112713 (Sub No. 83), filed May 3, 1959. Applicant: **YELLOW TRANSIT FREIGHT LINES, INC.**, 1626 Walnut Street, Kansas City, Mo. Applicant's attorney: John M. Records, 1626 Walnut Street, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk, between Waco, Tex., and Houston, Tex.: from Waco over Texas Highway 6 to junction U.S. Highway 290 at or near Hempstead, Tex., and thence over U.S. Highway 290 to Houston, and return over the same route, serving no intermediate points and with service at Waco for joiner only, as an alternate route for operating convenience only in connection with applicant's authorized regular routes between Waco and Houston, Tex. Applicant is authorized to conduct operations in Illinois, Kansas, Oklahoma, Missouri, Texas, Indiana, Kentucky, Michigan, and Ohio.

**HEARING:** November 9, 1959, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 113333 (Sub No. 9), filed August 10, 1959; Applicant: **ARMORED CAR, INC.**, 2654 Poydras, New Orleans, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin*, between Denver, Colo., Birmingham, Ala., Atlanta, Ga., Charlotte, N.C., and Jacksonville, Fla., and between Denver, Colo., New Orleans, La., Nashville, Tenn., and Memphis, Tenn. (except between Nashville and Memphis, Tenn.). Applicant is authorized to conduct operations in Louisiana, Mississippi, Florida, Alabama, Georgia, Tennessee, North Carolina, Texas, Arkansas, Oklahoma, Pennsylvania, Missouri, the District of Columbia and Kentucky.

**NOTE:** Applicant states the proposed operations shall be performed under contracts for the United States Government.

**HEARING:** September 25, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 114045 (Sub No. 50), filed March 30, 1959. Applicant: **R. L. MOORE AND JAMES T. MOORE**, doing business as **TRANS-COLD EXPRESS**, P.O. Box 5842, 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: (1) *Frozen foods*, from points in New York, Pennsylvania, New Jersey, Connecticut, Rhode Island, Maryland, Maine, Delaware, and Massachusetts to points in Texas, Oklahoma, and Arkansas; (2) *Meats, meat products and meat by-products and dairy products*, as described in lists A and B of Appendix I to the report in Ex Parte No. MC-45, *Descriptions in Motor Carrier Certificates*, from points in Oklahoma, Arkansas, and Texas to points in Connecticut, Delaware, the District of Columbia, Kentucky, Maine, Maryland, New Hampshire, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, and West Virginia.

**HEARING:** November 6, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Harold P. Boss.

No. MC 114091 (Sub No. 23), filed July 27, 1959. Applicant: **DIRECT TRANSPORT COMPANY OF KENTUCKY, INC.**, 3601 South Seventh Street Road, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles, from Columbia Park, Ohio to points in Indiana. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Kentucky, Michigan, Mississippi, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and West Virginia.

**HEARING:** September 23, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 60.

No. MC 114641 (Sub No. 2), filed June 10, 1959. Applicant: **S. B. PLATT, III**, doing business as **COLUMBUS WAREHOUSE & STORAGE CO.**, 803 South Ninth Street, P.O. Box 629, Columbus, Miss. Applicant's attorney: George Lowrey Lucas, 519 North Second Avenue, Columbus, Miss. Authority sought to operate as a *contract 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, from Columbus, Miss., to points in Mississippi and Alabama within 150 miles of Columbus, Miss., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct similar operations in Alabama and Mississippi.

**NOTE:** Applicant is authorized to transport the above-specified commodities from Columbus, Miss., to points in Mississippi and Alabama within 100 miles of Columbus. Duplication with present authority to be eliminated.

**HEARING:** October 6, 1959, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 14, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 114897 (Sub No. 18), filed June 1, 1959. Applicant: **WHITFIELD TANK LINES, INC.**, 240 West Amador Street, Las Cruces, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal liquid feed supplement*, in bulk, in tank vehicles, and *rejected shipments*, between points in Colorado, New Mexico, and Texas. Applicant is authorized to conduct operations in Arizona, Colorado, Nevada, New Mexico, Texas, and Utah.

**NOTE:** Applicant indicates it proposes to transport rejected shipments of animal liquid feed supplement on return movements.

**HEARING:** October 7, 1959, at the Hilton Hotel, Albuquerque, N. Mex., before Joint Board No. 89.

No. MC 115316 (Sub No. 1), filed June 19, 1959. Applicant: **S. S. SURRETT**, doing business as **SURRETT TRUCKING CO.**, 3009 Hummingbird Drive, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Nashville, Tenn., and Louisville, Ky., to points in Alabama, Kentucky, and Tennessee, and *rejected shipments of fertilizer*, on return.

**NOTE:** Applicant states that fertilizer will be transported to customers and warehouses of Federal Chemical Co.

**HEARING:** October 13, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Richard H. Roberts.

No. MC 116045 (Sub No. 11), filed June 29, 1959. Applicant: **NEUMAN TRANSIT CO., INC.**, P.O. Box 31, Rawlins, Wyo. Applicant's attorney: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sodium sulfate*, in bags, from Rawlins, Wyo., to Durango, Colo.; (2) *lime, limestone and its products and by-products*, between points in Wyoming and Colorado; (3) *sulphuric acid*, in bulk, in tank vehicles, from Riverton, Wyo., and points within five (5) miles of Riverton, to points in South Dakota; (4) *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Colorado and Wyoming.

**HEARING:** September 30, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 374.

No. MC 116077 (Sub No. 63), filed May 29, 1959. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex. Applicant's attorneys: Charles D. Mathews and Thomas E. James, 1020 Brown Building, P.O. Box 853, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur*, in bulk, between points in Arkansas, Oklahoma, Texas, and Louisiana. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Ohio, Oklahoma, New Mexico, Idaho, Oregon, Washington, Alabama, Colorado, Florida, Mississippi, Kentucky, Kansas, Missouri, New Jersey, Connecticut, Georgia, Illinois, Tennessee, Arizona, California, Indiana, Iowa, Minnesota, Nebraska, North Carolina, South Carolina, West Virginia, and Wisconsin.

**NOTE:** Applicant states it does not seek any duplicating authority.

**HEARING:** November 17, 1959, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Harold P. Boss.

No. MC 116181 (Sub No. 1), filed July 2, 1959. Applicant: FRANK A. PECK, Nashville Road Extension, Bethel, Conn. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boats* not exceeding twenty-one (21) feet in length, from Cortland, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Maryland, Virginia, Delaware, Ohio, Pennsylvania, and the District of Columbia, and *empty containers or other such incidental facilities* used in transporting boats on return. Applicant states that it presently has authority to transport boats not exceeding 18 feet in length from Cortland, N.Y., to points in the above-named states, except Pennsylvania. This application is intended to extend the commodity authority to include the 21 foot boats in that territory and give applicant similar authority to points in Pennsylvania.

**HEARING:** September 30, 1959, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Harry Ross, Jr.

No. MC 116577 (Sub No. 3), filed May 25, 1959. Applicant: CECIL J. PHILLIPS, Route 3, Weaver Pike, Bristol Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneers and plywoods), (1) from points in Washington and Sullivan Counties, Tenn., to points in the District of Columbia, Maryland, Delaware, Connecticut, New York, Pennsylvania, Ohio, Michigan, Virginia, and North Carolina, and (2) from points in Pike, Leslie, and Clay Counties, Ky., to points in Tennessee, Virginia, Ohio, Maryland, and North Carolina. Applicant is authorized to conduct operations in Kentucky, Maryland, North Carolina, Ohio, Pennsyl-

vania, South Carolina, Tennessee, Virginia, and West Virginia.

**HEARING:** September 30, 1959, at the U.S. Court Rooms, Knoxville, Tenn., before Examiner Richard H. Roberts.

No. MC 117037 (Sub No. 1), filed May 21, 1959. Applicant: CLAYTON B. GILBERT, 702 Murfreesboro Road, Nashville, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, (1) from Nashville, Tenn., to points in Simpson, Warren and Barren Counties, Ky., and (2) from Nashville, Tenn., to points in Christian and Hopkins Counties, Ky., and *rejected or returned shipments* of bakery products, on return.

**HEARING:** October 12, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 25, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 117340 (Sub No. 2), filed July 13, 1959. Applicant: TRO BUTCHERS TRUCKING CORP., 636 West 131st Street, New York 27, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream*, in insulated vehicles with mechanically refrigerated units, from Elizabeth, N.J., to New York, New Rochelle, Scarsdale, Yorktown Heights, Hewlett, Roslyn, Yonkers, Larchmont, Pelham, Harrison, White Plains, Hartsdale, Mamaroneck, Riverdale, Mount Vernon, Ardsley, Briarcliff Manor, Long Beach, Bronxville, Pelham Manor, Tuckahoe, Cedarhurst, Rye, Spring Valley, Elmsford, Great Neck, Monticello, and Rockville Centre, N.Y., Bayonne, Passaic, and Hackensack, N.J., and Stamford and Greenwich, Conn., and *rejected, returned or damaged shipments* of Ice cream on return movements. Applicant is authorized to conduct operations in Connecticut, New Jersey, and New York.

**NOTE:** Any duplication with present authority to be eliminated.

**HEARING:** October 8, 1959, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Harry Ross, Jr.

No. MC 117574 (Sub No. 45), filed August 3, 1959. Applicant: DAILY EXPRESS, INC., 65 West North Street, Carlisle, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mixers, compressors, spreaders, pumps, pavers, crushers, excavating equipment, and machinery and equipment* used in the maintenance and construction of roads, streets, highways, bridges, and buildings between Columbus, Ohio on the one hand, and, on the other, points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

**HEARING:** September 25, 1959, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 117574 (Sub No. 46), filed August 3, 1959. Applicant: DAILY EXPRESS, INC., 65 West North Street, Carlisle, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rollers, and machinery and equipment* used in the construction and maintenance of roads, streets, highways, buildings and institutions, between Springfield, Ohio, on the one hand, and, on the other, points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

**HEARING:** September 24, 1959, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 117574 (Sub No. 47), filed August 3, 1959. Applicant: DAILY EXPRESS, INC., 65 West North Street, Carlisle, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street, NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and equipment*, used in construction and maintenance of streets, highways, roads, buildings, bridges, and institutions, between Cincinnati, Ohio, on the one hand, and, on the other, points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

**HEARING:** September 28, 1959, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 118772 (Sub No. 1), filed July 13, 1959. Applicant: DICK MOORE, INC., 1107 Union Avenue, Memphis, Tenn. Applicant's attorney: Wiley O. Bullock, Columbian Mutual Tower, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers* designed to be drawn by passenger automobile or trucks, in secondary movements, between points in Alabama, Arkansas, Florida, Georgia, Indiana, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Texas, and Tennessee.

**HEARING:** October 7, 1959, at the Claridge Hotel, Memphis, Tenn., before Examiner Richard H. Roberts.

No. MC 118898 (Sub No. 2), filed June 29, 1959. Applicant: T. P. TRUCKING COMPANY, INC., 1489 Grady Avenue, Yazoo City, Miss. Applicant's attorney: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer*, dry, in bulk and in packages, between points in Louisiana, Alabama, Mississippi, Tennessee, Georgia, and Florida.

**NOTE:** Applicant states the proposed operations are for the account of the Monsanto Chemical Company.

**HEARING:** October 6, 1959, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Richard H. Roberts.

No. MC 118960 (Sub No. 1), filed July 2, 1959. Applicant: JACK P. MLADINICH, doing business as JACK'S LIST SERVICE, 348 Laston Avenue, Cliffside Park, N.J. Applicant's attorney: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books, files, inter-office correspondence and memoranda*, and *advertising matter* used in connection therewith, (1) between Clifton, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau and Westchester Counties, N.Y.; and (2) between Belleville, Fair Lawn, Hightstown, Hillside, Princeton, Riverside, and Woodbridge, N.J., on the one hand, and, on the other, New York, N.Y.

HEARING: September 29, 1959, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Harry Ross, Jr.

No. MC 118978 (CLARIFICATION), filed June 5, 1959, published August 5, 1959. Applicant: MERCURY PRODUCE EXPRESS, LTD., 2256 Kingsway, Vancouver, British Columbia, Canada. Applicant's attorney: George H. Hart, Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, shingles, shakes and natural wood products*, from the ports of entry on the International Boundary line between the United States and Canada at or near Eastport, Idaho, and Blaine, Wash., to points in California; (2) *Canned goods and frozen foods*, in straight or mixed shipments with exempt commodities, from points in California to ports of entry on the International Boundary line between the United States and Canada at or near Eastport, Idaho, and Blaine, Wash.

HEARING: Remains as assigned September 21, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Examiner Lucian A. Jackson.

No. MC 118981 (Sub No. 1) (REPUBLICAN), filed June 12, 1959, published at Page 6069, July 29, 1959 issue. Applicant: CHARLES A. MATNEY, doing business as MATNEY TRUCK LINE, Gilman, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Building, Des Moines, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wagon boxes, unloaders, and parts* used in the repair thereof, from Gilman, Iowa, to points in the United States, except points in the District of Columbia, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return.

HEARING: Remains as assigned October 1, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner William P. Sullivan.

No. MC 118984, filed June 8, 1959. Applicant: EARL B. SCHRECKER AND EDWARD P. SCHRECKER, Partnership, doing business as SCHRECKER MOVING & STORAGE, Providence Boulevard, Clarksville, Tenn. Appli-

cant's attorney: Charles H. Hudson, Jr., 407 Broadway National Bank Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Household goods*, as defined by the Commission, between Clarksville, Tenn., and Fort Campbell, Ky.: from Clarksville over U.S. Highway 41A to Fort Campbell, and return over the same route, serving all intermediate points.

HEARING: October 13, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 25, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 119042, filed July 6, 1959. Applicant: JOSEPH F. DRISCOLL, 206 West Main Street, Millbury, Mass. Applicant's attorney: John F. Dargin, Jr., 18 Tremont Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from points in Greene, Columbia, Warren, and Schoharie Counties, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut.

HEARING: October 13, 1959, at the New Post Office and Court House Building, Boston, Mass., before Examiner Harry Ross, Jr.

No. MC 119046, filed July 8, 1959. Applicant: JOSEPH BONANNO, doing business as J. BONANNO, 1 Cranford Avenue, Linden, N.J. Applicant's attorney: Irving Abrams, 1776 Broadway, New York 19, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, in bulk, from points in Kings and Bronx Counties, N.Y., and Stamford, Conn., to Jersey City, Florence, Camden, and New Brunswick, N.J., and *return, refused or rejected shipments*, of the above commodities on return.

NOTE: Applicant states that the above will be under continuing contracts with Schiavone-Bonomo Corp., Jersey City, N.J.; Bronx Iron & Metal Corp., New York, N.Y.; and Scrap Iron Baling Corp., Brooklyn, N.Y., and that the origin points are shippers' yards, warehouses, or plant sites located in the above-named cities and counties.

HEARING: October 5, 1959, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Harry Ross, Jr.

No. MC 119061, filed July 14, 1959. Applicant: WALTER E. DANLEY, River Road, P.O. Box 186, New Windsor, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in packages and in bulk, *materials, supplies and equipment*, sold by or used in gasoline stations, to, from, or between commercial and private gasoline stations, between points in Ulster, Orange, Rockland, and Sullivan Counties, N.Y., Pike County, Pa., and Sussex County, N.J. Applicant states the proposed service is under a continuing contract with American Oil Company, 575 Lexington Avenue, New York 22, N.Y.

HEARING: October 8, 1959, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Harry Ross, Jr.

No. MC 119063, filed July 13, 1959. Applicant: ERNEST J. HANLEY AND ERNEST HANLEY, doing business as E. J. & E. HANLEY, R.F.D. No. 1, Rumney, N.H. Applicant's attorney: William F. Batchelder, 66 Main Street, Plymouth, N.H. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood products and sawed lumber*, from points in Grafton County, N.H., to points in Massachusetts, Rhode Island, Connecticut, and New Hampshire, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

HEARING: October 15, 1959, at the New Hampshire Public Service Commission, Concord, N.H., before Examiner Harry Ross, Jr.

No. MC 119100, filed July 28, 1959. Applicant: J. C. STANLEY AND THERIL REEDY, a Partnership, doing business as NEW HARDWARE & FURNITURE COMPANY, Main Street, Clintwood, Va. Applicant's attorney: W. T. Bowen, Norton, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General hardware commodities*, such as paint, electrical appliances, furniture, tools, nails, building supplies, and such other items usually found in a retail hardware and furniture store, from Hazare, Ky., to points in Wise, Dickenson, Buchanan, and Russell Counties, Va., and the Town of Dunganon, Scott County, Va., and *empty containers or other such incidental facilities* used in transporting the above-described commodities, and *returned shipments thereof*, on return.

HEARING: September 29, 1959, at the City Court House, Bristol, Va., before Joint Board No. 262, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 167), filed July 6, 1959. Applicant: THE GREYHOUND CORPORATION, a Corporation, 5600 Jarvis Avenue, Chicago 48, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers and mail*, in the same vehicle with passengers, (1) between New York, N.Y., and the New Haven, Conn., County Line, near Milford, Conn., from New York City over city streets and via the New England Section of the New York Thruway to its junction with the Connecticut Turnpike at the Connecticut-New York State line near Port Chester, N.Y., thence via the Connecticut Turnpike to the New Haven, Conn., County line near Milford, Conn., and return over the same route, serving all intermediate points; (2) between Newark, N.J., and New York, N.Y., from Newark over city streets to Interchange No. 15 of the New Jersey Turnpike, thence over the New Jersey Turnpike to Interchange No. 18, thence eastwardly over New Jersey Highway 46 to the George Washington Bridge,

thence over the George Washington Bridge and New York city streets to the New England Section of the New York Thruway, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations throughout the United States.

**HEARING:** October 5, 1959, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Harry Ross, Jr.

No. MC 119033, filed June 29, 1959. Applicant: VALLEY ENTERPRISES, INC., Wilmington, Vt. Applicant's attorney: Charles R. Cummings, 17 Elliot Street, Brattleboro, Vt. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, between Wilmington and Dover, Vt., on the one hand, and, on the other, Kenne and Hinsdale, N.H., Bennington and Brattleboro, Vt., and Greenfield, Mass., and the Albany Airport, at or near Albany, N.Y.

**HEARING:** October 12, 1959, at the U.S. Court Rooms, Brattleboro, Vt., before Examiner Harry Ross, Jr.

#### APPLICATION FOR BROKERAGE LICENSE

No. MC 12698 (REPUBLICATION), published issue FEDERAL REGISTER May 27, 1959, filed March 13, 1959. Applicant: CLARENCE E. WIDELL, doing business as VIKING TRAVEL AGENCY, 207 North Broadway, Camden 2, N.J., and 50 Tanner Street, Haddonfield, N.J. Applicant's attorney: Walter S. Anderson, Wilson Building, Broadway at Cooper Street, Camden 2, N.J. The previous publication of the notice of filing in the issue of the FEDERAL REGISTER, dated May 27, 1959, did not clearly describe the proposed operations. At the hearing held June 24, 1959, before Examiner Luciano A. Jackson, the discrepancies in that publication were noted. Correctly stated, and as restrictively amended at the hearing, applicant proposes to engage in operations as a broker at Camden and Haddonfield, N.J., in arranging for transportation in interstate or foreign commerce by motor vehicle, of *Passengers and their baggage*, in the same vehicle with passengers, as follows: Groups in all-expense or "package" sightseeing or vacation tours, beginning and ending at points in Camden and Gloucester Counties, N.J., Burlington County, N.J. (except Fort Dix and McGuire Air Base), and Philadelphia County, Pa., and extending to points in the United States, including ports of entry on the International Boundary lines between the United States and Canada and the United States and Mexico, and (2) individual passengers and their baggage, in the same vehicle with such passengers, in both regular-route and special bus operations by common carrier by motor vehicle.

**NOTE:** Applicant states that, in respect of all-expense or "package" sightseeing or vacation tours, he "proposes to assemble persons into groups for excursion and sightseeing trips, to issue all-expense coupons to such passengers, to receive from such passengers their acceptance of an appointment of applicant as agent for the group, collectively, for the purpose of obtaining charter transporta-

tion by motor carrier, in accordance with the principle which evolved from the Tauck Tours, Inc. cases."

**CONTINUED HEARING:** October 8, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Herbert L. Hanback.

#### MOTOR CARRIERS OF PROPERTY

No. MC 12709, filed May 19, 1959. Applicant: HENDERSON D. FILSON, doing business as H. A. FILSON, 1051 Independence Street, Lakewood, Colo. For a license (BMC 4) to engage in operations as a *broker* at Denver, Colo., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *General commodities, including those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment*, between points in the United States, including Alaska.

**HEARING:** September 30, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 126.

#### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

##### MOTOR CARRIERS OF PROPERTY

No. MC 30319 (Sub No. 104), filed August 3, 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, transporting: *General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk*, between Hempstead, Tex., and Raccoon Bend, Tex.: from Hempstead over Texas Highway 159 and unnumbered road, to Raccoon Bend, and return over the same route, serving the intermediate non-rail point of Cochran. Applicant is authorized to conduct operations in Louisiana and Texas.

**NOTE:** Applicant states Raccoon Bend, Tex., is a non-rail point.

No. MC 30319 (Sub No. 105), filed August 3, 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, transporting: *General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk*, between Palestine, Tex., and Jacksonville, Tex.; from Palestine over U.S. Highway 79 to Jacksonville, 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 Louisiana and Texas.

No. MC 104683 (Sub No. 24), (CORRECTION), filed July 24, 1959, published

FEDERAL REGISTER issue of August 12, 1959. Applicant: L. L. MAJURE TRANSPORT CO., 1600 B Street, Meridian, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Meridian, Miss., to Pensacola, Fla. Applicant is authorized to conduct operations in Alabama, Louisiana, and Mississippi.

**NOTE:** The purpose of this republication is to correctly describe the proposed operations as applied for: "in bulk, in tank vehicles."

No. MC 113678 (Sub No. 8), filed August 13, 1959. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Applicant's attorney: Robert H. Shertz, 811-819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Meat products and meat by-products*, from Kearny, N.J., to New York, N.Y.; (b) from Chicago, Ill., to New York, N.Y.; (2) (a) from Denver, Colo., to Kearny, N.J., (b) from Denver, Colo., to Chicago, Ill. Applicant is authorized to conduct operations in Colorado, New York, Massachusetts, and the District of Columbia.

**NOTE:** Applicant states that the above will be restricted in both instances to the transportation of traffic which has moved or will move from Denver, Colo., to Kearny, N.J., or from Denver, Colo., to Chicago, Ill., in applicant's trailers on flat cars in substituted rail-for-motor service, and provided further that the authority granted and the authority presently held by applicant on the same commodities from Denver, Colo., to New York, N.Y., shall be construed as comprising a single operating right which shall not be severable by sale or otherwise.

No. MC 118697 (Sub No. 1), filed August 14, 1959. Applicant: PAUL S. TAYLOR, 2039 Stonewall, Caruthersville, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., points in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark.; and (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45-E and U.S. Highway 45 to the Mississippi State line.

No. MC 118698 (Sub No. 1), Filed August 14, 1959. Applicant: RALPH RUSHING, Cooter, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand and gravel* in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and Greene,

Clay, Crittenden, and Mississippi Counties, Ark., and (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highways 45-E and 45.

No. MC 118699 (Sub No. 1). Filed August 14, 1959. Applicant: GENE CLARK, 506 East Ninth Street, Caruthersville, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle over *irregular routes*, transporting: *Sand and gravel* in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., points in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark.; and (2) Between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and on the other, points in Tennessee on and West of U.S. Highway 45-E and U.S. Highway 45 to the Mississippi State line.

No. MC 118700 (Sub No. 1). Filed August 14, 1959. Applicant: GRADY MEADOWS, 213 North Hopper, Kennett, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand and gravel*, in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., those in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Ark.; (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45-E and U.S. Highway 45 to the Mississippi State line.

No. MC 118701 (Sub No. 1). Filed August 14, 1959. Applicant: JOHN SELSOR, Box 293, Hayti, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand and gravel* in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., those in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties Ark.; (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45-E and U.S. Highway 45 to the Mississippi State line.

No. MC 118702 (Sub No. 1), filed August 14, 1959. Applicant: JACK ALLEN, New Madrid, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand and gravel* in bulk, in dump vehicles, (1) Between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., points in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in

Greene, Clay, Crittenden, and Mississippi Counties, Ark.; and (2) Between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45-E and U.S. Highway 45 to the Mississippi State line.

No. MC 118703 (Sub No. 1), Filed August 14, 1959. Applicant: PAUL MARSTON, Marston, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1 Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand and gravel* in bulk, in dump vehicles, (1) Between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., points in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark.; and (2) Between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45-E and U.S. Highway 45 to the Mississippi State line.

No. MC 118704 (Sub No. 1). Filed August 14, 1959. Applicant: WILLIAM WHITE, Marston, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand and gravel* in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., points in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark. (2) Between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and on the other, points in Tennessee on and west of U.S. Highway 45-E and U.S. Highway 45 to the Mississippi State line.

No. MC 118705 (Sub No. 1), Filed August 14, 1959. Applicant: A. O. TAYLOR, P.O. Box 211, Caruthersville, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand and gravel* in bulk, in dump vehicles, (1) Between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., points in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark.; and (2) Between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45-E and U.S. Highway 45 to the Mississippi State line.

No MC 118706 (Sub No. 1), Filed August 14, 1959. Applicant: JOE L. RUHL, 211 Daniel, Sikeston, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand and gravel*, in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky.,

those in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Ark.; (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and West of U.S. Highway 45-E and U.S. Highway 45 to the Mississippi State line.

No. MC 118707 (Sub No. 1), filed August 14, 1959. Applicant: MAX DAVIS, Hayti, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand and gravel*, in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., points in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark. (2) Between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45-E and U.S. Highway 45 to the Mississippi State line.

No. MC 118708 (Sub No. 1) Filed August 14, 1959. Applicant: TOMMY BALL, Hayti, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand and gravel*, in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and Greene, Clay, Crittenden, and Mississippi Counties, Ark., and (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45-E and U.S. Highway 45.

No. MC 118710 (Sub No. 1), Filed August 14, 1959. Applicant: J. L. NEWMAN, 109 West Main, Portageville, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting *sand and gravel* in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., those in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark.; (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45-E and U.S. Highway 45 to the Mississippi State line.

No. MC 118712 (Sub No. 1), Filed August 14, 1959. Applicant: LOYD FROMAN, Catron, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes* transporting: *Sand and gravel*, in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., those in Mississippi, New Madrid,

Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45-E and U.S. Highway 45 to the Mississippi State line.

No. MC 118713 (Sub No. 1), Filed August 14, 1959. Applicant: HENRY MASON, North Kings Highway, Sikeston, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., those in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark.; (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on the west of U.S. Highway 45-E and U.S. Highway 45 to the Mississippi State line.

No. MC 118727 (Sub No. 1). Filed August 14, 1959. Applicant: JOHN GATLIN AND J. L. WISEMAN, doing business as GATLIN & WISEMAN, 3528 Democrat Road, Memphis, Tenn. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand and gravel*, in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., points in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark., (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and on the other, points in Tennessee on and west of U.S. Highway 45-E and U.S. Highway 45 to the Mississippi State line.

No. MC 118730 (Sub No. 1). Filed August 14, 1959. Applicant: VICTOR L. PARKER AND WOODROW FLEMING, 516 East Raines, Memphis, Tenn. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand and gravel*, in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman and Fulton Counties, Ky., points in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark., and (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45-E and U.S. Highway 45 to the Mississippi State line.

No. MC 118733 (Sub No. 1), Filed August 14, 1959. Applicant: BILLY G. HUDSON, Eddyville, Ky. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular*

*routes*, transporting: *Sand and gravel*, in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., those in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark.; (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45-E and U.S. Highway 45 to the Mississippi State line.

No. MC 118742 (Sub No. 1), filed August 14, 1959. Applicant: WILLIE ALDRIDGE AND A. B. ALDRIDGE, 804 South Lake, Blytheville, Ark. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, in bulk, in dump vehicles, (1) Between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., points in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark.; and (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45-E and U.S. Highway 45 to the Mississippi State line.

No. MC 119152, Filed August 14, 1959. Applicant: ARCHIE SALTZMAN, Campbell, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand and gravel* in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., those in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark.; (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45-E and U.S. Highway 45 to the Mississippi State line.

No. MC 119157, filed August 14, 1959. Applicant: ELWOOD SMILEY, Leachville, Ark. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand and gravel*, in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and Greene, Clay, Crittenden, and Mississippi Counties, Ark., and (2) between points in Poinsett, Craighead and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45-E and 45.

No. MC 119161, filed August 17, 1959. Applicant: WILLIAM L. BRANHAM, 4312 Pearl Street, Joplin, Mo. Applicant's attorney: Stanley P. Clay, 514 First National Bank Building, P.O. Box 578, Joplin, Mo. Authority sought to op-

erate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles, including replacement vehicles*, by use of wrecker equipment, between points in Missouri, Kansas, Oklahoma, and Arkansas.

No. MC 3647 (Sub No. 258), (CLARIFICATION), published in the July 15, 1959 issue. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, General Counsel, Law Department, Public Service Coordinated Transport (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special round trip sightseeing and pleasure tours, (1) beginning and ending at Newark, N.J., and extending to Bear Mountain, West Point and Hyde Park, N.Y.; (2) beginning and ending at Newark, N.J., and extending to Crystal Cave and Hershey, Pa.; (3) beginning and ending at Newark, N.J., and extending to Philadelphia, Valley Forge and Doylestown, Pa.; (4) beginning and ending at Newark, N.J., and extending to Philadelphia and Longwood Gardens Kennett Square, Pa.; (5) beginning and ending at Newark, N.J., and extending to Danbury, Conn., Bear Mountain and Monroe, N.Y.; (6) beginning and ending at Newark, N.J., and extending to Shartlesville and Hershey, Pa.; (7) beginning and ending at Newark, N.J., and extending to Philadelphia and Bushkill Falls, Pa., and High Point Park, N.J. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

Note: Applicant states it now holds certificates from the Commission to operate individual trips to each of the above-mentioned points from Newark. Applicant desires by this application to operate tours from Newark, N.J., to points outlined in (1) and (7), inclusive. Applicant states if the Commission should decide that applicant's present certificates are sufficient to permit these tours, this application should be dismissed.

#### PETITIONS

No. MC 17663, filed August 6, 1959. PETITION (1) FOR WAIVER OF RULE 101(e) OF GENERAL RULES OF PRACTICE TO PERMIT FILING OF RECONSIDERATION PETITION AND (2) FOR RECONSIDERATION OF APPLICATION AND CLARIFICATION OF COMMODITY DESCRIPTION IN CERTIFICATE IN CERTIFICATE. Petitioner: William A. Kelly, Inc., 720 North Marshall Street, Philadelphia, Pa. Petitioner's attorney: Ralph C. Busser, Jr., Attorney at Law, 1607 Morris Building, 1421 Chestnut Street, Philadelphia, Pa. Certificate No. MC 17663 dated July 8, 1953, authorizes petitioner to engage in transportation in interstate or foreign commerce as follows: *Heavy machinery and equipment* requiring rigging or special handling and such *materials and supplies* as are used in the installation, operation, and maintenance thereof, when transported in the same vehicle

with such commodities, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Ohio, North Carolina, South Carolina, Virginia, West Virginia, and the District of Columbia. *Electrical appliances and electrical equipment*, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, and Maryland, and those in Cumberland, Salem, Gloucester, Camden, Burlington, Mercer, and Atlantic Counties, N.J. By petition filed August 6, 1959, petitioner seeks reopening and reconsideration, and the reissuance of the Certificate so as to authorize the transportation of, "commodities, the transportation of which because of size or weight require the use of special equipment, and of related machinery parts and related contractor's materials and supplies when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment", in lieu of the commodity description now contained in the subject Certificate. Petitioner requests that no change be made in the second portion of the certificate covering the transportation of "electrical appliances and electrical equipment". Any person or persons desiring to participate in this proceeding may file representations supporting or opposing the relief sought within thirty (30) days from the date of this publication in the FEDERAL REGISTER.

#### PETITIONS TO AMEND SCOPE OF REQUESTED OPERATING AUTHORITIES

By applications (Form BMC 78) assigned the docket numbers shown, applicant sought authority as described below: No. MC 42487 (Sub No. 399), filed April 27, 1959. Petitioner: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland 4, Oreg. Petitioner's attorney: Jerome Anderson, Electric Building, P.O. Box 1472, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except liquid petroleum products, in bulk, in tank vehicles, between Shelby, Mont., and Glendive, Mont., from Shelby over U.S. Highway 2 to Wolf Point, thence over Montana Highway 13 to Circle, thence over Montana Highway 20 (formerly Montana Highway 18) to Glendive, and return over the same route, serving the intermediate points of Oswego, Frazer, Wyola, Nashua, Glasgow, Malta, Hinsdale, and Saco, and the off-route point of Glasgow Air Force Base.

No. MC 42487 (Sub No. 400), filed April 27, 1959. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except liquid petroleum products, in bulk, in tank trucks, (1) between Lewistown, Mont., and Malta, Mo.: from Lewistown over Montana Highway 19 to Malta, and return over the same route, serving no intermediate points; and (2) between Grass Range, Mont., and junction Montana Highway 19 and unnumbered highway

east of Roy, Mont.: from Grass Range over U.S. Highway 87 to its junction with unnumbered highway at a point one (1) mile north of Grass Range, thence over unnumbered highway to junction unnumbered highway and Montana Highway 19 east of Roy, and return over the same route, serving no intermediate points.

Petition filed July 20, 1959, in No. MC 42487 (Sub No. 399) seeks to amend Item III of the application to read: Service is requested to and from the intermediate (and off-route) points of Vida (also known as Presserville), Wolf Point, Oswego, Frazer, Wyota, Nashua, Glasgow, Malta, Hinsdale, and Saco, Montana, and the off-route point of Glasgow Air Force Base, Montana. The effect of such amendment is to change Wyota to Wyota and to add the off-route points of Wolf Point and Vida, Mont., as points to be served in connection with the proposed regular-route operations as described in the above-entitled application.

Petition filed July 24, 1959 in No. MC 42487 (Sub No. 400) seeks to amend Item II of the application to read: (1) Between Lewistown, Mont. and Malta, Mont., from Lewistown over Montana Highway 19 to Malta, and return over the same route, serving no intermediate points. (2) Between Grass Range, Mont., and junction Montana Highway 19 and unnumbered highway east of Roy, Mont., from Grass Range over U.S. Highway 87 to junction Montana Highway 20 and unnumbered highway at a point approximately one mile north of Grass Range, thence over unnumbered highway to junction said unnumbered highway and Montana Highway 19 east of Roy, and return over the same route. The effect of the amendment is to permit service to and from the point of Grass Range, for the specific purpose of joinder only with applicant's other common carrier authority. At the continued hearing held August 24, 1959, at Glasgow, Mont., before Joint Board No. 82, the applications were deemed amended as above described. The purpose of this publication is to advise that any person or persons who might have been prejudiced by the allowance of the amendments, may, within thirty (30) days from the date of this publication in the FEDERAL REGISTER, file an appropriate petition for further hearing.

#### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

#### MOTOR CARRIERS OF PROPERTY

No. MC-F 7143 (W. KELLY GREGORY, INC.—PURCHASE—FRANK WATSON AND JOHN WATSON, W. KELLY GREGORY, RANDOLPH J. THOMAS AND ROBERT FERTITTA), published in the April 1, 1959, issue of the

FEDERAL REGISTER on page 7143. Application filed August 19, 1959, for authority under section 210a(b) for W. KELLY GREGORY, INC., to lease temporarily the operating rights and property of W. KELLY GREGORY, RANDOLPH J. THOMAS and ROBERT FERTITTA.

No. MC-F 7265 (TRAILWAYS OF NEW ENGLAND, INC.—PURCHASE—INTERSTATE PASSENGER SERVICE, INC.), published in the August 5, 1959, issue of the FEDERAL REGISTER on page 6292. Application filed August 14, 1959, for temporary authority under section 210a(b).

No. MC-F 7271 (correction), published in the August 12, 1959, issue of the FEDERAL REGISTER on page 6554. The authority being transferred to MURAL TRANSPORT, INC., from SYRACUSE FURNITURE FORWARDING COMPANY, INC., is corrected by eliminating the authority covering *new furniture* between Grand Rapids, Mich., on the one hand, and, on the other, New York, N.Y. Vendor promises, upon approval and consummation of the transaction, to request cancellation of this portion.

No. MC-F 7282 (correction) published in the August 19, 1959, issue of the FEDERAL REGISTER on page 6749. The transaction should have been shown as a purchase by MIAMI TRANSPORTATION COMPANY, INC., OF INDIANA of the operating rights of RICHARD STROTHMAN, doing business as STROTHMAN EXPRESS.

No. MC-F 7289, RUPP-SOUTHERN TIER FREIGHT LINES, INC.—CONTROL AND MERGER—WESTON TRANSFER COMPANY, INC., published in the August 19, 1959, issue of the FEDERAL REGISTER. Application filed August 17, 1959, for temporary authority under section 210a(b).

No. MC-F 7290. Authority sought for purchase by SECURITY STORAGE & VAN COMPANY, INC. (ALA. CORP.), 533 City Park Avenue, P.O. Box 1148, New Orleans 19, La., of a portion of the operating rights of ACME VAN LINES, INC., 912 Troost Avenue, Kansas City 6, Mo., and for acquisition by SECURITY STORAGE & VAN COMPANY, INC., (LA. CORP.) and, in turn, HOWARD WOLCHANSKY, both of New Orleans, of control of such rights through the purchase. Applicants' attorney: Kretsinger & Kretsinger, 1014-18 Temple Building, Kansas City 6, Mo. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between Hoosick Falls, N.Y., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, and Vermont. Vendee is authorized to operate as a *common carrier* in Florida, Georgia, Alabama, Mississippi, Texas, Oklahoma, Louisiana, Tennessee, Arizona, California, Oregon, Washington, Arkansas, Missouri, Illinois, South Carolina, North Carolina, Virginia, Maryland, New Jersey, New York, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7291. Authority sought for control and merger by THE EMERY

TRANSPORTATION COMPANY, 7000 South Pulaski Road, Chicago 29, Ill., of the operating rights and property of MIDWEST TRANSFER COMPANY OF ILLINOIS, 7000 South Pulaski Road, Chicago 29, Ill., and for acquisition by MILTON D. RATNER, also of Chicago, of control of such rights and property through the transaction. Applicants' attorneys: Clarence D. Todd or Charles W. Singer, both of 1825 Jefferson Place NW., Washington 6, D.C. Operating rights sought to be controlled and merged: *Roofing and building materials*, under individual contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act) who are engaged in the manufacture of building, roofing, or insulating materials, as a *contract carrier* over a regular route from Joliet, Ill., to Detroit, Mich., serving all intermediate points restricted to delivery only; under individual contracts or agreements with persons as defined in section 203(a) of the Interstate Commerce Act who are engaged in the manufacture of paper or paper products, for the transportation, over regular and irregular routes, of *paper mill products*, from Hamilton, Ohio, over U.S. Highway 127 to Eaton, Ohio, thence over U.S. Highway 35 to junction Indiana Highway 28, thence over Indiana Highway 28 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, Ill., and thence over irregular routes to points in that part of Illinois on and east of U.S. Highway 150 between Moline and Peoria, Ill., and on and north of U.S. Highway 24 between Peoria and the Illinois-Indiana State line serving all intermediate points on the above-specified regular route restricted to delivery only, and from Hamilton, Ohio, over irregular routes to points in Ohio, also *materials and supplies* used in the manufacture and shipment of paper mill products from points in the above-specified Illinois territory over irregular routes to Chicago, thence over the above-specified regular route to Hamilton, serving all intermediate points on the above-specified regular route restricted to pick-up only, and from points in Ohio, to Hamilton, Ohio; under individual contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act) who are engaged in the refining or distribution of petroleum products, for the transportation, over irregular routes, of *oil*, in containers, between Franklin, Pa., on the one hand, and, on the other, certain points in Illinois, Ohio, Michigan, Indiana and Kentucky, Madison, Wis., Pittsburgh, Pa., and St. Louis, Mo.; under individual contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act) who are engaged in the manufacture of paper or paper products, building, roofing or insulating materials, iron and steel wire products, fencing materials and supplies, heavy industrial chemicals, not including drugs, medicine and toilet preparations, for the transportation of *paper, paper products, steel strapping, materials and supplies* used in the manufacture and shipping of paper and paper products, *machinery*

used in the manufacture of paper products, *cartons, paperboard, paperboard sidings, rags, building, roofing and insulating materials*, (more specifically described in Sheets Nos. 4 and 5 of Permit No. MC 107640), *iron and steel wire products, fencing materials and supplies, steel, heavy industrial chemicals*, not including drugs, medicine and toilet preparations, and *such materials, supplies, chemicals, and machinery* as are used in the manufacture and distribution of heavy industrial chemicals (not including drugs, medicines, and toilet preparations), from, to or between points and areas, varying with the commodity transported, in Ohio, Illinois, Indiana, Michigan, Wisconsin, Missouri, Pennsylvania, New York, Iowa, Maryland, New Jersey, West Virginia, Kentucky, and Nebraska; *iron and steel wire products, fencing materials and supplies, clay building tile, building, roofing, and insulating materials* (as more specifically described in Permits Nos. MC 107640 Sub 6, MC 107640 Sub 22, MC 107640 Sub 27, MC 107640 Sub 31, and MC 107640 Sub 33), *petroleum asphaltum, road oil, residual fuel oil*, in bulk, in insulated and heater-coil tank vehicles, *roofing materials and supplies, and supplies and materials* used in the manufacture thereof, and *concrete building and roofing slabs*, from, to or between points and areas, varying with the commodity transported, in Illinois, Kentucky, Michigan, Missouri, Minnesota, Iowa, Nebraska, Pennsylvania, New York, West Virginia, Wisconsin, Indiana, Ohio, Colorado, Kansas, North Dakota, South Dakota, and Tennessee. The service authorized regarding petroleum asphaltum, road oil, and residual fuel oil is subject to the restriction that carrier shall not light or keep lighted open-flame burners attached to any vehicle used in such transportation, except, and only, when such vehicle is at rest and off the highway. THE EMERY TRANSPORTATION COMPANY is authorized to operate as a *contract carrier* in Tennessee, Ohio, Kentucky, Indiana, Illinois, Pennsylvania, Iowa, New York, West Virginia, Michigan, Missouri, Wisconsin, Minnesota, New Jersey, Maryland, Georgia, North Carolina, South Carolina, Virginia, Florida, Arkansas, Massachusetts, Vermont, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 7293. Authority sought for purchase by ZERO REFRIGERATED LINES, Room 201 Administration Building, 1500 South Zarzamora Street, P.O. Box 4064, Station "A", San Antonio 7, Tex., of the operating rights of REFRIGERATED SEAFOOD DISTRIBUTORS, INC., 14th & Boca Chica, P.O. Box 1014, Brownsville, Tex., and for acquisition by C. K. McCLELLAND, also of San Antonio, of control of such rights through the purchase. Applicants' attorney: Charles D. Mathews, P.O. Box 858, Austin 65, Tex. Operating rights sought to be transferred: Those rights claimed in an application seeking a "grandfather" certificate under section 7 of the Transportation Act of 1958 (which amended section 203(b) (6) of the Act), viz, *frozen fruits, frozen berries,*

and *frozen vegetables*, in straight and in mixed loads with *certain exempt commodities*, as a *common carrier* over irregular routes between points in Texas, Illinois, Tennessee, Louisiana, Florida, Arkansas, Oklahoma, Kansas, California, Ohio, Missouri, New York, Pennsylvania, Indiana, Georgia, Colorado, Michigan, Minnesota, Oregon, Alabama, Mississippi, Nebraska, Washington, New Mexico, Arizona, Nevada, Idaho, Kentucky, South Carolina, North Carolina, Virginia, Maryland, New Jersey, Wisconsin, Iowa, Massachusetts, Delaware, Connecticut, Utah, Wyoming, and Montana. Vendee is authorized to operate as a *common carrier* in California, Oregon, Washington, Louisiana, Texas, Wisconsin, Iowa, Minnesota, Arizona, New Mexico, Nebraska, Idaho, Utah, Oklahoma, Arkansas, Colorado, and South Dakota. Application has been filed for temporary authority under section 210a(b).

#### MOTOR CARRIERS OF PASSENGERS

No. MC-F-7292. Authority sought for purchase by NORTHEASTERN MISSOURI GREYHOUND LINES, INC., 500 South Washington Street, Mexico, Mo., of a portion of the operating rights of TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex., and for acquisition by ROBERT H. FINLEY, 225 South Street, Mexico, Mo., of control of such rights through the purchase. Applicants' attorney: C. Zimmerman, P.O. Box 730, Wichita 1, Kans. Operating rights sought to be transferred: Passengers and their baggage, and express, newspapers, and mail in the same vehicle with passengers, as a *common carrier* over regular routes, between Moberly, Mo., and St. Louis, Mo., serving certain intermediate points. Vendee is authorized to operate as a *common carrier* in Missouri and Illinois. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 59-7076; Filed, Aug. 25, 1959;  
8:46 a.m.]

## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 232]

### NEBRASKA

#### Declaration of Disaster Area

Whereas, it has been reported that during the month of August 1959, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Nebraska;

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

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

## NOTICES

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

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

Counties: Douglas, Sarpy and Saunders (flood occurring on or about August 2 and 3, 1959).

## Offices:

Small Business Administration Regional Office, Home Savings Building, 1006 Grand Avenue, Kansas City 6, Mo.

Small Business Administration Branch Office, 207 Farm Credit Building, 206 South 19th Street, Omaha 2, Nebr.

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

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 29, 1960.

Dated: August 4, 1959.

WENDELL B. BARNES,  
*Administrator.*

[F.R. Doc. 59-7023; Filed, Aug. 24, 1959;  
8:46 a.m.]

[Declaration of Disaster Area 233]

## IOWA

## Declaration of Disaster Area

Whereas, it has been reported that during the month of August, 1959, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Iowa;

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

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

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

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County

(including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Lee (Rain and flood occurring on or about August 5, 1959).

## Offices:

Small Business Administration Regional Office, Room 430, Bankers Building, 105 West Adams Street, Chicago 6, Ill.

Small Business Administration, Temporary Field Office, c/o Fort Madison Chamber of Commerce, Fort Madison, Iowa.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 29, 1960.

Dated: August 10, 1959.

ROBERT F. BUCK,  
*Deputy Administrator.*

[F.R. Doc. 59-7024; Filed, Aug. 24, 1959;  
8:47 a.m.]

[Declaration of Disaster Area 234]

## OREGON

## Declaration of Disaster Area

Whereas, it has been reported that during the month of August 1959, because of the effects of certain disasters, damage resulted to residences and business property located in the City of Roseburg in the State of Oregon;

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

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

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

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the City of Roseburg (including any area adjacent to said City), suffered damage or other destruction as a result of an explosion of dynamite and resulting fires occurring on or about August 7, 1959.

## Offices:

Small Business Administration Regional Office, Smith Tower, Room 1220, 506 Second Avenue, Seattle 4, Wash.

Small Business Administration Branch Office, 811 Southwest Washington Street, Portland 5, Ore.

Small Business Administration, Temporary Field Office, Roseburg, Ore.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 29, 1960.

Dated: August 8, 1959.

WENDELL B. BARNES,  
*Administrator.*

[F.R. Doc. 59-7025; Filed, Aug. 24, 1959;  
8:47 a.m.]

[Declaration of Disaster Area 235]

## TERRITORY OF HAWAII

## Declaration of Disaster Area

Whereas, it has been reported that during the month of August, 1959, because of the effects of certain disasters, damage resulted to residences and business property located on the Island of Kauai in the Territory of Hawaii.

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

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

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

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated on the Island of Kauai (including any area adjacent to said Island) suffered damage or destruction as a result of a hurricane occurring on or about August 6 and 7, 1959.

## Offices:

Small Business Administration Regional Office, 525 Market Street, San Francisco 11, Calif.

Small Business Administration Branch Office, Finance Factors Building, 195 South King Street, Honolulu, Hawaii.

Small Business Administration, Temporary Field Office, Lihue, Island of Kauai, Telephone 25111, Territory of Hawaii.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 29, 1960.

Dated: August 8, 1959.

WENDELL B. BARNES,  
*Administrator.*

[F.R. Doc. 59-7026; Filed, Aug. 24, 1959;  
8:47 a.m.]

**CUMULATIVE CODIFICATION GUIDE—AUGUST**

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