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Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 351—IMPORTATION OF PLANTS OR PLANT PRODUCTS BY MAIL

On September 2, 1959, there was published in the FEDERAL REGISTER (24 F.R. 7108) under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) a notice of rule making concerning a revision of 7 CFR Part 351. After due consideration of all relevant matters and pursuant to sections 7 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 160, 162) and sections 103, 105, and 106 of the Federal Plant Pest Act of May 23, 1957 (7 U.S.C. 150bb, 150dd, 150ee), a revision of 7 CFR Part 351, is hereby issued as follows:

- Sec.
- 351.1 Joint treatment generally.
 - 351.2 Location of inspectors.
 - 351.3 Procedure on arrival.
 - 351.4 Records.
 - 351.5 Return or destruction.
 - 351.6 Packages in closed mail dispatches.
 - 351.7 Regulations governing importation by mail of plant material for immediate export.

CROSS REFERENCE: For customs regulations governing importation of plants and plant products, see 19 CFR Part 12.

AUTHORITY: §§ 351.1 to 351.7 issued under sec. 9, 37 Stat. 318, and sec. 106, 71 Stat. 33, 7 U.S.C. 162, 150ee. Interpret or apply sec. 7, 37 Stat. 317, and secs. 103, 105, 71 Stat. 32, 7 U.S.C. 160, 150bb, 150dd; 19 F.R. 74, as amended.

§ 351.1 Joint treatment generally.

Under various orders, quarantines, and regulations promulgated by the Administrator of the Agricultural Research Service under authority of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315-319, 7 U.S.C. 151 et seq.), as amended, and the Federal Plant Pest Act of May 23, 1957 (71 Stat. 31-35; 7 U.S.C. 150aa-150jj), the entry into the United States of certain plants, plant products, and soil is prohibited or restricted. As an aid in enforcing these or subsequent orders, quarantines, and regulations, provisions have been made by the Plant Quarantine Division of the United States

Department of Agriculture, concurrently with the Postal and Customs Services, to insure closer inspection of such importations.

§ 351.2 Location of inspectors.

Inspectors of the Plant Quarantine Division and customs officers are stationed at the following locations:

- Atlanta, Ga.
- Baltimore, Md.
- Baton Rouge, La.
- Blaine, Wash.
- Boston, Mass.
- Brownsville, Tex.
- Buffalo, N.Y.
- Calexico, Calif.
- Charleston, S.C.
- Charlotte Amalie, St. Thomas, V.I.
- Chicago, Ill.
- Christiansted, St. Croix, V.I.
- Cleveland, Ohio.
- Corpus Christi, Tex.
- Dallas, Tex.
- Del Rio, Tex.
- Detroit, Mich.
- Douglas, Ariz.
- Dover, Del.
- Eagle Pass, Tex.
- El Paso, Tex.
- Galveston, Tex.
- Hidalgo, Tex.
- Hilo, Hawaii.
- Hoboken, N.J.
- Honolulu, Hawaii.
- Houston, Tex.
- Jacksonville, Fla.
- Key West, Fla.
- Laredo, Tex.
- Memphis, Tenn.
- Miami, Fla.
- Mobile, Ala.
- New Orleans, La.
- New York, N.Y.
- Nogales, Ariz.
- Norfolk, Va.
- Pensacola, Fla.
- Philadelphia, Pa.
- Port Arthur, Tex.
- Port Everglades, Fla.
- Portland, Ore.
- Presidio, Tex.
- Roma, Tex.
- St. Albans, Vt.
- St. Paul, Minn.
- San Antonio, Tex.
- San Diego, Calif.
- San Francisco, Calif.
- San Juan, P.R.
- San Luis, Ariz.
- San Pedro, Calif.
- San Ysidro, Calif.
- Savannah, Ga.
- Seattle, Wash.

(Continued on p. 9925)

CONTENTS

	Page
Agriculture Department	
See Agricultural Research Service; Commodity Credit Corporation; Commodity Stabilization Service; Farmers Home Administration.	
Agricultural Research Service	
Rules and regulations:	
Importation of plants or plant products by mail.....	9923
Screwworms; miscellaneous amendments.....	9926
Atomic Energy Commission	
Notices:	
Armour Research Foundation of Illinois in Institute of Technology; issuance of facility license amendment....	9953
North American Aviation, Inc.; proposed issuance of construction permit.....	9953
Coast Guard	
Rules and regulations:	
Cadets; eyes and vision.....	9932
Commerce Department	
See also Foreign Commerce Bureau.	
Notices:	
Changes in financial interests:	
Dugan, Edmund W.....	9950
Shea, Kevin G.....	9950
Continuity of services in and for Alaska; delegation of authority.....	9949
Commodity Credit Corporation	
Notices:	
Sales list, December.....	9957
Commodity Stabilization Service	
Proposed rule making:	
Liquid sugar, entry into U.S.....	9934
Farmers Home Administration	
Rules and regulations:	
Average value of farms; Arkansas.....	9925
Federal Aviation Agency	
Proposed rule making:	
Federal airway, modification; and reporting point, designation.....	9935
Federal airway and associated control area, modification; and reporting point, designation.....	9936
Federal airway and associated control area; modification....	9936



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CONTENTS—Continued

Federal Aviation Agency—Con.	Page
Proposed rule making—Continued	
Restricted area/military climb corridor; designation	9937
Rules and regulations:	
Control area extension; designation	9929
Federal airway; modification	9927
Federal airways and associated control areas; extensions (3 documents)	9928, 9929
Federal airway, associated control areas and reporting points; designation	9928
Federal Communications Commission	
Notices:	
Hearings, etc.:	
Bay Area Electronic Associates	9950
Cannon System, Ltd. (KIEV) et al.	9950
Wood Broadcasting, Inc. (WOOD-TV)	9950
Proposed rule making:	
Domestic public radio service, other than maritime mobile	9944
Reallocation of certain fixed, land mobile, and maritime mobile bands (2 documents)	9937, 9939
Operation of low power television broadcast repeater stations	9939

CONTENTS—Continued

Federal Communications Commission—Continued	Page
Rules and regulations:	
Land transportation radio services	9932
Federal Power Commission	
Notices:	
Hearings, etc.:	
Hays, Bernard, et al.	9950
Leach Leases	9951
Tallyho Oil Co. and Mohawk Gas and Oil Producers	9951
Texas Gas Corp.	9952
Zapata Off-Shore Co. and Transcontinental Gas Pipe Line Corp.	9951
Food and Drug Administration	
Rules and regulations:	
Bacitracin drugs; labeling requirements	9929
Foreign Commerce Bureau	
Notices:	
Bakely Distributors, Ltd., et al.; denial of export privileges	9948
Health, Education, and Welfare Department	
See Food and Drug Administration.	
Indian Affairs Bureau	
Rules and regulations:	
Operations and maintenance charges; increase in annual assessment rate	9931
Interior Department	
See Indian Affairs Bureau; Land Management Bureau.	
Interstate Commerce Commission	
Notices:	
Fourth section applications for relief	9972
Motor carrier:	
Alternate route deviation notices	9972
Applications and certain other proceedings	9959
Labor Department	
See Labor-Management Reports Bureau.	
Labor - Management Reports Bureau	
Rules and regulations:	
Labor organization annual financial report	9931
Land Management Bureau	
Notices:	
California; small tract classification; amendment	9950
Securities and Exchange Commission	
Notices:	
Hearings, etc.:	
Centennial Fund, Inc.	9954
Institutional Shares, Ltd.	9955
New England Power Service Co.	9955
Royal American Corp. and Madison Square Garden Corp.	9956

CONTENTS—Continued

Securities and Exchange Commission—Continued	Page
Proposed rule making:	
Exemption of certain registered holding companies	9947
International Bank for Reconstruction and Development; certain transactions	9945
Manipulative and deceptive devices and contrivances	9946
Transactions by an issuer not involving any public offering	9945
Treasury Department	
See also Coast Guard.	
Notices:	
Internal Revenue District, Manhattan	9948
U.S. Study Commission, Southeast River Basins	
Notices:	
Organization and functions	9957

CODIFICATION GUIDE

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

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

	Page
6 CFR	
331	9925
7 CFR	
351	9923
Proposed rules:	
817	9934
9 CFR	
83	9926
14 CFR	
600 (5 documents)	9927-9929
601 (5 documents)	9928, 9929
Proposed rules:	
600 (3 documents)	9935, 9936
601 (3 documents)	9935, 9936
608	9937
17 CFR	
Proposed rules:	
230 (2 documents)	9945
240	9946
250	9947
21 CFR	
146e	9929
25 CFR	
221	9931
29 CFR	
403	9931
33 CFR	
40	9932
47 CFR	
16	9932
Proposed rules:	
2 (2 documents)	9937, 9939
4	9939
21	9944

Tampa, Fla.
 Washington, D.C.
 West Palm Beach, Fla.
 Wilmington, N.C.

§ 351.3 Procedure on arrival.

All parcel post or other mail packages from foreign countries which, either from examination or external evidence, are found or are believed to contain plants or plant products, shall be dispatched for submission, or actually submitted, to the plant quarantine inspector at the most accessible location listed in § 351.2. The inspector shall pass upon the contents under the Plant Quarantine Act and Federal Plant Pest Act and with the cooperation of the customs and postal officers either (a) release the package from further plant quarantine examination and endorse his decision thereon; or (b) divert it to the Plant Quarantine Station at Washington, D.C., Brownsville, Tex., Hoboken, N.J., Honolulu, Hawaii, Laredo, Tex., Miami, Fla., San Francisco, Calif., San Juan, P.R., San Pedro, Calif., or Seattle Wash., for whatever disposition is deemed warranted. If so diverted, the plant quarantine inspector shall attach to the package the yellow and green special mailing tag addressed to the proper quarantine station. A package so diverted shall be accompanied by customs card Form 3511 and transmitted to the appropriate Customs office for referral to the Plant Quarantine Station. Envelopes containing customs card Form 3511 addressed to the collector of customs, New York, N.Y., shall contain a notation that the material is to be referred to the Plant Quarantine Division, Hoboken, N.J.

§ 351.4 Records.

The customs officers at Washington, D.C., Brownsville, Tex., Hoboken, N.J., Honolulu, Hawaii, Laredo, Tex., Miami, Fla., San Francisco, Calif., San Juan, P.R., San Pedro, Calif., or Seattle, Wash., shall keep a record of such packages as may be delivered to representatives of the Department of Agriculture, and upon the return thereof shall prepare a mail entry to accompany the dutiable package and deliver it to the postmaster for delivery or onward dispatch or in appropriate cases subject the shipment to formal customs entry procedure.

§ 351.5 Return or destruction.

Where the plant quarantine inspector requires the entire shipment to be returned to the country of origin as a prohibited importation (in which event he shall endorse his action thereon) and delivers the shipment to the collector of customs, the collector shall in turn deliver it to the postmaster for dispatch to the country of origin. If, upon examination, the plant material is deemed dangerous to plant life, the collector of customs shall permit the plant quarantine inspector to destroy immediately both the container and its contents. In either case the plant quarantine inspector shall notify the addressee of the action taken and the reason therefor. If the objectionable plant material forms only a portion of the contents of the mail package and in the judgment of the inspector the package can safely be de-

livered to the addressee, after removing and destroying the objectionable material, such procedure is authorized. In the latter case the inspector shall place in the package a memorandum (Form PQ-387) informing the addressee of the action taken by the inspector and describing the matter which has been seized and destroyed and the reasons therefor.

§ 351.6 Packages in closed mail dispatches.

The foregoing instructions shall be followed in the treatment of packages containing plants or plant products received in closed mail dispatches made up for transmission directly to a post office located at a customs port at which no plant quarantine inspector is stationed. Such packages (accompanied by customs card Form 3511) shall be forwarded by the collector of customs through the postmaster to the most accessible location listed in § 351.2 for appropriate treatment in the manner hereinbefore provided. This procedure shall also be followed in respect to such packages which are forwarded to unlisted post offices from the post office of original receipt, without having received plant quarantine examination. Packages discovered at post offices where no customs officer is located shall be forwarded by the postmaster under his official penalty envelope addressed to the collector of customs at the most accessible location listed for appropriate treatment as prescribed herein.

§ 351.7 Regulations governing importation by mail of plant material for immediate export.

To collectors of customs and others concerned:

(a) Shipments of plant material may be imported by mail free of duty for immediate exportation by mail subject to the following regulations, which have been approved by the Department of Agriculture and the Post Office Department:

(1) Each shipment shall be dispatched in the mails from abroad, accompanied by a yellow and green special mail tag bearing the serial number of the permit for entry for immediate exportation or immediate transportation and exportation, issued by the United States Department of Agriculture, and also the postal form of customs declaration.

(2) Upon arrival, the shipment shall be detained by, or redispached to, the postmaster at Washington, D.C., Brownsville, Tex., Hoboken, N.J., Honolulu, Hawaii, Laredo, Tex., Miami, Fla., San Francisco, Calif., San Juan, P.R., San Pedro, Calif., or Seattle, Wash., as may be appropriate, according to the address on the yellow and green tag, and there submitted to the customs officer and the Federal quarantine inspector. The merchandise shall under no circumstances be permitted to enter the commerce of the United States.

(3) After inspection by the customs and quarantine officers, and with their approval, the addressee, or his authorized agent, shall repack and readdress the mail parcel under customs supervision; affix to the parcel the necessary postage,

and comply with other mailing requirements, after which the parcel shall be delivered to the postmaster for exportation by mail pursuant to 19 CFR 9.11(a). The contents of the original parcel may be subdivided and exported in separate parcels in like manner.

(4) It will not be necessary to issue a customs mail entry nor to require formal entry of the shipments.

(5) The mail shipments referred to shall be accorded special handling only at the points specified in subparagraph (2) of this paragraph.

(6) The foregoing procedure shall not affect the movement of plant material in the international mails in transit through the United States.

This revision brings up to date the list of locations at which Plant Quarantine Inspectors are stationed and makes certain changes to conform with the most recent regulations and procedures of the Bureau of Customs and the Post Office Department.

At the suggestion of the Bureau of Customs, Treasury Department, and the Bureau of Transportation, Post Office Department, four locations listed under § 351.2 in the notice of proposed rule making have been deleted and § 351.7 (a) (4) changed. Other changes have been made which are clarifying in nature. Since these changes relieve restrictions or are formal or procedural in nature, it is found upon good cause, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that further notice and other public procedure with respect to said changes are impracticable and unnecessary.

These revised regulations shall become effective January 8, 1960.

Done at Washington, D.C., this 3d day of December 1959.

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

[F.R. Doc. 59-10375; Filed, Dec. 8, 1959; 8:47 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

Average Values of Farms; Arkansas

On November 17, 1959, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, the average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under 6 CFR 331.17, are hereby superseded by the average values set forth below for said counties.

ARKANSAS

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 83—SCREWWORMS

Miscellaneous Amendments

Pursuant to sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111-113, 115, 117, 120, 121), the regulations designated "Screwworms", appearing in Part 83, Title 9, Code of Federal Regulations, are hereby amended in the following respects:

§ 83.1 [Amendment]

1. Paragraph (l), (m), and (n) of § 83.1 are deleted and paragraph (p) of said section is amended to read as follows:

(p) *Permitted precautionary pesticide.* A permitted precautionary pesticide is any spray, dust, or other pesticide authorized for use under this part by the Director. Information concerning such a pesticide may be obtained from an inspector or the Division.

2. Section 83.2 is amended to read as follows:

§ 83.2 Notice relating to existence of screwworms.

Notice is hereby given that screwworms usually exist in Arizona, California, Louisiana, New Mexico, Texas, and Puerto Rico throughout the year and usually exist in Arkansas during the period May 1 through November 30, both inclusive, of each year, and said areas are hereby designated as areas of recurring infestation. Notice is also hereby given that there is reason to believe that screwworms may exist in all other States of the United States (except Alaska and Hawaii) during the period May 1 through November 30, both inclusive, of each year, and such States are hereby designated as areas of seasonal infestation.

3. Subparagraph (3) of § 83.5(a) is amended to read as follows:

§ 83.5 Cleaning and treatment of means of conveyance, facilities and premises; litter and manure.

(a) * * *

(3) Yards, pens, chutes, alleys, and other facilities and premises in the area of seasonal infestation or the eradication area which have been used in connection with interstate shipments of any livestock affected with, or carrying the contagion of, screwworms shall be thoroughly cleaned and treated in accordance with this paragraph immediately after such use. Compliance with this requirement shall be the responsibility of the person in possession of such premises or facilities.

4. The first sentence of paragraph (b) of § 83.5 is amended by deleting the

words "or (b)" just preceding the first comma, and by deleting the words "dieldrin, heptachlor or Bayer/21/199 under the supervision of the Federal Inspector" and inserting in lieu thereof the words "a permitted precautionary pesticide as prescribed by a Federal Inspector and under his supervision".

5. The introductory paragraph and paragraph (a) of § 83.6 are amended to read as follows:

§ 83.6 Interstate movement of livestock from certain areas of recurring infestation by road vehicle or on foot.

Except as authorized under § 83.12, no livestock shall be moved by road vehicle or on foot, interstate, into or through any part of the eradication area from Arizona, California, Louisiana, New Mexico, or Texas, or from Arkansas during the period May 1 to November 30, both inclusive, of any year, unless:

(a) Such livestock have been inspected by a Federal inspector at an appropriate inspection station designated in § 83.10; have been found upon such inspection to be free of any evidence of screwworms; then (except for livestock moving to public stockyards where Federal inspection is maintained at Memphis, Tennessee, as designated in § 78.14(a) of this chapter) have been thoroughly treated with a permitted precautionary pesticide under the supervision of the inspector at such inspection station; and have been certified by the inspector in accordance with § 83.9(a) and are accompanied to destination by such certificate.

§§ 83.8, 83.12 [Amendment]

6. Sections 83.8 and 83.12 are amended by deleting the word "spray" wherever it appears therein, and inserting in lieu thereof the word "pesticide".

§ 83.7 [Amendment]

7. Paragraph (b) of § 83.7 is deleted.
8. The introductory portion of paragraph (a), with paragraph (a)(1), and the introductory portion of paragraph (c) preceding the word "unless" in § 83.7 are amended, respectively, to read as follows:

(a) Except as authorized under § 83.12, no livestock shall be moved by railroad, interstate, into or through any part of the eradication area from Arizona, California, Louisiana, New Mexico, or Texas at any time, or from Arkansas during the period May 1 to November 30, both inclusive, of any year, unless:

(1) Such livestock have been unloaded at a feed-water-and-rest station at Baton Rouge, Louisiana, or a public stockyard, designated in § 78.14 of this chapter, at New Orleans, Louisiana, or Memphis, Tennessee, where in either case Federal inspection is made available, or are moved to such a station in Vicksburg, Mississippi, from Louisiana, by the shortest possible route; are inspected by a Federal inspector at such station or stockyard and found upon such inspection to be free of any evidence of screwworms; then (except for livestock moving to public stockyards where Federal inspection is maintained

County	Average value
Arkansas	\$45,000
Ashley	30,000
Baxter	22,500
Benton	27,000
Boone	25,500
Bradley	22,500
Calhoun	22,500
Carroll	25,500
Chicot	30,000
Clark	27,000
Clay	37,500
Cleburne	22,500
Cleveland	22,500
Columbia	22,500
Conway	27,000
Craighead	36,000
Crawford	27,000
Crittenden	37,500
Cross	33,000
Dallas	22,500
Desha	30,000
Drew	27,000
Faulkner	27,000
Franklin	27,000
Fulton	22,500
Garland	22,500
Grant	24,000
Greene	34,000
Hempstead	27,000
Hot Spring	24,000
Howard	27,000
Independence	27,000
Izard	22,500
Jackson	33,000
Jefferson	37,000
Johnson	27,000
Lafayette	35,000
Lawrence	37,500
Lee	30,000
Lincoln	27,000
Little River	35,000
Logan	27,000
Lonoke	33,000
Madison	22,500
Marion	22,500
Miller	35,000
Mississippi	45,000
Monroe	30,000
Montgomery	22,500
Nevada	27,000
Newton	22,500
Ouachita	22,500
Perry	22,500
Phillips	30,000
Pike	24,000
Poinsett	37,500
Polk	23,000
Pope	27,000
Prairie	30,000
Pulaski	30,000
Randolph	30,000
St. Francis	30,000
Saline	22,500
Scott	23,000
Searcy	22,500
Sebastian	27,000
Sevier	24,000
Sharp	22,500
Stone	22,500
Union	22,500
Van Buren	22,500
Washington	27,000
White	27,000
Woodruff	35,000
Yell	26,000

(Sec. 41, 50 Stat. 528, as amended; 7 U.S.C. 1015; Order of Acting Sec. of Agric., 19 F.R. 74, 22 F.R. 8188)

Dated: December 2, 1959.

DARREL A. DUNN,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 59-10377; Filed, Dec. 8, 1959; 8:47 a.m.]

at Memphis, Tennessee, as designated in § 78.14(a) of this chapter) are thoroughly treated at such station or stockyard with a permitted precautionary pesticide under the supervision of the inspector; and are certified by the inspector in accordance with § 83.9(a) and are accompanied to destination by such certificate or

(c) Except as authorized under § 83.12, no livestock shall be moved by water or air carrier, interstate, into or through any part of the eradication area from Arizona, California, Louisiana, New Mexico, Texas, or Puerto Rico at any time, or from Arkansas during the period May 1 to November 30, both inclusive of any year, * * *

§ 83.8 [Amendment]

9. Section 83.8 is amended by deleting in the heading the words "or northern part of Florida"; by deleting in paragraph (a) the words "or from the northern part of Florida at any time,"; and by deleting in paragraph (d) the words "except the northern part of Florida,".

10. Paragraph (c) of § 83.8 is amended by deleting the words "public stockyard designated in § 78.14(a) of this chapter, where Federal inspection is maintained, at Memphis, Tennessee," and inserting in lieu thereof the words "public stockyard where Federal inspection is maintained at Memphis, Tennessee, as designated in § 78.14(a) of this chapter,".

§ 83.9 [Amendment]

11. Paragraph (a) of § 83.9 is amended by deleting the words "or (b)"; and by deleting the word "spray" and inserting in lieu thereof the words "pesticide, when required".

12. Section 83.9 is further amended by deleting the words "or (b)" in paragraphs (b) and (c), and by deleting the words "or the northern part of Florida" in paragraph (d).

13. The introductory portion of paragraph (a) of § 83.10 preceding subparagraph (1) is amended; subparagraph (13) of said paragraph (a) as deleted and a new subparagraph (13) added, to read respectively as follows:

§ 83.10 Designation of inspection stations.

(a) The following places along the eastern boundaries of Arkansas and Louisiana, the Louisiana-Mississippi State line and the Arkansas-Tennessee State line, are designated as inspection stations under this part for livestock moving by road vehicle or on foot, interstate from Arizona, California, Louisiana, New Mexico, or Texas at any time or from Arkansas during the period May 1 through November 30, both inclusive, into or through any part of the eradication area:

(13) The premises of James M. Goff and V. Barlow Goff located in Crittenden County, Arkansas, at a point where combined U.S. Highways 70 and 79 converge with combined U.S. Highways 61, 63, and

64, approximately 0.3 mile west of the Mississippi River levee and the Arkansas State Police Vehicle Weighing Station.

14. Section 83.10 is further amended by deleting paragraph (b).

15. Section 83.11 is amended to read as follows:

§ 83.11 Approved treatments.

The Department has authorized the application of "EQ 335" or "Smear 62" as an approved treatment for wounds of livestock under this part. Other wound treatments may be permitted by an inspector in accordance with Division policy.

16. Paragraph (a) of § 83.12 is amended by adding the following proviso to the last sentence of said paragraph and by adding the following further provisions after said sentence:

§ 83.12 Exceptions.

(a) * * * *Provided*, That such animals are conspicuously identified, upon entering such auxiliary inspection facility, with paint marks or other appropriate means. If, after such animals are sold through the auction market, they are to be returned into the area of recurring infestation, then the owner or shipper, on the day of or the day following the sale, may return such animals into such area through the inspection station where the original permit had been issued without treatment with a permitted precautionary pesticide but under permit from the inspector, if the animals have been properly inspected for evidence of screwworms by the inspector at such auxiliary inspection facility, any wounds on the animals found upon such inspection have been given an approved treatment by the inspector, and such re-entry is made by the most direct route by which it is possible to reach the inspection station; otherwise such return shall be allowed only after treatment with a permitted precautionary pesticide and under a certificate in accordance with § 83.6. The permit allowing re-entry shall be surrendered to the inspector on duty at such inspection station.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended; 21 U.S.C. 111-113, 120, 121. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended; 21 U.S.C. 115, 117, 19 F.R. 74, as amended)

The foregoing amendments are intended to prevent the interstate spread of screwworms and to facilitate a Federal-State program now in operation for the control and eradication of the disease. In order better to accomplish the purposes of the screwworm regulations these amendments should be made effective as soon as possible. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to such provisions are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after their publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of December 1959.

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

[F.R. Doc. 59-10374; Filed, Dec. 8, 1959; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-58]

[Amdt. 116]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

The purpose of this amendment to § 600.6622 of the regulations of the Administrator is to modify the segment of VOR Federal airway No. 1522 between Big Spring, Tex., and Wink, Tex.

Victor 1522 is presently designated between the Big Spring VOR and the Wink VOR via the Midland, Tex., VOR. The modification of Victor 1522 between Big Spring and Wink via the Wink VOR 066° and the Big Spring VOR 260° radials will coincide with VOR Federal airway No. 16 and will avoid the Midland terminal area traffic. The control areas associated with Victor 1522 are so designated that they will automatically conform to the modified airway. Therefore, no amendment relating to such control area is necessary.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6622 (14 CFR, 1958 Supp., 600.6622, 23 F.R. 10340; 24 F.R. 2231, 3871) is amended as follows:

In the text of § 600.6622 VOR Federal airway No. 1522 (Los Angeles, Calif., to Washington, D.C.), delete "Midland, Tex., omnirange station; Big Spring, Tex., omnirange station;" and substitute therefor "INT of the Wink VOR 066° with the Big Spring VOR 260° radials; Big Spring, Tex., VOR;".

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

This amendment shall become effective 0001 e.s.t. January 14, 1960.

Issued in Washington, D.C., on December 1, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-10363; Filed, Dec. 8, 1959;
8:46 a.m.]

[Airspace Docket No. 59-WA-134]

[Amdt. 134]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 162]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Extension of Federal Airway and Associated Control Areas

On September 23, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 7653) stating that the Federal Aviation Agency was considering an amendment to §§ 600.6037 and 601.6037 of the regulations of the Administrator which would extend VOR Federal airway No. 37 from Erie, Pa., to the Hagersville, Ontario, intersection.

As stated in the notice, Victor 37 presently extends from Savannah, Ga., to Erie. At present, traffic from Toronto, Ontario, to or over Erie must traverse lengthy segments of low frequency airways, or be routed via Cleveland, Ohio, or Buffalo, N.Y. Either of these routes adds considerably to the distance traveled. The extension of Victor 37 from Erie to Hagersville via the Erie VOR 005° radial will provide a more direct route for traffic between Toronto and Erie. Such action will result in Victor 37, and its associated control areas, extending from the Savannah VOR to the Hagersville intersection. The Department of Transport of the Canadian Government agrees to this extension of Victor 37 and will act to designate the Canadian portion of this airway.

No adverse comments were received regarding the proposed amendments.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) §§ 600.6037 and 601.6037 (14 CFR, 1958 Supp., 600.6037, 601.6037) are amended as follows:

1. Section 600.6037 VOR Federal airway No. 37 (*Savannah, Ga., to Erie, Pa.*):

(a) In the caption delete "*(Savannah, Ga., to Erie, Pa.)*." and substitute therefor "*(Savannah, Ga., to Hagersville, Ontario)*."

(b) In the text delete "to the Erie, Pa., omnirange station." and substitute therefor "Erie, Pa., VOR; to the INT of the Erie VOR 005° and the London, Ontario, VOR 093° radials."

2. In the caption of § 601.6037 VOR Federal airway No. 37 control areas (*Savannah, Ga., to Erie, Pa.*), delete "*(Savannah, Ga., to Erie, Pa.)*." and substitute therefor "*(Savannah, Ga., to Hagersville, Ontario)*."

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

These amendments shall become effective 0001 e.s.t. January 14, 1960.

Issued in Washington, D.C., on December 1, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-10362; Filed, Dec. 8, 1959;
8:46 a.m.]

[Airspace Docket No. 59-WA-114]

[Amdt. 93]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 105]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Extension of Federal Airway and Associated Control Areas

The purpose of these amendments to §§ 600.6232 and 601.6232 of the regulations of the Administrator is to modify VOR Federal airway No. 232.

Victor 232 presently extends from the County, Ohio, intersection to the Stroudsburg, Pa., VOR. The Federal Aviation Agency is extending Victor 232 from the County intersection to Sandusky, Ohio, and from Stroudsburg to the Somerset, Pa., intersection. The segment between the County intersection and Sandusky VOR is being designated to provide a bypass route for westbound aircraft overflying the Cleveland, Ohio terminal area. The segment from the Stroudsburg VOR to the Somerset intersection is being designated to serve as a westbound route for departures from the New York Metropolitan area. Such action will result in Victor 232, and its associated control areas, extending from the Sandusky VOR to the Somerset intersection.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6232 (24 F.R. 2230) and § 601.6232

(14 CFR, 1958 Supp., 601.6232) are amended as follows:

1. Section 600.6232 is amended to read:

§ 600.6232 VOR Federal airway No. 232 (*Sandusky, Ohio, to Somerset, Pa.*)

From the Sandusky, Ohio, VOR via the INT of the Cleveland, Ohio, VOR 024° and the Chardon VOR 280° radials; Chardon, Ohio, VOR; Fitzgerald, Pa., VOR; Keating, Pa., VOR; Milton, Pa., VOR; Stroudsburg, Pa., VOR to the INT of the Stroudsburg VOR 114° and the Solberg, N.J., VORTAC 051° radials.

§ 601.6232 [Amendment]

2. In the caption of § 601.6232 VOR Federal airway No. 232 control areas (*Cleveland, Ohio, to Stroudsburg, Pa.*), delete "*(Cleveland, Ohio, to Stroudsburg, Pa.)*." and substitute therefor "*(Sandusky, Ohio, to Somerset, Pa.)*."

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

These amendments shall become effective 0001 e.s.t. January 14, 1960.

Issued in Washington, D.C., on December 1, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-10364; Filed, Dec. 8, 1959;
8:46 a.m.]

[Airspace Docket No. 59-WA-189]

[Amdt. 119]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 143]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of a Federal Airway, Associated Control Areas and Reporting Points

On September 23, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 7654) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator designating a VOR Federal airway and its associated control areas from the McDonough, Ga., VOR to the Charlotte, N.C., VOR via the Greenwood, S.C., VOR. Subsequent to issuance of the notice, the Charlotte, N.C., VOR has been renamed the Fort Mill, S.C., VOR.

As stated in the notice, upon designation, this airway will parallel VOR Federal airway No. 454 to serve as a dual airway structure for movement of the large volume of air traffic en route to or overflying the Atlanta, Ga., and Charlotte terminal areas. Such action will result in this airway being designated from the McDonough VOR via the Greenwood VOR, and the intersection of the Greenwood VOR 060° and the Fort Mill VOR 227° radials, to the Fort Mill

VOR. Although not mentioned in the notice, § 601.7001, relating to domestic VOR reporting points, is being amended to add the Greenwood VOR as a designated reporting point.

No adverse comments were received regarding the proposed amendments.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Part 600 (14 CFR, 1958 Supp., Part 600) and Part 601 and § 601.7001 (14 CFR, 1958 Supp., Part 601, 601.7001) are amended by adding the following:

1. Section 600.6476 is added as follows:

§ 600.6476 VOR Federal airway No. 476 (McDonough, Ga., to Fort Mill, S.C.).

From the McDonough, Ga., VOR via the Greenwood, S.C., VOR; INT of the Greenwood VOR 060° and the Fort Mill VOR 227° radials; to the Fort Mill, S.C., VOR.

2. Section 601.6476 is added as follows:

§ 601.6476 VOR Federal airway No. 476 control areas (McDonough, Ga., to Fort Mill, S.C.).

All of VOR Federal airway No. 476.

§ 601.7001 [Amendment]

3. In the text of § 601.7001 *Domestic VOR reporting points*, add: Greenwood, S.C., VOR.

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

This amendment shall become effective 0001 e.s.t. January 14, 1960.

Issued in Washington, D.C., on December 1, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-10365; Filed, Dec. 8, 1959; 8:46 a.m.]

[Airspace Docket No. 59-WA-193]

[Amdt. 103]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 119]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Extension of Federal Airway and Associated Control Areas

The purpose of these amendments to §§ 600.6278 and 601.6278 of the regulations of the Administrator is to extend VOR Federal airway No. 278 from Guthrie, Tex., to Texico, N. Mex.

Victor 278 presently extends from Guthrie, Tex., to Birmingham, Ala. The Federal Aviation Agency is extending Victor 278 from the Guthrie VOR to the

Texico VOR via the intersection of the Guthrie 293° and Texico 104° radials. This will provide a more expeditious route for air traffic transitioning from VOR Federal airway No. 1520, between the West Coast and the Dallas-Fort Worth, Tex., terminal area. Such action will result in Victor 278 and its associated control areas extending from Texico to Birmingham. Coincident with this action, the caption to § 601.6278, relating to the control areas for Victor 278, is amended to reflect the above change to the airway.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6278 (24 F.R. 2230) and § 601.6278 (14 CFR, 1958 Supp., 601.6278) are amended as follows:

1. Section 600.6278 *VOR Federal airway No. 278 (Guthrie, Tex., to Birmingham, Ala.)*:

(a) In the caption delete "(Guthrie, Tex., to Birmingham, Ala.)" and substitute therefor "(Texico, N. Mex., to Birmingham, Ala.)"

(b) In the text delete "From the Guthrie, Tex., VOR via the" and substitute therefor "From the Texico, N. Mex., VOR via the INT of the Texico VOR 104° and the Guthrie VOR 293° radials; Guthrie, Tex., VOR."

2. In the caption of § 601.6278 *VOR Federal airway No. 278 control areas (Guthrie, Tex., to Birmingham, Ala.)*, delete "(Guthrie, Tex., to Birmingham, Ala.)" and substitute therefor "(Texico, N. Mex., to Birmingham, Ala.)"

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

These amendments shall become effective 0001 e.s.t., January 14, 1960.

Issued in Washington, D.C., on December 1, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-10366; Filed, Dec. 8, 1959; 8:46 a.m.]

[Airspace Docket No. 59-WA-336]

[Amdt. 140]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Control Area Extension

The purpose of this amendment to Part 601 of the regulations of the Admin-

istrator is to designate a control area extension at Rockford, Ill.

At present there is no control area extension designated at Rockford. The designation of a control area extension at Rockford bordered on the northeast and southeast by VOR Federal airway No. 177, on the south by VOR Federal airway No. 172, and on the southwest and northwest by VOR Federal airway No. 63 will provide controlled airspace for departures from the Rockford and Janesville, Wis., Airports. Also, the ADF approach to the Rockford Airport will be in controlled airspace. The control area extension will encompass small areas northeast, southeast, south and southwest of Rockford, which are not presently designated as controlled airspace.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Part 601 (14 CFR, 1958 Supp., Part 601) is amended by adding the following section:

§ 601.1472 Control area extension (Rockford, Ill.).

That airspace bounded on the northeast and southeast by VOR Federal airway No. 177, on the south by VOR Federal airway No. 172, and on the southwest and northwest by VOR Federal airway No. 63.

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

This amendment shall become effective 0001 e.s.t. January 14, 1960.

Issued in Washington, D.C., on December 1, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-10367; Filed, Dec. 8, 1959; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Changes in Labeling Requirements Regarding Expiration Date and Prescription Legend

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic

Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the regulations for the certification of bacitracin and bacitracin-containing drugs are amended as indicated below:

1. Section 146e.401(c) is amended as follows:

a. Subparagraph (1) (iv) is amended by adding thereto the following clause: "Provided, however, That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container."

b. Subparagraph (1) is further amended by adding the following new subdivisions:

(vi) If it is intended for use by man, the statement "Caution: Federal law prohibits dispensing without prescription."

(vii) If it is intended solely for veterinary use, and is conspicuously so labeled, the statement "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian."

c. Subparagraph (2) is amended to read as follows:

(2) On the outside wrapper or container, if it is packaged for dispensing and it is intended for systemic medication, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)"

2. Section 146e.402(c) is amended as follows:

a. Subparagraph (1) (iv) is amended by changing the clause following the words "of this section" to read: "Provided, however, That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container;"

b. Subparagraph (1) is further amended by changing the period after subdivision (v) to a semicolon and adding new subdivisions (vi) and (vii):

(vi) If it is packaged for ophthalmic use by humans or if it is intended for use by humans and it contains cortisone or a derivative of cortisone or one or more sulfonamides, or one or more proteolytic enzymes, the statement "Caution: Federal law prohibits dispensing without prescription."

(vii) If it is intended solely for veterinary use and it contains fludrocortisone (9- α -fluorohydrocortisone), the statement "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian."

c. Subparagraph (2) is amended to read as follows:

(2) On the outside wrapper or container a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such ointment by practitioners licensed by law to administer such drugs; or a reference to a brochure or other printed matter containing such information, and

a statement that such brochure or printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

3. Section 146e.403(c) is amended as follows:

a. Subparagraph (1) (iii) is amended by changing the colon following the words "of this section" to a semicolon and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by changing the period following subdivision (v) to a semicolon and adding a new subdivision (vi):

(vi) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

4. Section 146e.404 (c) (1) (ii) is amended by changing the colon following the words "of this section" to a period and deleting the remainder of the subdivision.

5. Section 146e.405(c) is amended as follows:

a. Subparagraph (1) is amended by deleting the word "and" at the end of subdivision (ii); by changing the period after subdivision (iii) to a semicolon; and by adding a new subdivision (iv):

(iv) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

b. Subparagraph (3) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (3).

6. Section 146e.408(c) is amended as follows:

a. Subparagraph (1) (iv) is amended by changing the colon following the word "certified" to a period and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by changing subdivision (v) to read as follows:

(v) The statement "Warning—Not for injection" and the statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

7. Section 146e.409(a) (5) is amended by changing the clause following the word "certified" to read: "Provided, however, That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container."

8. Section 146e.411(a) (2) is amended by changing the clause following the words "for such period of time" to read: "Provided, however, That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container."

9. Section 146e.414(a) (2) is amended by changing the colon after the words "for such period of time" to a period and deleting the remainder of the first sentence.

10. Section 146e.416(c) (1) (iii) is amended by changing the colon after the words "for such period of time" to a period and deleting the remainder of the subdivision.

11. Section 146e.417(c) (1) (iii) is amended by changing the colon after the words "for such period of time" to a period and deleting the remainder of the subdivision.

12. Section 146e.418(c) (3) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subparagraph.

13. Section 146e.419(c) is amended as follows:

a. Subparagraph (1) (iii) is amended by changing the colon after the words "of this section" to a period and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by adding a new subdivision (iv):

(iv) The statement "Caution: Federal law prohibits dispensing without prescription."

c. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

14. Section 146e.425(c) (1) (iii) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subdivision.

15. Section 146e.429(c) (1) (v) is amended by changing the clause following the word "for such period of time" to read: "Provided, however, That such expiration date may be omitted from the immediate container if it contains a single dose and is packaged in an individual wrapper or container."

16. Section 146e.430(c) is amended as follows:

a. Subparagraph (1) (iv) is amended by changing the colon after the words "of this section" to a period and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by adding a new subdivision (vii):

(vii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the affected industry has been informed that publication of these amendments was

pending and no controversy concerning the need for such amendments has been encountered.

Effective dates. All amendments involving expiration dates shall become effective 30 days from the date of publication of this order in the FEDERAL REGISTER. All amendments involving placement of the prescription legend on immediate containers shall become effective 90 days from the date of publication.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: November 27, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-10378; Filed, Dec. 8, 1959; 8:47 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 221—OPERATIONS AND MAINTENANCE CHARGES

Increase in Annual Assessment Rate

There was published in the FEDERAL REGISTER on October 15, 1959 (24 F.R. 8380) a notice of intention to amend § 221.110 of 25 CFR to provide for an increase in the annual operation and maintenance assessment rate from \$3.85 per acre to \$4.25 per acre on the Indian lands of the San Carlos Project, Arizona.

Interested persons were given an opportunity to present their views, arguments and data concerning the proposed amendment to the Area Director, Bureau of Indian Affairs, P.O. Box 7007, Phoenix, Arizona, within thirty days of the date of publication of the notice in the FEDERAL REGISTER.

No protests to the proposed amendment were received. The proposed amendment to § 221.110 is hereby adopted as set forth below:

§ 221.110 Basic charge.

Pursuant to the provisions of section 10 of the act of March 3, 1905 (33 Stat. 1081) as amended and supplemented by the acts of August 24, 1912 (37 Stat. 522), August 1, 1914 (38 Stat. 583, 25 U.S.C. 385), section 5 of the act of June 7, 1924 (43 Stat. 476), March 7, 1928 (45 Stat. 210, Title 25 U.S.C. 387), and the act of August 9, 1937 (50 Stat. 577), as amended by the act of May 9, 1938 (52 Stat. 291-305), and in accordance with the public notice issued on December 1, 1932, operation and maintenance charges are assessable against the 50,000 acres of tribal lands and trust patent Indian lands of the San Carlos Indian irrigation project within the boundaries of the Pima Indian Reservation, Arizona, and the basic rate assessed for the calendar year 1960 and the subsequent years unless changed by further order, is hereby fixed at \$4.25 per acre. Such rate shall entitle each acre of land to have delivered for use thereon two (2) acre-feet of water per acre or its proportionate share of the available water supply.

No. 239—2

The foregoing changes are to become effective for the fiscal year 1960 and continue thereafter until further notice; the assessment for the 50,000 acres of Indian land will be payable as provided in §§ 221.111 to 221.116, inclusive.

F. M. HAVERLAND,
Area Director.

[F.R. Doc. 59-10379; Filed, Dec. 8, 1959; 8:48 a.m.]

Title 29—LABOR

Chapter IV—Bureau of Labor-Management Reports, Department of Labor

PART 403—LABOR ORGANIZATION ANNUAL FINANCIAL REPORT

Section 201(b) of the Labor-Management Reporting and Disclosure Act of 1959 (Public Law 86-257; 73 Stat. 519), requires every labor organization to file annually with the Secretary of Labor a financial report, signed by its President and Treasurer or corresponding principal officers, containing information in the detail necessary to disclose accurately its financial condition and operations for its preceding fiscal year.

The regulation hereinafter provided is designed to carry out these statutory provisions with respect to the filing and publication, by labor organizations having a fiscal year ending on or after September 14, 1959, and prior to December 31, 1959, of the report required by section 201(b) of the Act.

Therefore, pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), and under authority of section 201(b) and section 208 of the Labor-Management Reporting and Disclosure Act of 1959 (Public Law 86-257; 73 Stat. 519) and R.S. 161 (5 U.S.C. 22), Title 29, Code of Federal Regulations, is hereby amended by adding thereto Part 403 to read as follows:

- Sec.
- 403.1 Initial financial report—fiscal years ending prior to December 31, 1959.
 - 403.2 Subsequent financial reports.
 - 403.3 Personal responsibility of signatories of reports.
 - 403.4 Maintenance and retention of records.
 - 403.5 Dissemination and verification of reports.
 - 403.6 Attorney-client communications exempted.
 - 403.7 Publication of reports required by this part.

AUTHORITY: §§ 403.1 to 403.6 issued under secs. 201(b), 208, 73 Stat. 519, and R.S. 161, 5 U.S.C. 22.

§ 403.1 Initial financial report—fiscal years ending prior to December 16, 1959.

Every labor organization having a fiscal year ending on or after September 14, 1959, and before December 31, 1959, shall file with the Commissioner, Bureau of Labor-Management Reports, United States Department of Labor, Washington 25, D.C., within 90 days after the end of such fiscal year, a financial report, signed by its President and Treasurer or corresponding principal officers, together with a copy thereof, containing the fol-

lowing information in such detail as is necessary accurately to disclose its financial condition and operations for its preceding fiscal year:

(a) Assets and liabilities at the beginning and end of the fiscal year;

(b) Receipts of any kind and the sources thereof;

(c) Salary, allowances, and other direct or indirect disbursements (including reimbursed expenses) to each officer and also to each employee who, during such fiscal year, received more than \$10,000 in the aggregate from such labor organization and any other labor organization affiliated with it or with which it is affiliated, or which is affiliated with the same national or international labor organization;

(d) Direct and indirect loans made to any officer, employee, or member, which aggregated more than \$250 during the fiscal year, together with a statement of the purpose, security, if any, and arrangements for repayment;

(e) Direct and indirect loans to any business enterprise, together with a statement of the purpose, security, if any, and arrangements for repayment; and

(f) Other disbursements made by it including the purposes thereof.

For purposes of the report required by this section:

(1) Any such labor organization whose fiscal year ends between September 14, 1959, and December 15, 1959, both inclusive, may consider the portion accruing during such period as the entire fiscal year in making such report.

(2) The information required may be set forth on United States Department of Labor Form R-1(F) or RA-1 (previously prescribed by the Secretary of Labor, § 2.4 of this title, for the financial report of labor organizations pursuant to section 9 (f) and (g) of the National Labor Relations Act, as amended), together with such supplementary statements as may be necessary to include the specific information required by this section for which no provision is made on such form.

(3) The information required may, to the extent that it is contained in an audit of the financial condition of the labor organization prepared for dissemination to its members, be submitted by copy of such audit, supplemented by such additional statements as may be necessary to include all the specific information required under this section.

§ 403.2 Subsequent financial reports.

Subsequent financial reports for each fiscal year thereafter shall be filed annually with the Bureau at its said address, within 90 days after the end of each such year on such form and subject to such regulations as the Secretary shall hereafter prescribe and promulgate.

§ 403.3 Personal responsibility of signatories of reports.

Each individual required to sign a report under 201(b) of the Act and under this part shall be personally responsible for the filing of such report and for any statement contained therein which he knows to be false.

§ 403.4 Maintenance and retention of records.

Every person required to file any report under this part shall maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Bureau may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions, and shall keep such records available for examination for a period of not less than five years after the filing of the documents based on the information which they contain.

§ 403.5 Dissemination and verification of reports.

Every labor organization required to submit a report under section 201(b) of the Act and under this part shall make available to all its members the information required to be contained in such report, and every such labor organization and its officers shall be under a duty to permit such member for just cause to examine any books, records, and accounts necessary to verify such report.

§ 403.6 Attorney-client communications exempted.

Nothing contained in this part shall be construed to require an attorney who is a member in good standing of the bar of any State, to include in any report required to be filed pursuant to the provisions of section 201(b) of the Act, and of this part, any information which was lawfully communicated to such attorney by any of his clients in the course of a legitimate attorney-client relationship.

§ 403.7 Publication of reports required by this part.

Inspection and examination of any report or other document filed as required by section 201(b) of the Act and by the provisions of this part, and the furnishing by the Bureau of copies thereof to any person requesting them, shall be governed by the provisions of Part 407 of this chapter.

Since the form and publication of the report prescribed in this part follow the form and publication requirements of section 201(b) of the Act, the remaining regulations only declaring provisions of the Act applicable thereto, and, it appearing that the initial annual financial reports of a substantial number of labor organizations are required to be filed within approximately 30 days from the date of this regulation, I find that notice, public procedure thereon and delayed effective date otherwise required by section 4 of the Administrative Procedure Act (5 U.S.C. 1003) are unnecessary and impractical, and good cause therefor existing, the regulations in this part, as authorized by the Administrative Procedure Act, are made effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 5th day of December 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59-10446; Filed, Dec. 8, 1959; 8:51 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER B—MILITARY PERSONNEL

[CGFR 59-52]

PART 40—CADETS OF THE COAST GUARD

Eyes and Vision

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order Number 167-18 dated December 8, 1955 (21 F.R. 39) to promulgate regulations in accordance with 14 U.S.C. 182, the following amendment is prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER.

1. Subparagraph (1) of paragraph (f) of § 40.9 is amended to read as follows:

(1) For appointment as a cadet in the Coast Guard a minimum uncorrected visual acuity of 20/30 each eye is acceptable provided that vision is correctable to 20/20 each eye and that refraction by an ophthalmologist reports eye grounds free from disease with no indication of an accelerated progression toward further decreased visual acuity. Refraction is not required where the vision in each eye is 20/20 uncorrected, unless medically indicated.

Dated: December 3, 1959.

[SEAL] J. A. HIRSHFIELD,
*Rear Admiral, U.S. Coast Guard,
Acting Commandant.*

[F.R. Doc. 59-10397; Filed, Dec. 8, 1959; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12738; FCC 59-1233]

PART 16—LAND TRANSPORTATION RADIO SERVICES

Limited Use of Certain Frequencies

1. On January 21, 1959, the Commission adopted a Notice of Proposed Rule Making in the above-entitled matter which was published in the FEDERAL REGISTER of January 28, 1959 (24 F.R. 605). The Commission in that Notice proposed to amend § 16.252 of its rules to limit the use of any frequency in the band 30-50 Mc by stations in the Motor Carrier Radio Service, to the single-frequency method of operation, and to provide that only one frequency in that band be assigned to the base and mobile station of any applicant in that service, except on a satisfactory showing that the assignment of an additional frequency is essential to the operation of the transportation system involved.

2. The time allowed for filing comments in this matter has expired. Detailed comments were received from the American Trucking Associations, Inc. (ATA) and the General Electric Company (GE). Letters in opposition to the

Commission's proposal were received from Lapp Express Co., Inc., and O. K. Heilman, Inc. No reply comments were received.

3. Although ATA had previously requested in another proceeding (Docket No. 12169) that certain frequencies be paired to provide a uniform basis for two-frequency operations, the rule changes proposed in the instant proceeding appeared to the Commission to be desirable for the following reasons; (1) a large percentage of all reported interference cases in the Motor Carrier Radio Service involved the two-frequency method of operation and stemmed from the lack of adequate monitoring facilities of such systems necessary to make the instantaneous determinations of channel occupancy; (2) the two-frequency method of operation cuts in half the number of interference-free systems that may be operated with a given number of frequencies in a single area; and (3) while the designation of specific pairs for two-frequency operation may eliminate some interference, not all licensees will desire to use this method of operation and accordingly other interference problems might result from mixed single-frequency and two-frequency operation. The Commission's Notice specifically requested operational data regarding the comparative efficiency of communications by the single-frequency method of operation, as compared to the two-frequency method of operation, in the 43.85-44.45 Mc band where true duplex operation is not feasible.

4. Both GE and ATA contend that in certain instances the two-frequency method of operation may provide advantages over the single-frequency method and that the principal factor in determining the most desirable system in a given geographical area appears to be the number of co-channel base stations in such area. The reasons given in support of this conclusion are: (1) the single-frequency method requires greater geographical separation between base stations operating on adjacent channels, (2) the two-frequency method of operation reduces the amount of disruptive interference, including skip interference, to communications and thereby permits the greater use of the communication system or the operation of additional systems on the same channel in a given area, and (3) the two-frequency method of operation may prove more efficient from the standpoint of trucking operations in that a base station operator may, in the case of a number of mobile units transmitting simultaneously, communicate with any one such unit having a communication of greater urgency. In addition, it was pointed out that the two-frequency method of operation eliminates mobile-to-mobile communications which truckers find unnecessary or undesirable in some cases.

5. Upon further consideration of its original proposal, the comments filed in this proceeding, and other information available to it, the Commission concludes that limited two-frequency operation in the band 30-50 Mc would be in the public interest for the following reasons; (1) it may eliminate "base-to-base" station

interference between stations of different systems or base stations of the same system within interference range, and (2) it may permit grouping of base stations operating on adjacent channels within a comparatively small or limited geographical area without desensitization or other degrading effects on the receivers associated with such base stations. In reaching this conclusion the Commission has given consideration to the fact that the efficient use of trucking facilities within a highly industrialized area, involving the use of several closely spaced terminals, might well require different radio communication techniques than for truckers operating from widely separated terminals in less populated areas.

6. Plans providing for the pairing of frequencies for the two-frequency method of operation were submitted by ATA and GE. The GE plan, which proposed a total of six pairs of frequencies selected in such a manner as to provide for the maximum frequency separation between frequencies of the respective pairs, appears to be based on sound engineering considerations and equipment technical operating requirements. On the other hand the plan submitted by ATA, which proposed a total of five frequency-pairs, appears to be based mainly on economic considerations requiring a minimum dislocation of present licensees, in that the plan proposed the pairing of those frequencies which are most commonly used by licensees presently employing the two-frequency method of operation. Further, this plan does not make use of either the newly available "split" frequencies or the additional frequency space resulting from the Commission's action in Docket No. 12169 so as to obtain the maximum separation between the base and mobile frequencies of the respective pairs. It is the Commission's opinion that such maximum frequency separation is necessary to keep desensitization or other degrading effects to a minimum on receivers associated with base stations employing the two-frequency method of operation and thereby provide for the operation of a greater number of such systems in a given area. In the proposed pairing of frequencies, the ATA plan, unlike the plan submitted by GE, provides for the use of the base station frequency of the frequency pairs by mobile units, thus in effect making additional frequencies available for the single-frequency method of operation in those areas where desired. Because of the difference in power normally employed by base and mobile stations respectively, such arrangement would in general result in substantially less interference to other systems using the same frequency for the two-frequency methods of operation than to the single-frequency system using only the base station frequency.

7. Accordingly the Commission is adopting a pattern of frequency assignments which among other things provides for; (1) a total of five frequency-pairs, which is believed adequate for the

limited two-frequency operation contemplated, (2) the use of the base station frequency of a particular frequency-pair by the mobile station in those cases where single-frequency operation is desired, thus leaving a total of twenty five frequencies available for the single frequency method, (3) maximum frequency separation between the frequencies of each pair, and (4) operation of single and two-frequency systems within specified portions of the frequency band, since interspersal appears basically undesirable from an engineering standpoint.

8. Additionally the rule amendments provide that licensees operating on frequencies not in accordance with the changes ordered herein, may be authorized to continue the use of these frequencies until not later than November 1, 1963. This appears desirable since a substantial number of such licensees are operating on the previously available "primary" frequencies under provisions which authorize the continued use, until November 1, 1963, of equipment not meeting in all respects the narrow-band technical standards provided the licensee does not change frequencies. However, the Commission wishes to point out that although licensees are not required by this order to bring their systems into conformity with the table of frequencies and other provisions of § 16.252(d) until November 1, 1963, it strongly recommends that licensees comply at an earlier date in order to take immediate advantage of the benefits to be derived from the amendments ordered herein.

9. There remains one further point for consideration. The Commission's Notice in this matter proposed that all motor carriers, including carriers of passengers, be limited to the single-frequency method of operation. No comments were received from urban or interurban carriers of passengers either in support of or in opposition to the Commission's proposal. However, since no report of interference due to the two-frequency method of operation has been brought to the Commission's attention by those industries and the fact that such type of operation is engaged in only to a very limited extent, the Commission believes that no substantial benefit would be derived from adopting a specific restriction against the use of frequencies in the 30-50 Mc band for the two-frequency method of operation by motor carriers of passengers. Accordingly, the Commission is not adopting that part of its proposal which would restrict such licensees to the use of the single-frequency method of operation.

10. In view of the foregoing, the Commission finds that the public interest, convenience and necessity will be served by the amendments herein ordered. Authority for these amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. Accordingly: *It is ordered*, That, effective February 1, 1960, § 16.252 of Part 16,

Land Transportation Radio Services, is amended, as set forth below.

Adopted: December 2, 1959.

Released: December 4, 1959.

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

1. Amend paragraph (d) of § 16.252 to read as follows:

§ 16.252 Frequencies available for base and mobile stations.

(d) The frequencies and frequency-pairs set forth in the tables contained in this paragraph are available to the Motor Carrier Radio Service for assignment to Base and Mobile stations of common or contract carriers of property operating between urban areas: *Provided*, That each application for assignment of any of these frequencies shall be accompanied by a statement signed by the applicant in which it is agreed (1) that any authorization for the use of such frequencies will be accepted with the express understanding of the applicant that such frequencies are shared with other licensees and may be subject to interference, both local and long range, and (2) that no more than the minimum power or antenna height required for the satisfactory technical operation of the system will be employed, commensurate with the area to be served and the local conditions affecting radio transmission and reception. However, only one of these frequencies or frequency pairs may be assigned to the stations of a licensee operated in a given area except upon a showing satisfactory to the Commission that the assignment of an additional frequency or frequency pair is essential to the operation of the transportation system involved.

SINGLE FREQUENCIES

Base and Mobile

Mc	Mc	Mc	Mc
43.96 ¹	44.10	44.24 ¹	44.38 ²
43.98	44.12 ¹	44.26	44.40 ^{1, 2}
44.00 ¹	44.14	44.28 ¹	44.42 ²
44.02	44.16 ¹	44.30	44.44 ^{1, 2}
44.04 ¹	44.18	44.32 ¹	
44.06	44.20 ¹	44.34	
44.08 ¹	44.22	44.36 ^{1, 2}	

FREQUENCY PAIRS

Base only ²		Mobile only	
Mc		Mc	
44.36 ¹		43.86	
44.38		43.88 ¹	
44.40 ¹		43.90	
44.42		43.92 ¹	
44.44 ¹		43.94	

¹ Secondary frequency, see § 16.8.

² These frequencies are available to base and mobile stations for the single-frequency method of operation, or to base stations for the two-frequency method of operation.

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

[F.R. Doc. 59-10399; Filed, Dec. 8, 1959; 8:50 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 817]

REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Agriculture, pursuant to authority vested in him by the Sugar Act of 1948, as amended (61 Stat. 922, as amended) is considering amendment of Sugar Regulation 817 (23 F.R. 671, 24 F.R. 6614).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed regulation shall file the same in duplicate with the Director of the Sugar Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D.C., not later than 10 days after the publication of this notice in the FEDERAL REGISTER.

Purpose of amendment. This proposed amendment to S.R. 817, Rev. 2, is for the purposes of: (1) Correcting references to the continental United States to include rather than exclude Alaska, (2) changing the procedural requirement to provide that importers of sugar must at all times during the year apply for and secure authorization by the Secretary before Collectors of Customs can release sugar imported from any country or area for continental United States consumption, (3) clarifying that part of the regulation relating to the determination of the order of eligibility of applications for authorization for the release of sugar, and (4) changing references in the regulation to make them consistent with other proposed revisions.

Section 4 of Public Law 86-70, 86th Congress, approved June 25, 1959, further amended the Sugar Act of 1948, as amended, to define the continental United States to include the 49 States and the District of Columbia. Thus, the State of Alaska is included as a part of the continental United States and the provisions of Sugar Regulation 817 relating to the importation of sugar into the continental United States must be made applicable to sugar imported or brought into Alaska. The amendments as proposed herein to paragraph (a) of § 817.1 and to paragraphs (g) and (h) of § 817.2 would accomplish this objective.

Paragraph (a) of § 817.5 provides that until a notice is issued that 80 percent of the applicable quota is filled or, in the absence of such a notice, until August 31, of any year, Collectors of Customs may release sugar imported from certain specified areas without prior authorization by the Secretary. On shipments of sugar so released the applications required by § 817.4 are submitted

by the importers to the appropriate Collector of Customs who in turn transmits copies to the Department for quota accounting purposes. With this method of quota clearance and accounting, quantities of sugar imported are not recorded as charged to the applicable quota for as much as two to three weeks after the sugar arrives in the continental United States. Thus, until the quotas for these areas are 80 percent filled or until August 31 of any year, the quota accounts for these areas do not fully reveal the quantity of sugar imported within quotas and the quantities shipped from the areas of origin for importation within the quota.

By requiring prior authorization by the Secretary for release of sugar from all areas, as herein proposed, shipments of sugar can be recorded as charged to the quota as much as five days prior to the date of shipment from the area of origin. In this way all quota accounts would at all times reflect the entire quantity imported within the quota, and, to the extent that importers apply for quota clearance as much as five days before shipment, as the regulation permits, charges to quotas would also reflect the quantities of sugar enroute to the United States for importation within quotas. Making this additional information available to importers should help to avoid the shipment of quantities of sugar in excess of quotas. The proposed amendment to § 817.5 would make the procedural requirements the same for sugar from all areas and throughout the year.

The proposed changes in §§ 817.4, 817.7, 817.8 and 817.9 merely make appropriate changes necessitated by the change in § 817.5.

The proposed change § 817.6 is to clarify the order in which applications become eligible for authorization.

The proposed amendment of Sugar Regulation 817, Rev. 2 (23 F.R. 671; 24 F.R. 6614), if made, would read as follows:

1. Paragraph (a) of § 817.1 is amended to read:

§ 817.1 Purposes and persons affected.

(a) The regulations in this part establish, under authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended), the procedures applicable to (1) importing sugar and liquid sugar into the continental United States (including Alaska) from all domestic offshore areas and all foreign countries and (2) reporting the evaluation provided for in Part 810 of this chapter and the subsequent processing and movement of such sugar and liquid sugar.

2. Paragraphs (g) and (h) of § 817.2 are amended to read:

§ 817.2 Definitions.

(g) The terms "import," "importation" and "importing" mean the act of bringing sugar or liquid sugar into the

continental United States (including Alaska) from either an insular domestic area or a foreign country.

(h) The term "importer" means any person who brings or imports sugar or liquid sugar into the continental United States (including Alaska), including but not limited to the owner, consignor, consignee, transferee or purchaser of such sugar or the broker acting on behalf of such person.

3. Paragraphs (c) and (d) of § 817.4 are amended to read:

§ 817.4 Application by importer.

(c) The application specified in paragraph (a) of this section shall be submitted to the Sugar Division for action and upon authorization by the Secretary shall be transmitted to the appropriate Collector.

(d) The specific authorization by the Secretary required pursuant to § 817.5 may be issued prior to the receipt of an application on appropriate copies of the "Sugar Quota Clearance Record": *Provided*, That all of the information required pursuant to paragraph (a) of this section is transmitted to the Sugar Division by telegram and such advance authorization is necessary to avoid delay in the delivery of the sugar.

4. § 817.5 is amended to read:

§ 817.5 Release by a Collector.

A Collector of Customs may release sugar or liquid sugar imported from any area for any purpose only upon specific authorization by the Secretary pursuant to § 817.6 with respect to each application, except that the quantities for which no application is required pursuant to § 817.3 may be released by a Collector at any time.

5. Paragraphs (b) and (c) of § 817.6 are amended to read:

§ 817.6 Specific authorization for release.

(b) *Order of eligibility for authorization.* An application for the release of sugar shall become eligible for authorization at 12:01 a.m., e.s.t. on the fifth calendar day prior to the date stated on the application as the date of departure of the shipment of sugar from the area of origin or at the time of receipt of the application, whichever time occurs later. The Secretary shall authorize for release by the Collector sugar within an applicable quota or allotment in the same order in which the applications pertaining to the same quota or allotment become eligible for authorization: *Provided*, That, if two or more applications pertaining to the same quota or allotment become eligible at the same time and the quantity which may be authorized within the unused quota or allotment balance is less than the sum of the applied for quantities, the quantity authorized for each application shall be in the same proportion to the quantity

which may be authorized within the unused quota or allotment as the quantity requested on each such application is to the sum of the quantities requested on all such applications.

(c) *Substitution.* Release of a quantity of sugar or liquid sugar subject to a quota or allotment may be authorized by the Secretary after such quota or allotment has been filled: *Provided*, That, an equivalent quantity of sugar or liquid sugar previously released pursuant to § 817.5 within the same quota or allotment has been delivered into the custody of a Collector. The Collector shall retain custody of such equivalent quantity of sugar or liquid sugar in accordance with § 817.3(e) until released pursuant to § 817.5.

§ 817.6 [Amendment]

6. Paragraph (g) of § 817.6 *Interpretations* is hereby rescinded.

7. Paragraph (c) of § 817.7 is amended to read:

§ 817.7 Applicable quota and allotment.

(c) *Quantity and time of effect.* (1) The quantity authorized for release pursuant to § 817.6 shall be effective for filling the applicable quota and allotment at the time the applicable authorization is issued. For this purpose the raw value of the authorized quantity shall be estimated by considering the relationship between other authorized quantities for recent shipments subject to the same quota or allotment and the raw values thereof determined as provided in Title I of the Act on the basis of weights and tests determined pursuant to Part 810 of this subchapter and such other factors as the Secretary deems applicable.

(2) Upon receipt of the report required pursuant to § 817.4(f) covering each application initially given effect pursuant to subparagraph (1) of this paragraph, the applicable quota and allotment shall have been filled by the sugar or liquid sugar imported pursuant to the authorization represented by either raw or direct-consumption sugar, determined as prescribed in Part 810 of this subchapter to the extent of its raw value, as defined in Title I of the Act and as finally computed from the weights and tests determined pursuant to Part 810 of this subchapter, except that the raw value of liquid sugar imported from Puerto Rico shall be computed by multiplying the total sugar content thereof by the factor 1.07.

(3) Whenever the Secretary determines that (i) a default in a condition of a bond accepted pursuant to § 817.9 has occurred or, (ii) a quantity of sugar or liquid sugar authorized for release for importation as raw sugar is direct-consumption sugar pursuant to § 810.5 (c) of this subchapter, by virtue of its use for which authorization pursuant to § 817.3(g) was not granted, or (iii) a quantity of sugar or liquid sugar has been imported without authorization for release as required pursuant to § 817.5, the quantity of sugar or liquid sugar involved in such default, change of purpose, or importation without authoriza-

tion shall be applied to the applicable quota and allotment in effect for the year in which the importation occurred after all importations made in accordance with the regulations of this part to which the same quota and allotment were applicable have been applied thereto.

8. Paragraphs (a) and (e) of § 817.8 are amended to read:

§ 817.8 Authorization for purposes other than to fill current quotas.

(a) Upon fulfillment of the requirements of §§ 817.3 and 817.4 and the applicable provisions of this section and § 817.9, the authorization required pursuant to § 817.5 may be given to the Collector to release sugar or liquid sugar for importation for the purposes specified in this section without effect on a quota at the time of importation.

(e) Upon fulfillment of the requirements of §§ 817.3 and 817.4 the authorization required pursuant to § 817.5 may be issued to the Collector for the release of sugar or liquid sugar for purposes stated in section 212 of the Act, other than those specified in paragraph (b) of this section, within the limitations specified in such section 212 of the Act.

§ 817.9 [Amendment]

9. Paragraph (c) of § 817.9 is amended in the following respect: All references to § 817.5(c) are changed to read § 817.5.

Issued at Washington, D.C., this 4th day of December 1959.

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

[F.R. Doc. 59-10407; Filed, Dec. 8, 1959; 8:51 a.m.]

FEDERAL AVIATION AGENCY

I 14 CFR Parts 600, 601 I

[Airspace Docket No. 59-FW-34]

FEDERAL AIRWAYS AND REPORTING POINTS

Modification of Federal Airways and Designation of Reporting Points

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6003, 600.6018, 600.6053, 600.6157, and 601.7001 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 3 presently extends, in part, from Savannah, Ga., to Raleigh, N.C., VOR Federal airway No. 157 presently extends, in part, from Allendale, S.C., to Florence, S.C. The Federal Aviation Agency has under consideration a modification to Victor 3 between Savannah and Florence and to Victor 3 east alternate between Florence and Raleigh and a modification to Victor 157 between Allendale and Florence. It is proposed to realign the Savannah-

Florence segment of Victor 3 and the Allendale-Florence segment of Victor 157 via a VOR to be installed approximately March 15, 1960, near Vance, S.C., at latitude 33°28'21" N., longitude 80°26'51" W. It is also proposed to realign Victor 3 east alternate between Florence and Raleigh via a VOR to be installed approximately March 15, 1960, near Fayetteville, N.C., at latitude 34°59'09" W., longitude 78°52'24" N. These modifications would provide more precise navigational guidance on these airway segments. Concurrent with this action, it is proposed to realign VOR Federal airway No. 53 from Columbia, S.C., to Charleston, S.C., via the Columbia VOR 152° and the Charleston VOR 300° radials and to realign VOR Federal airway No. 18 south alternate from Allendale to Charleston via the intersection of the Allendale VOR 119° and the Charleston 262° radials. The St. George intersection, (intersection of Victor 3 and Victor 53), would thereby be relocated approximately 2 miles southeast of the present location. The Ritter intersection, (intersection of Victor 18S and Victor 3), would thereby be relocated approximately 1 mile east of the present location. These actions would be necessary in order to retain these intersections as reporting points on Victor 3 for air traffic management purposes. The control areas associated with VOR Federal airways No. 3, 18, 53, and 157 are so designated that they will automatically conform to the modified airways. Accordingly, no amendment relating to such control areas is necessary.

If these actions are taken, the segment of VOR Federal airway No. 3 from Savannah, Ga., to Florence, S.C., and the segment of VOR Federal airway No. 157 from Allendale, S.C., to Florence, S.C., would be redesignated via Vance, S.C. VOR Federal airway No. 3 east alternate from Florence, S.C., to Raleigh, N.C., would be redesignated via Fayetteville, N.C. The segment of VOR Federal airway No. 18 south alternate from Allendale, S.C., to Charleston, S.C., would be realigned via the Allendale VOR 119° and the Charleston VOR 262° radials and the segment of VOR Federal airway No. 53 from Columbia, S.C., to Charleston, S.C., would be realigned via the Columbia VOR 152° and the Charleston VOR 300° radials. Concurrent with this action, the Ritter, S.C., intersection, (intersection of the Savannah VOR 023° and the Charleston VOR 262° radials), and Vance VOR would be designated as domestic VOR reporting points for air traffic management purposes.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal

Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on December 1, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-10353; Filed, Dec. 8, 1959;
8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-FW-37]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6066 and 601.6066 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 66 presently extends from San Diego, Calif., to Sulphur Springs, Tex. The Federal Aviation Agency is proposing to extend Victor 66 by adding a segment from Tuscaloosa, Ala., to McDonough, Ga., via a VOR to be installed approximately April 1, 1960, near Talladega, Ala., at latitude 33°17'08" N., and longitude 86°05'10" W. This will provide an additional route for arriving, departing and over traffic between the Atlanta, Ga., and Birmingham, Ala., terminals and is part of a plan to increase the air traffic flow capabilities in this area.

If this action is taken, VOR Federal airway No. 66 and its associated control areas would then extend from San Diego, Calif., to Sulphur Springs, Tex., and from Tuscaloosa, Ala., to McDonough, Ga.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within 30 days

after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue, NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on December 1, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-10361; Filed, Dec. 8, 1959;
8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-KC-12]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Modification of Federal Airway and Associated Control Areas, Designation of Reporting Point

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6218, 601.6218, and 601.7001 of the Regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 218 presently extends from Malta, Ill., to Flint, Mich. The Federal Aviation Agency is proposing to extend Victor 218 westerly from Malta to Rochester, Minn.; revoke the segment of Victor 218 between Lansing, Mich., and Flint; and redesignate Victor 218 from Lansing to Pontiac, Mich.

The present airway structure between the Chicago, Ill., terminal area and the Minneapolis, Minn., terminal area provides dual routing from Chicago to Nodine, Minn., and from Nodine to Minneapolis, but with these routes converging at Nodine. Extending Victor 218 and its associated control areas from the Malta intersection to the Rochester VOR via the Rockford, Ill., VOR, the Rewey, Wis., VOR, and a VOR to be installed approximately December 15,

1960, near Waukon, Iowa, at latitude 43°16'47" N., longitude 91°32'20" W., would complete the dual route structure for the entire distance between Chicago and Minneapolis. This dual route would serve the high volume of traffic between these major terminals.

Revoking the present segment of Victor 218 and associated control areas between Lansing and Flint, and redesignating this airway and associated control areas from Lansing via a VOR to be installed approximately June 1, 1960, near Pontiac, Mich., at latitude 42°42'01" N., longitude 83°32'00" W. to the intersection of the Pontiac VOR 075° radial and VOR Federal airway No. 42 would provide airway routing via Victor 42 and Victor 218 for air traffic from the Detroit, Mich., terminal area to Pontiac. The most direct airway route for traffic operating between these terminals at the present time is via Victor 42 and VOR Federal airway No. 84. However, Victor 84 is proposed to be realigned via Flint and Peck, Mich., in Airspace Docket No. 59-WA-116 (24 F.R. 7650), and would no longer serve the Pontiac area.

In consideration of the foregoing, the Federal Aviation Agency proposes to extend VOR Federal airway No. 218 and its associated control areas from Malta, Ill., to Rochester, Minn.; revoke the segment of Victor 218 and associated control areas from Lansing, Mich., to Flint, Mich.; and extend Victor 218 and associated control areas from Lansing, Mich., via Pontiac, Mich., to the intersection of the Pontiac VOR 075° radial and VOR Federal airway No. 42. In addition, the Rewey, Wis., VOR and the Waukon, Iowa, VOR would be designated as domestic VOR reporting points for air traffic management purposes.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal

Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on December 1, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-10359; Filed, Dec. 8, 1959;
8:45 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-KC-43]

RESTRICTED AREAS

Designation of Restricted Area/Military Climb Corridor

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.30 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the designation of a Restricted Area/Military Climb Corridor at K. I. Sawyer AFB, Mich. The Military Climb Corridor, designated as a Restricted Area, would confine the high-speed, high rate-of-climb Century series air defense aircraft, operating from the airbase on active air defense missions, within a relatively small area. The Restricted Area would provide protection for high speed air defense aircraft and other users of the airspace during the climb phase of the air defense aircraft mission. If such action is taken, a Restricted Area/Military Climb Corridor would be designated at K. I. Sawyer AFB, extending along the 039° True radial of the K. I. Sawyer AFB, TVOR from a point 5 statute miles northeast to a point 32 statute miles northeast of the airbase, 4 statute miles wide at the beginning and 4.6 statute miles wide at the outer extremity. The lower altitude limits in graduated steps would extend from 3,200 feet MSL to 20,200 feet MSL. The upper altitude limits would extend from 16,200 feet MSL to 27,000 feet MSL. Time of use would be continuous. The controlling agency would be the Sawyer Approach Control, K. I. Sawyer AFB, Mich. The controlling agency would authorize aircraft to operate within the Climb Corridor when not in use by active air defense aircraft.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data,

views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.30 (23 F.R. 8582) as follows:

In § 608.30 *Michigan* add:

K. I. Sawyer AFB, Mich., Restricted Area/Military Climb Corridor (R-565) (Lake Superior Chart).

Description. That area based on the 039° True radial of the K. I. Sawyer AFB TVOR beginning 5 statute miles NE of the airbase and extending 32 statute miles NE of the airbase, having a width of 1 statute mile SE and 3 statute miles NW of the 039° True radial at the beginning and a width of 2.3 statute miles on each side of the 039° True radial at the outer extremity.

Designated altitudes.

3,200' MSL to 16,200' MSL from 5 statute miles NE of the airbase to 6 statute miles NE of the airbase.

3,200' MSL to 25,200' MSL from 6 to 7 statute miles NE of the airbase.

3,200' MSL to 27,000' MSL from 7 to 10 miles NE of the airbase.

7,200' MSL to 27,000' MSL from 10 to 15 statute miles NE of the airbase.

11,200' MSL to 27,000' MSL from 15 to 20 statute miles NE of the airbase.

16,200' MSL to 27,000' MSL from 20 to 25 statute miles NE of the airbase.

20,200' MSL to 27,000' MSL from 25 to 32 statute miles NE of the airbase.

Time of designation. Continuous.

Controlling agency. Sawyer Approach control, K. I. Sawyer AFB, Mich.

Issued in Washington, D.C. on December 1, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-10360; Filed, Dec. 8, 1959;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 11959; FCC 59-1228]

REALLOCATION OF CERTAIN FIXED, LAND MOBILE AND MARITIME MOBILE BANDS

Second Notice of Proposed Rule Making

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

2. On April 3, 1957, the Commission adopted a notice of proposed rule mak-

ing in this proceeding which, among other things, proposed the reallocation of 455-456 Mc and 460-461 Mc from remote pickup broadcast stations and the Citizens Radio Service, respectively, to the Domestic Public Land Mobile Radio Service, in an effort to satisfy, insofar as practicable, the stated requirements of the latter mentioned service. The Commission believed that such an allocation, in conjunction with the bands already available to the Domestic Public Land Mobile Radio Service, would have satisfied completely the stated requirements of this service except in the larger metropolitan areas for which the Commission is unable to find sufficient spectrum space to fulfill the requirements without a prohibitively adverse affect on other services. Even in those areas, however, it was anticipated that the reallocation would have afforded a significant measure of relief, since the bands which were proposed to be re-allocated are immediately adjacent to the bands 454-455 Mc and 459-460 Mc which are already allocated to the Domestic Public Land Mobile Radio Service.

3. Comments submitted by the American Telephone and Telegraph Company (AT&T) supported the Commission's proposal to reallocate the bands 455-456 Mc and 460-461 Mc to the Domestic Public Land Mobile Radio Service but emphasized that the additional space would be wholly inadequate to meet their land mobile requirements in the larger cities.

4. Comments objecting to the Commission's proposal in this proceeding, with respect to frequencies available to remote pickup broadcast stations, were filed by the former National Association of Radio and Television Broadcasters (now NAB), the National Broadcasting Company (NBC), and the Chronicle Publishing Company (KRON-TV). For the most part, these objections were directed at the proposed deletion of the 455-456 Mc remote pickup broadcast band.

5. Electronic Industries Association (EIA) filed a petition with the Commission, on July 10, 1958, which objected to the proposed reallocation of a portion of the Citizens Radio band, specifically 460-461 Mc, and requested that the Commission issue a further notice of proposed rule making dealing only with the band 460-461 Mc, to determine how this band might be allocated to provide for the public interest, convenience, or necessity. Also in a separate but related proceeding, Vocaline Company of America, Inc., filed a petition with the Commission on June 16, 1958, requesting the Commission to terminate the proceedings in Docket No. 11994 in its entirety and in Docket No. 11995 insofar as the proposed reallocation of Citizens Radio frequencies is concerned. Both of these petitions were denied by the Commission's Second Report and Order in Docket No. 11994 which was adopted July 31, 1958.

6. During September 1957, Michigan and Illinois Bell Telephone Companies were given developmental authorizations to operate an air-to-ground public radiotelephone service in the 450 Mc

PROPOSED RULE MAKING

common carrier bands, between Detroit and Chicago, for a one-year period. These authorizations were renewed for an additional year during September 1958. During July and August 1959, these Bell companies filed applications again to renew the developmental air-ground authorizations and other affiliates sought to extend the service to the east coast, with ground stations at Pittsburgh, Washington, and New York City, utilizing an additional frequency pair in the same 454-455 Mc and 459-460 Mc common carrier bands. The National Association of State Aviation Officials has recommended to the Commission that this developmental grant be made permanent and that service be expanded.

7. Subsequent to initiation of the developmental air-ground operations, AT&T filed a petition with the Commission, on April 1, 1958, requesting that the bands 455-456 Mc and 460-461 Mc be made available to the public air-ground radiotelephone service. Comments filed by AT&T in opposition to the above-mentioned EIA and Vocaline petitions indicate that these bands would be used for both land mobile and air-to-ground operations. Comments generally supporting the granting of the AT&T petition have been filed by Aeronautical Radio Inc. (ARINC) and the AC Sparkplug Division of General Motors Corporation, and Motorola, Inc. filed comments opposing such a grant.

8. The Chicago-Detroit developmental air-ground operations tend to indicate a limited need for a permanent public aeronautical radiotelephone service. However, the extent to which air travelers, except business executives in private planes, would avail themselves of the new service under normal circumstances, in view of the ever decreasing airborne time of commercial passenger flights and the ready availability of cheaper landline facilities at all airports is not known at this time. Accordingly, the Commission believes that the reallocation of 2 Mc of much needed land mobile frequency space, even on a shared basis with the land mobile service, for this unproven service, as requested in the AT&T petition of April 1, 1958, is not justified and the subject AT&T petition is denied in the concurrent Third Report and Order in Docket No. 11995.

9. In order to meet the apparent limited need for an air-ground public radiotelephone service it is hereby proposed that provision be made to accommodate this service in those portions of the 454-455 Mc and 459-460 Mc bands which are available for assignment only to stations of communication common carriers engaged also in the business of affording public landline message telephone service, i.e., 454.40-455 Mc and 459.40-460 Mc. It is realized that such operation of the air-ground service will require close coordination to avoid disruption of the land mobile service in these bands, in view of the greater transmission coverage to and from airborne

units. However, it is believed that the assignments can be arranged in such a manner that a minimum of interference will result since Commission records indicate that the present loading on these bands is very light.

10. In view of the fact AT & T has indicated that implementation of the Commission's outstanding proposal to reallocate 455-456 Mc and 460-461 Mc to the Domestic Public Service would not fill their land mobile requirement and the Commission's belief that a full 2 Mc of valuable frequency space is not required to adequately accommodate an air-ground service, the original proposal, with respect to these bands is withdrawn by the Commission's concurrent Fifth Memorandum Report and Order in Docket No. 11959 and Third Report and Order in Docket No. 11995, and the Commission proposes to reallocate the 460-461 Mc band to the Industrial Radio Services, which would absorb most of the stations now operating in this portion of the Citizens Radio band.

11. The remaining outstanding proposals in Docket 11959 to reallocate 161.645-161.825 Mc to remote pickup and 462.525-463.225 Mc and 465.275-466.475 Mc to the Industrial Radio Services will be disposed of at a later date when appropriate.

12. In summary, the action contained herein and in the above-mentioned Orders:

a. Denies the AT & T petition of April 1, 1958 which requests reallocation of 455-456 Mc and 460-461 Mc to an air-ground public radiotelephone service.

b. Withdraws the Commission's original proposal in Dockets 11959 and 11995 to reallocate 455-456 Mc and 460-461 Mc to the Domestic Public Land Mobile Radio Service and terminates the proceeding in Docket No. 11995.

c. Proposes to provide for an air-ground public radiotelephone service in the Domestic Public land mobile bands 454-455 Mc and 459-460 Mc.

d. Proposes to reallocate 460-461 Mc to the Industrial Radio Services.

These actions, including the current proposals in this docket shown in the attached appendix are not intended to

dispose of the broader considerations in Docket No. 11997 with respect to finding adequate space for the Domestic Public Land Mobile Radio Service and an air-ground public radiotelephone service.

13. The proposed amendments to the rules, as set forth below, are issued pursuant to the authority contained in sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

14. Any interested person who is of the opinion that the proposed amendments should not be adopted may file with the Commission on or before January 11, 1960, written data, views or arguments setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views, or arguments. The Commission will consider all such comments and such other material and information as may be deemed necessary and relevant prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

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

Adopted: December 2, 1959.

Released: December 4, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

Section 2.104(a) (5) is amended in the 454-455 Mc, 459-460 Mc, and 460-461 Mc bands in columns 7 through 11 to read as follows and a new footnote NG19 is added as set forth below:

§ 2.104 Frequency allocations.

(a) Table of frequency allocations.

(5) The following is the table of frequency allocations.

FEDERAL COMMUNICATIONS COMMISSION

Band (Mc)	Service	Class of station	Frequency (Mc)	Nature of (SERVICES stations)
7	8	9	10	11
454-455 (NG 19)	Land mobile.	a. Base. b. Land mobile.	-----	DOMESTIC PUBLIC.
459-460 NG 19	Land mobile.	a. Base. b. Land mobile.	-----	DOMESTIC PUBLIC.
460-461	Land mobile.	a. Base. b. Land mobile.	-----	INDUSTRIAL.

NG 19 Frequencies in the bands 454.40-455 Mc and 459.40-460 Mc may be assigned to Domestic Public land and mobile stations to provide a two-way air-ground public radiotelephone service.

[47 CFR Part 2]

[Docket No. 11959; FCC 59-1229]

REALLOCATION OF CERTAIN FIXED, LAND MOBILE, AND MARITIME MOBILE BANDS**Fifth Memorandum Report and Order**

1. On April 3, 1957, the Commission adopted a notice of proposed rule making in the above-entitled matter which was released on April 9, 1957, and published in the FEDERAL REGISTER of April 16, 1957 (22 F.R. 2583). A correction to the notice adding footnote designators to certain specified frequency bands was released on April 11, 1957 and published in the FEDERAL REGISTER of April 26, 1957 (22 F.R. 2956). The First Memorandum Report and Order in this Docket, which applied only to the land Transportation and Maritime Mobile Services in the 152-162 Mc band, was adopted by the Commission on April 9, 1958, and published in the FEDERAL REGISTER on April 15, 1958 (23 F.R.-2424). A corrected copy of the order was published in the FEDERAL REGISTER on April 19, 1958 (23 F.R. 2601). The Second Memorandum Report and Order in this Docket, which implemented "split channel" proposals for the Public Safety Radio Service in the 150.8-162 Mc and 450-460 Mc bands and for the remaining services in the 150.8-162 Mc band, was adopted by the Commission on May 8, 1958, and published in the FEDERAL REGISTER on May 17, 1958 (23-F.R. 3351). The Third Memorandum Report and Order in this Docket, which reallocated certain portions of the 460-470 Mc Citizens Radio band to the Industrial Radio Services and implemented Commission proposals relating to the unavailability of 161.85 Mc to the Maritime Mobile Service in Puerto Rico and the Virgin Islands, a slight shifting of the 160 Mc band available for assignment to remote pickup stations in Puerto Rico and the Virgin Islands on a shared basis with the Railroad Radio Service, and the availability of certain taxicab "splits" to the Industrial Radio Services outside standard metropolitan areas of 50,000 or more population, was adopted by the Commission on June 18, 1958 and published in the FEDERAL REGISTER on June 28, 1958 (23 F.R. 4782). The Fourth Memorandum Report and Order in this Docket, which reallocated the 11 meter amateur band, 26.96-27.23 Mc, to the Citizens Radio Service, was adopted by the Commission on July 31, 1958, and published in the FEDERAL REGISTER on August 9, 1958 (23 F.R. 6111).

2. The sole purpose of this order is to withdraw the Commission's outstanding proposal in this proceeding to reallocate 455-456 Mc and 460-461 Mc to the Domestic Public Land Mobile Service. The remaining outstanding proposals in this Docket, which involve reallocation of the bands 161.645-161.825 Mc, 462.525-463.225 Mc, and 465.275-466.475 Mc, will be disposed of at a later date when appropriate. The Third Report and Order in Docket 11995, adopted this day, denies the Petition of the American Telephone

and Telegraph Company (AT&T) requesting reallocation of the 455-456 and 460-461 Mc bands to the air-to-ground public radiotelephone service.

3. Comments submitted by AT&T supported the Commission's proposal to reallocate the bands 455-456 Mc and 460-461 Mc to the Domestic Public Land Mobile Service but emphasized that the additional space would be wholly inadequate to meet their land mobile requirements in the large cities. Comments objecting to the Commission's proposal were filed by the former National Association of Radio and Television Broadcasters (now NAB), the National Broadcasting Company (NBC), and the Chronicle Publishing Company (KRON-TV). For the most part, these objections were directed to the proposed deletion of the 455-456 Mc remote pickup broadcast band. Electronics Industries Association (EIA) and Vocaline Company of America Inc. (Vocaline) filed petitions in related proceedings objecting to reallocation of the 460-461 Mc band. The EIA petition requested the Commission to hold a separate rule-making proceeding dealing only with the 460-461 Mc band. The Vocaline petition asked for the termination of proceedings in Dockets 11994 and 11995 insofar as they concerned the 460-461 Mc band. The action requested by these petitions was denied by the Commission's Second Report and Order in Docket 11994 adopted July 31, 1958. The objections to reallocation of the 460-461 Mc band contained in those petitions, however, have been considered in this proceeding.

4. The Commission has fully considered the needs of the several services for the bands 455-456 and 460-461 Mc and has determined that reallocation of these bands as proposed by its Public Notice of April 3, 1957, would not serve the public interest. If appears from the comments that allocation of the 455-456 and 460-461 Mc bands to the Domestic Public Land Mobile Service would be inadequate to meet the land mobile requirements of AT&T in the larger cities. The 455-456 Mc band, on the other hand, adequately provides for the present and prospective need of broadcasters for remote pickup facilities in this region of the spectrum. The Commission believes that this band should not be removed from a service for which it is adequate to a service for which it would be inadequate. A second notice of proposed rule making adopted this day in this Docket proposes reallocation of the 460-461 Mc band to the Industrial Radio Services. The needs of AT&T for allocation of frequency space to the Domestic Public Land Mobile Radio Service will be further considered in connection with Docket 11997.

5. In view of the foregoing, the Commission finds that the public interest, convenience and necessity will be served by withdrawing that portion of its proposal in this proceeding pertaining to the reallocation of the 455-456 and 460-461 Mc bands.

6. Accordingly, it is ordered, That effective December 2, 1959, the proposal in

this proceeding to reallocate the 455-456 and 460-461 Mc bands is withdrawn.

Adopted: December 2, 1959.

Released: December 4, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-10402; Filed, Dec. 8, 1959;
8:51 a.m.]

[47 CFR Part 4]

[Docket No. 12116; FCC 59-1211]

OPERATION OF LOW POWER TELEVISION BROADCAST REPEATER STATIONS**Notice of Further Proposed Rule Making**

1. In its Report and Order (FCC 58-1255) issued in this proceeding December 30, 1958, the Commission reaffirmed its concern with the problem of inadequate television reception in small, remote communities but concluded that the limited number of channels available in the VHF television band and the hazard of harmful interference to the reception of television broadcast stations as well as other radio services on adjacent frequencies, made it desirable to limit TV repeater stations to the UHF band.

2. Reconsideration of its decision of December 30, 1958 was requested in pleadings filed on January 26, 1959 by Western Slope Broadcasting Company, Inc., and on February 4, 1959, by the licensees of sixteen television stations in California, Colorado, Idaho, Montana, South Dakota, Texas, Utah and Wyoming.¹ In the interim the Commission has engaged in a continuing restudy of the problems associated with the licensing of low power repeater stations in the VHF band and has endeavored to re-evaluate those problems in the light of the foreseeable advantages and disadvantages which would flow from the authorization of VHF repeater operations under a number of alternative sets of technical and operating conditions. The more restricted and rigid such requirements are drawn, the greater protection they would afford against the interference and other undesirable results risked by the authorization of repeaters in the VHF band. On the other hand, the more technical and operating requirements are relaxed the lower the costs of construction and installation of such equipment. The Commission has endeavored to seek an optimum balance between extremes and believes that the require-

¹ KSBW-TV, Salinas, California; KOA-TV, Denver, KKTU, Colorado Springs, KREX-TV, Grand Junction, Colorado; KID-TV, Idaho Falls, KIDO-TV, Boise, KLIX-TV, Twin Falls, Idaho; KGHL-TV and KOOK-TV, Billings, KMOS-TV, Missoula and KXLF, Butte, Montana; KLTU-TV, Tyler, Texas; KOTA-TV, Rapid City, South Dakota; KUTV, Salt Lake City, Utah; KFBC-TV, Cheyenne, KSPR-TV and KTWO-TV, Casper, Wyoming.

PROPOSED RULE MAKING

ments set out in the appended draft rules, all things considered, reflect such a balance. We have accordingly decided to invite the comments of interested parties on the proposals appended hereto. The draft rules would parallel, insofar as appropriate, the present rules covering television broadcast translator stations using authorized UHF channels.

3. One of the more difficult problems which must be met if these devices were to be permitted in the VHF television broadcast band is that of interference to television broadcast reception, interference to other radio services which occupy bands interspersed through the television bands, and interference between translators. The first of these is usually met by limiting the maximum power and antenna height and specifying a minimum geographic separation. Except for the power limit, these measures are not practical in the present case. Elevated sites are usually needed in order to obtain a signal to rebroadcast and the transmitting apparatus must be located at the receiving site. Any predetermined geographic separation based on statistical engineering data would severely restrict the areas in which VHF translators could be located and limit the number to only a few of the several hundred devices that are already in operation. The second problem of interference to other services in contiguous bands could be met by requiring highly refined transmitting equipment and adequate supervision of the operation by trained radio operators. Such an operation would be costly to install and operate. The third problem could be met by applying the normal measures used to prevent interference between regular stations, i.e., limits on power, antenna height, and geographic separation. The practical limits of this are obvious.

4. We have decided to meet this problem by proposing transmitter power output limited to 1 watt. By thus limiting the scope of any interference which might arise we could then permit the use of elevated antennas, reduce the performance requirements for the equipment, and allow the routine operation of the apparatus to be carried on by a technically unskilled operator. Even with power so limited these devices would be capable of causing interference, and since normal geographic separations cannot be used, we propose that the licensees of these devices provide full interference protection to direct reception of all television broadcast stations, and to a limited extent to each other. By a judicious choice of channel and transmitter location the problem of mutual interference between these low power VHF translators can be minimized. Whenever it occurred, the affected licensees would be expected to settle the problem by mutual agreement and cooperation. Interference to direct reception of TV broadcast stations is likely to be more serious. Such signals are often received by UHF translators, other VHF translators, and community antenna systems, as well as a few private individuals, with antennas at elevated sites similar to those used by a VHF translator. Since these sites are suitable for long distance

reception of TV broadcast stations they are also ideal for detection of the signals of low power VHF translators on other mountains. Whenever this creates interference to direct reception of a television broadcast station, the VHF translator would have to cease causing interference.

5. There may be occasions when the limit to 1 watt of power would prevent a VHF translator from serving as large an area as it might desire. In such cases, the operation could be conducted on a UHF channel with higher power. The relative absence of congestion which makes the observance of minimum geographic separations feasible in the UHF band, and the fact that the UHF band is not interspersed with other radio services, permits the use of higher power in that band and UHF translators may use up to 100 watts transmitter power output.

6. The rules proposed herein would be incorporated in the present rules governing television broadcast translator stations operating in the UHF television band. At the same time the rules governing UHF translators would be modified, where necessary, to conform with the general principles governing this type of operation.

7. The rules proposed herein would not permit the use of the so-called co-channel booster amplifier. This type of device consists simply of an amplifier which receives, amplifies, and retransmits on the same channel. Although this type of device was used at many of the early unlicensed stations their faults and limitations have caused them to virtually disappear. These devices are inherently unstable electrically, and are capable of transmitting false and misleading signals when operated in the VHF television band. The Commission considers the use of such devices under the type of relaxed requirements contained in these rules, to be dangerous and not in the public interest.

8. With respect to proposed VHF translator operations in the vicinity of the Canadian and Mexican borders, the Commission cannot act unilaterally in that regard. Such operation is not contemplated under the outstanding television agreements with those countries. The Commission will initiate action looking to negotiations with the Governments of Canada and Mexico with a view toward securing agreements for the operation of these devices. Meanwhile, if the proposed rules were adopted, applications for VHF translators would be taken up with the appropriate Government on a case-by-case basis.

9. The proposal under consideration herein contemplates authorization, pursuant to the appended rules, of new VHF translators. Repeater facilities installed prior to the issuance of a construction permit by the Commission give rise to problems under section 319(a) of the Communications Act of 1934, which has been construed to prohibit the granting of a license authorizing the use by broadcast stations of facilities constructed before the issuance of a construction permit by the F.C.C. The Commission has submitted to Congress legislative

recommendations directed to this problem.

10. Authority for adoption of the rules appended hereto is contained in sections 4(i), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h), (p) and (r) and 307(b) of the Communications Act of 1934, as amended.

11. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before January 11, 1960, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

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

Adopted: December 2, 1959.

Released: December 4, 1959.

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

Proposed amendments to Subpart G,
Part 4:

§ 4.701 Definitions.

(a) Television broadcast translator station: A station in the broadcasting service operated solely for the purpose of retransmitting the signals of a television broadcast station or another television broadcast translator station, by means of direct frequency conversion and amplification of the incoming signals and without significantly altering any characteristic of the incoming signal other than its frequency and amplitude, for the purpose of providing television reception to the general public.

(b) Primary station: The television broadcasting station radiating the signals which are retransmitted by a television broadcast translator station.

(c) VHF translator: A television broadcast translator station operating on a VHF television broadcast channel.

(d) UHF translator: A television broadcast translator station operating on a UHF television broadcast channel.

§ 4.702 Frequency assignment.

(a) An applicant for a new television broadcast translator station or for changes in the facilities of an authorized station shall endeavor to select a channel on which its operation will not be likely to cause interference to the reception of other stations. The application must be specific with regard to the frequency requested. Only one channel will be assigned to each station.

(b) An applicant for a VHF translator station may specify any standard

VHF television broadcast channel. VHF translators are not required to observe a minimum separation from television broadcast stations operating on the channel used by the translator or on an adjacent channel. However, the use of such channels by VHF translators is secondary to the use by television broadcast stations and VHF translators must provide complete interference protection to reception of existing and future television broadcast stations.

(c) An applicant for a UHF translator may specify any one of the upper 14 UHF television broadcast channels between 70 and 83 inclusive, provided that the proposed translator will not be located:

(1) Within 20 miles of a television broadcast station or city which is assigned the second, third, fourth, fifth, or eighth channel above or below the requested channel;

(2) Within 55 miles of a television broadcast station or city which is assigned an adjacent channel;

(3) Within 60 miles of a television broadcast station or city which is assigned the seventh channel above or the seventh or fourteenth channel below the requested channel;

(4) Within 75 miles of a television broadcast station or city which is assigned the fifteenth channel below the requested channel;

(5) Within 155 miles of a television broadcast station or city which is assigned the same channel as the requested channel unless the proposed channel is already assigned to the city in which the translator is to be operated, in the Table of Assignments appearing in § 3.606(b) of this chapter.

(d) The distances specified in paragraph (c) of this section are to be determined between the proposed site of the television broadcast translator station and the Post Office location in any city listed in § 3.606(b) of this chapter unless the channel shown therein has been assigned to a television broadcast station, in which case the distance shall be determined between the proposed site of the translator and the transmitter site of the television broadcast station. Changes in the Table of Assignments of § 3.606(b) of this chapter may be made without regard to existing or proposed television broadcast translator stations and, where such changes result in minimum separations less than those specified above, the licensee of an affected television broadcast translator station shall file an application for a change in channel assignment to comply with the required separations.

(e) No minimum distance separation is specified between television broadcast translator stations operating on the same channel. However, the separation shall in all cases be adequate to prevent mutual interference.

(f) Adjacent channel assignments will not be made to television broadcast translator stations intended to serve all or a part of the same area.

§ 4.703 Interference.

(a) An application for a new television broadcast translator station or for

changes in the facilities of an authorized station will not be granted where it is apparent that interference will be caused. In general, the licensee of a new UHF translator shall protect existing UHF translators from interference resulting from its operation. If interference develops between VHF translators, the problem shall be resolved by mutual agreement among the licensees involved.

(b) It shall be the responsibility of the licensee of a VHF translator to correct at its expense any condition of interference to the direct reception of the signals of a television broadcast station operating on the same channel as that used by the VHF translator or on an adjacent channel, which occurs as the result of the operation of the translator. Interference will be considered to occur whenever reception of a regularly used signal is impaired by the signals radiated by the translator, regardless of the quality of such reception or the strength of the signal so used. If the interference cannot be promptly eliminated by the application of suitable techniques, operation of the offending translator shall be suspended and shall not be resumed until the interference has been eliminated. If the complainant refuses to permit the translator licensee to apply remedial techniques which demonstrably will eliminate the interference without impairment of the original reception, the licensee of the translator is absolved of further responsibility.

(c) It shall be the responsibility of the licensee of a television broadcast translator station to correct any condition of interference which results from the radiation of radio frequency energy by its equipment on any frequency outside the assigned channel. Upon notice by the Commission to the station licensee or operator that such interference is being caused, the operation of the television broadcast translator station shall be suspended immediately and shall not be resumed until the interference has been eliminated or it can be demonstrated that the interference is not due to spurious emissions by the television broadcast translator station: *Provided, however,* That short test transmissions may be made during the period of suspended operation to check the efficacy of remedial measures.

(d) In each instance where suspension of operation is required, the licensee shall submit a full report to the Commission after operation is resumed, containing details of the nature of the interference, the source of the interfering signals, and the remedial steps taken to eliminate the interference.

ADMINISTRATIVE PROCEDURE

§ 4.711 Administrative procedure.

See §§ 4.11 to 4.16 inclusive.

LICENSING POLICIES

§ 4.731 Purpose and permissible service.

(a) Television broadcast translator stations provide a means whereby the signals of television broadcast stations may be retransmitted to areas in which direct reception of such television broadcast stations is unsatisfactory due to distance or intervening terrain barriers.

(b) A television broadcast translator station may be used only for the purpose of retransmitting the signals of a television broadcast station or another television broadcast translator station which have been received directly through space, converted to a different channel by simple heterodyne frequency conversion, and suitably amplified.

(c) The transmissions of each television broadcast translator station shall be intended for direct reception by the general public and any other use shall be incidental thereto. A television broadcast translator station shall not be operated solely for the purpose of relaying signals to one or more fixed receiving points for retransmission, distribution, or further relaying.

(d) The technical characteristics of the retransmitted signals shall not be deliberately altered so as to hinder reception on conventional television broadcast receivers.

(e) A television broadcast translator station shall not deliberately retransmit the signals of any station other than the station it is authorized by license to retransmit. Precautions shall be taken to avoid unintentional retransmission of such other signals.

§ 4.732 Eligibility and licensing requirements.

(a) A license for a television broadcast translator station may be issued to any qualified individual, organized group of individuals, broadcast station licensee, or local civil governmental body upon an appropriate showing that plans for financing the installation and operation of the station are sufficiently sound to insure continuation of the operation for the period of the license.

(b) More than one television broadcast translator station may be licensed to the same applicant, whether or not such stations serve substantially the same area, upon an appropriate showing of need for such additional stations.

(c) Only one channel will be assigned to each television broadcast translator station. Additional television broadcast translator stations may be authorized to provide additional reception. A separate application is required for each television broadcast translator station and each application shall be complete in all respects.

§ 4.733 [Reserved]

§ 4.734 Remote control operation.

(a) A television broadcast translator station may be operated by remote control provided that such operation is conducted under the following conditions:

(1) A monitoring point shall be established on premises under the control of the licensee or its agent, within the area served by the translator. It shall be equipped with a television receiver in good operating condition and suitable for observing the transmissions of the translator.

(2) An operator meeting the requirements of § 4.766 shall observe the transmissions of the translator at the monitoring point within 1 hour after the start of any period of operation and at intervals of not more than 6 hours dur-

ing operation. The operator shall promptly correct any condition of improper operation observed and if unable or not qualified to do so under the provisions of § 4.766(b), shall immediately suspend operation until suitable repairs or adjustments can be made.

(3) An entry shall be made in the operating log of the station at the time each visit to the monitoring point is made showing the date and time, the condition of operation noted, and any corrective action taken.

(4) If the transmitting apparatus is installed at a location which is not readily accessible at all hours and in all seasons, means shall be provided for manually turning the transmitting apparatus off at a point which is readily accessible at all hours and in all seasons. The control circuit shall be so designed that failure of the circuit which results in loss of control from the control point will place the transmitter in a non-radiating condition.

(5) The transmitting apparatus and control point shall be protected against tampering by unauthorized persons.

(6) The transmitting apparatus shall be equipped with suitable automatic circuits which will place it in a non-radiating condition in the absence of an incoming signal.

(b) An application for a new television broadcast translator station proposing remote control operation shall be accompanied by a showing as to the manner of compliance with the requirements of paragraph (a) of this section. Any proposal to change an authorized translator from direct operation to remote control operation shall be submitted in the form of an application for modification of existing authorization accompanied by the same showing of compliance.

§ 4.735 Power limitations.

(a) The transmitter power output of a VHF translator shall be limited to a maximum of 1 watt peak visual power. In no event shall the transmitting apparatus be operated with power output in excess of the manufacturers rating.

(b) The transmitter power output of a UHF translator shall be limited to a maximum of 100 watts peak visual power. In no event shall the transmitting apparatus be operated with power output in excess of the manufacturers rating.

(c) No limit is placed upon the effective radiated power which may be obtained by the use of horizontally or vertically directive transmitting antennas.

§ 4.736 Emissions and bandwidth.

(a) The license of a television broadcast translator station authorizes the transmission of the visual signal by amplitude modulation (A5) and the accompanying aural signal by frequency modulation (F3).

(b) Standard width television channels will be assigned and the transmitting apparatus shall be operated so as to limit spurious emissions to the lowest practicable value. Any emissions including intermodulation products and radio frequency harmonics which are

not essential for the transmission of the desired picture and sound information shall be considered to be spurious emissions.

(c) Any emissions appearing on frequencies more than 3 megacycles above or below the upper and lower edges respectively of the assigned channel shall be attenuated no less than 30 decibels below the peak visual carrier power.

(d) Greater attenuation than that specified in paragraph (c) of this section may be required if interference results from emissions outside the assigned channel.

§ 4.737 Antenna location.

(a) An applicant for a new television broadcast translator station or for a change in the facilities of an authorized station shall endeavor to select a site which will provide a line-of-sight transmission path to the entire area intended to be served and at which there is available a suitable signal from the primary station or stations. The transmitting antenna should be placed above growing vegetation and trees lying in the direction of the area intended to be served to minimize the possibility of signal absorption by foliage.

(b) A site within 5 miles of the area intended to be served is to be preferred if the conditions in paragraph (a) of this section can be met.

(c) Consideration should be given to accessibility of the site at all seasons of the year and to the availability of facilities for the maintenance and operation of the television broadcast translator station.

(d) The transmitting antenna should be located as near as is practical to the transmitter to avoid the use of long transmission lines and the associated power losses.

(e) Consideration should be given to the existence of strong radio frequency fields from other transmitters at the translator site and the possibility that such fields may result in the retransmission of signals originating on frequencies other than that of the primary station.

EQUIPMENT

§ 4.750 Equipment and installation.

(a) An application for construction permit for a new television broadcast translator station or for changes in the facilities of an authorized station shall specify equipment which has been type approved by the Commission.

(b) Type approval will be granted only after tests have been made at the Commission's Laboratory, Laurel, Maryland. Manufacturers may submit a production model for type approval and such approval, if granted, will be considered to apply to all identical models manufactured under that type number. No change, either mechanical or electrical, may be made in any type approved apparatus without prior approval of the Commission upon appropriate application therefor. Type approval may be withdrawn at any time if the apparatus fails to meet the requirements under which type approval was granted.

(c) Type approval will be granted only if the apparatus meets the following requirements:

(1) The frequency converter and associated amplifiers shall be so designed that the electrical characteristics of the incoming signal will not be altered significantly upon retransmission except as to frequency and amplitude.

(2) The overall characteristics of the apparatus shall be such that:

(i) Any emissions appearing on frequencies more than 3 megacycles above or below the upper and lower edges, respectively, of the assigned channel shall be attenuated no less than 30 decibels below the peak visual carrier power output.

(ii) This suppression shall be obtained regardless of whether such emissions are generated within the transmitting apparatus or are produced by the introduction of an external signal into the input circuits of the apparatus.

(3) The local oscillator employed in the frequency converter shall be sufficiently stable that, subject to variations in ambient temperature between minus 30 degrees and plus 50 degrees Centigrade and power main voltage variations between 85 percent and 115 percent of the rated supply voltage, its frequency will not vary from the design frequency by more than 0.02 percent.

(4) The overall response of the apparatus when operating at its rated power output, as measured at the output terminals, shall provide a smooth curve varying within limits separated by no more than 4 decibels within the assigned channel; *Provided, however,* That means may be provided to reduce the amplitude of the aural carrier below those limits if necessary to, prevent intermodulation which would mar the quality of the retransmitted picture. The overall response, measured with respect to the peak response within the assigned channel, shall not exceed the following levels:

(i) Zero decibels on frequencies no more than 3 megacycles from the upper and lower edges of the assigned channel.

(ii) Minus 30 decibels on frequencies between 3 and 6 megacycles above or below the upper and lower edges, respectively, of the assigned channel.

(iii) Minus 40 decibels on frequencies more than 6 megacycles above or below the upper and lower edges, respectively, of the assigned channel.

(5) The apparatus shall contain automatic circuits which will maintain the peak visual power output within 2 decibels of the nominal power output when strength of the input signal is varied over a range of 30 decibels and which will not permit the peak visual power output to exceed transmitter power rating under any condition. If a manual adjustment is provided to compensate for different average signal intensities which may be encountered in various locations, provision shall be made for determining the proper setting of the manual adjustment by means of a meter or meter jack to measure direct current or voltage of appropriate circuits in the translator. If improper adjustment of the manual control could result in improper operation of the translator, a

label shall be affixed at the adjustment control bearing a suitable warning.

(6) The apparatus shall be equipped with automatic circuits which will place it in a non-radiating condition when no signal is being received on the input channel, either due to absence of a transmitted signal or failure of the receiving portion of the translator. The automatic circuits may include a time delay feature to prevent interruptions in the translator operation due to signal fading or other momentary failures of the incoming signal.

(7) The tube or tubes employed in the final radio frequency amplifier shall be of the appropriate power rating to provide the rated power output of the translator. The manufacturer shall specify the correct direct current and voltage applied to the plate of the final amplifier tube or tubes to obtain the rated power output. The apparatus shall be equipped with suitable meters or meter jacks so that the values of plate current and voltage can be measured while the apparatus is in operation.

(8) The transmitter shall be equipped with an automatic keying device capable of transmitting the call sign assigned to the station in international Morse code within 5 minutes of the hour and half hour. Transmission of the call sign shall be accomplished either by turning the visual and aural carriers on and off in the proper sequence or by super-imposing an audio frequency tone containing the telegraphic identification on the carrier radiated by the translator. The modulation level of the identifying signal shall not be less than 30 percent of the aural signal.

(9) Wiring, shielding, and construction shall be in accordance with accepted principles of good engineering practice.

(d)(1) Any manufacturer desiring to submit a translator for type approval shall supply the Commission with full specification details (two sworn copies) as well as the test data specified in this section. If this information appears to meet the requirements of the rules, shipping instructions will be issued to the manufacturer. The shipping charges to and from the Laboratory at Laurel, Maryland, shall be paid for by the manufacturer. Approval of a translator will only be given on the basis of the data obtained from a sample translator submitted to the Commission for test.

(2) In approving a translator upon the basis of the tests conducted by the Laboratory, the Commission merely recognizes that the type of translator has the inherent capability of functioning in compliance with the rules, if properly constructed, maintained, and operated.

(3) Additional rules with respect to withdrawal of type approval, modification of type approved equipment, and limitations on the findings upon which type approval is based are set forth in Part 2, Subpart F, of this chapter.

(e) The installation of a television broadcast translator station shall be made only by, or under the direct supervision of, a qualified electronics engineer, and any repairs or adjustments made during or subsequent to the installation,

which could result in improper operation, shall be made by or under the direct supervision of an operator holding a valid first or second class radiotelephone operators license issued by the Commission.

(f) The choice of transmitting and receiving antennas is left to the discretion of the applicant. In general, the transmitting antenna should be designed to provide maximum signal over the area intended to be served and to minimize radiation over other areas, particularly those in which interference could be caused to the reception of other stations. The Commission reserves the right to require the use of suitable directive transmitting antennas in order to permit the assignment of the same channel to two or more television broadcast translator stations located in the same general area. An application for construction permit for a new television broadcast translator station or for changes in the facilities of an authorized station shall supply complete details of the proposed receiving and retransmitting antenna systems, including an accurate plot of the field pattern of the transmitting antenna, if directive. Either vertical, horizontal, or circular polarization may be used.

§ 4.751 Equipment changes.

(a) No change, either mechanical or electrical, may be made in type approved apparatus except upon instructions of the manufacturer of the equipment, based upon Commission approval for the change granted to the manufacturer in accordance with § 4.750(b).

(b) Formal application (FCC Form 346) is required for any of the following changes:

(1) Replacement of the transmitter as a whole, except by one of an identical type.

(2) A change in the transmitting antenna system, including the direction of radiation, directive antenna pattern, or transmission line.

(3) An increase in the overall height of the antenna above ground of more than 20 feet or which will result in an overall height above ground of more than 170 feet.

(4) A change of the control point of a remotely controlled television broadcast translator station or any change in the control circuits.

(5) Any change in the location of the transmitter except a move within the same building or upon the same tower or pole, and any horizontal change in the location of the transmitting antenna in excess of 500 feet.

(6) A change of frequency assignment.

(7) A change of authorized operating power.

(8) A change of the primary TV station being retransmitted.

(c) Other equipment changes not specifically referred to above may be made at the discretion of the licensee, provided that the Engineer in Charge of the radio district in which the television broadcast translator station is located and the Commission's Washington, D.C. office are notified in writing upon completion of such changes, and provided further that the changes are appropri-

ately reflected in the next application for renewal of license of the television broadcast translator station.

TECHNICAL OPERATION

§ 4.761 Frequency tolerance.

The licensee of a television broadcast translator station shall maintain the visual carrier frequency and the aural center frequency at the output of the translator within 0.02 percent of its assigned frequencies when the primary station is operating exactly on its assigned frequency. This tolerance shall not be exceeded, at times when the primary station is not exactly on its assigned frequencies, by more than the amount of departure by the primary station.

§ 4.762 Frequency monitors and measurements.

(a) The licensee of a television broadcast translator station is not required to provide means for measuring the operating frequencies of the transmitter. However, only equipment having the required stability will be approved for use at a television broadcast translator station.

(b) In the event that a television broadcast translator station is found to be operating beyond the frequency tolerance prescribed in § 4.761, the licensee shall promptly suspend operation of the translator and shall not resume operation until the translator has been restored to its assigned frequencies. Adjustment of the frequency determining circuits of a television broadcast translator station shall be made only by a qualified person in accordance with § 4.750(d).

§ 4.763 Time of operation.

(a) A television broadcast translator station is not required to adhere to any regular schedule of operation. However, the licensee of a television translator station is expected to provide a dependable service to the extent that such is within its control and to avoid unwarranted interruptions to the service provided.

(b) If causes beyond the control of the licensee require that a television broadcast translator station remain inoperative for a period in excess of 10 days, the Engineer in Charge of the radio district in which the station is located shall be notified promptly in writing, describing the cause of failure and the steps taken to place the station in operation again, and shall be notified promptly when the operation is resumed.

(c) Failure of a television broadcast translator station to operate for a period of 30 days or more, except for causes beyond the control of the licensee, shall be deemed evidence of discontinuance of operation and the license of the station will be cancelled.

(d) A television broadcast translator station shall not be permitted to radiate during extended periods when signals of the primary station are not being retransmitted.

§ 4.764 Station inspection.

The licensee of a television broadcast translator station shall make the station

and the records, required to be kept by the rules in this subpart, available for inspection by representatives of the Commission.

§ 4.765 Posting of station and operators licenses.

(a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation shall be posted in a conspicuous place in the room in which the transmitter is located so that all terms thereof are visible; *Provided, That*

(1) If the transmitter is operated by remote control pursuant to § 4.734, the station license shall be posted in the above described manner at the control point.

(2) If the transmitter is installed so as to be exposed to the elements and posting of the license would result in its being so exposed, the license or a photo copy thereof may be kept in the possession of the operator in charge of the transmitter. If a photo copy is used, the original license shall be conveniently available for inspection by a representative of the Commission.

(b) The original of each station operator license shall be posted at the place where he is on duty; *Provided, however,* That if the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing that class of station and is there available for inspection by a representative of the Commission, a verification card (Form 758-F) is acceptable in lieu of the posting of such license; *And provided, further, however,* That if the operator in charge holds a restricted radiotelephone operator permit of the card form (as distinguished from the diploma form), he shall not post that permit but shall keep it in his personal possession.

§ 4.766 Operator requirements.

(a) The routine operation of a television broadcast translator station shall be carried on only by a person holding a valid Radiotelephone Operator Permit, or a First or Second Class Radiotelephone Operator license. The operator is not required to continuously supervise the operation of the transmitter but shall observe its operation either at the transmitter or at a monitoring point established pursuant to the provisions of § 4.734 within one hour after the transmitter is placed in operation each day and at intervals of no more than 6 hours during operation.

(b) Any repairs or adjustments to a television broadcast translator station which might result in improper operation of the equipment shall be made only by or under the direct supervision of a person holding a valid First or Second Class Radiotelephone Operator license issued by the Commission.

(c) The licensed operator on duty and in charge of a television broadcast translator station may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of license which he holds and

the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the television broadcast translator station.

§ 4.767 Marking and lighting of antenna structures.

The marking and lighting of antenna structures employed at a television broadcast translator station, where required, will be specified in the authorization issued by the Commission. Part 17 of this chapter sets forth the conditions under which such marking and lighting will be required and the responsibility of the licensee with regard thereto.

§ 4.768 Additional orders.

In cases where the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

§ 4.769 Copies of rules.

The licensee of a television broadcast translator station shall have current copies of Part 3, Part 4, and Part 17 of this chapter available for use by the operator in charge and is expected to be familiar with those rules relating to the operation of a television broadcast translator station. Copies of the Commission's rules may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D.C., at nominal cost.

OPERATION

§ 4.781 Station records.

(a) The licensee of a television broadcast translator station shall maintain an operating log showing the following:

- (1) Hours of operation.
- (2) Call letters, channel, and location of primary station or stations.
- (3) Time of periodic observation required by § 4.731, and operating conditions, signed by the operator making the observation.

(4) A record of all repairs, adjustments, maintenance, tests, and equipment changes, showing the date of such events, the name and qualifications of the person performing the operation, and a brief description of the matter logged.

(b) Where an antenna structure is required to be illuminated, see § 17.38 of this chapter.

(c) The operating log shall be made available, upon request, to any authorized representative of the Commission.

(d) Station records shall be retained for a period of two years.

§ 4.782 [Reserved]

§ 4.783 Station identification.

(a) The call sign of a television broadcast translator station shall be transmitted in international Morse Code, by means of an automatic keying device, at the beginning and end of each period of operation and, during operation, within 5 minutes of the hour and half hour. This transmission may be accomplished either by turning the visual and aural carriers of the translator on and off in

the proper sequence or by superimposing an audio frequency tone containing the telegraphic identification, on the visual and aural carriers radiated by the translator. The modulation level of the identifying signal shall not be less than 30 percent of the aural signal.

(b) The Commission may, in its discretion, specify other methods of identification.

(c) Call signs for television broadcast translator stations will be made up of the initial letter K or W followed by the channel number assigned to the translator and two letters. The use of the initial letter will generally follow the pattern used in the broadcast service, i.e., stations west of the Mississippi River will be assigned an initial letter K and those east of the Mississippi River the letter W. The two letter combinations following the channel number will be assigned in order and requests for the assignment of particular combinations of letters will not be considered.

§ 4.784 Rebroadcasts.

(a) The term "rebroadcast" means the reception by radio of the programs or other signals of a radio or television station and the simultaneous or subsequent retransmission by radio of such programs or signals for direct reception by the general public.

(b) The licensee of a television broadcast translator station shall not rebroadcast the programs of any television broadcast station or other television broadcast translator station without obtaining prior consent of the station whose signals or programs are proposed to be retransmitted. The Commission shall be notified of the call letters of each station rebroadcast and the licensee of the television broadcast translator station shall certify that express authority has been received from the licensee of the station whose programs are retransmitted.

(c) A television broadcast translator station is not authorized to rebroadcast the transmission of any class of station other than a television broadcast, or another television broadcast translator station.

[F.R. Doc. 59-10403; Filed, Dec. 8, 1959; 8:51 a.m.]

[47 CFR Part 21]

[Docket No. 11995; FCC 59-1230]

**DOMESTIC PUBLIC RADIO SERVICES
(OTHER THAN MARITIME MOBILE)**

Third Report and Order

1. On April 9, 1957, the Commission released a notice of proposed rule making in the above-entitled matter. The notice of proposed rule making was published in the FEDERAL REGISTER on April 16, 1957, and the time allowed for filing comments, which was extended to September 17, 1957, and further extended to October 21, 1957 by notices in the FEDERAL REGISTER on June 4, 1957 and October 12, 1957, respectively, has expired. The comments and replies have been carefully considered.

2. The Commission, by its First Report and Order in this proceeding, which was adopted December 11, 1957 and published in the FEDERAL REGISTER on December 19, 1957, deleted §§ 21.501(e), 21.508(b) and 21.508(f) from Part 21 of its rules; amended § 21.501(a) to establish a new Zone X on the frequency pair 35.46-43.46 Mc; amended § 21.501(d) to make available the additional frequencies 35.22 Mc and 43.22 Mc for assignment to base stations rendering one-way signaling service; and added a new § 21.601(e) to implement in Part 21 the provisions made for Domestic Fixed Public Service in Puerto Rico and the Virgin Islands under footnote NG35 to § 2.104(a) of Part 2 of the rules. The aforementioned rule changes and additions were made effective December 13, 1957.

3. On February 12, 1958, the Commission adopted its Second Report and Order in this proceeding, public notice thereof being released by the Commission on February 13, 1958 and published in the FEDERAL REGISTER on February 19, 1958, amending §§ 21.501(b), 21.501(c) and 21.601(a) of Part 21 of its rules so as to increase the number of assignable radio channels in the 152-162 Mc and 450-460 Mc bands by reduction of the channel widths formerly authorized. At that time, because of other interrelated rule-making proceedings, the Commission held in abeyance final action with regard to the disposition to be made of the 455-456 Mc and 460-461 Mc blocks of frequencies which were proposed to be reallocated (Docket No. 11959) from Remote Broadcast Pickup and Citizens Radio Services to the Domestic Public Land Mobile Radio Service for assignment to wireline telephone common carriers. Upon evaluation of the comments filed relative thereto, and after also carefully considering the merits of the American Telephone & Telegraph Company petition (filed April 1, 1958), proposing that the 455-456 Mc and 460-461 Mc blocks of frequencies be made available for common carrier two-way air-ground mobile radiotelephone service, together with the comments and testimony presented relative thereto (Dockets No. 11959, 11995 and 11997) by National Aviation Trades Association, Aeronautical Radio, Inc., AC Spark Plug Division of General Motors Corporation, et al., the Commission concurrently herewith, in connection with its Fifth Memorandum Opinion and Order in Docket No. 11959, has withdrawn its rule-making proposal for reallocation of such frequencies to common carriers. At the same time, the Commission has adopted (1) a second public notice of proposed rule making in Docket No. 11959 wherein it is proposed to allocate such frequencies to other radio services, which are not intended for rendition of communication service for hire, and (2) a new notice of proposed rule making looking to the additional provision of public air-ground communication service on the frequencies in the band 450-460 Mc now allocated for Domestic Public Land Mobile Radio Service by telephone companies. Accordingly, the aforementioned A. T. & T. petition and the com-

ments in support thereof are rendered moot.

4. In view of the foregoing, the aforementioned A. T. & T. petition and the related comments in support thereof, for establishment of public two-way air-ground radiotelephone service in the bands 455-456 Mc and 460-461 Mc, are denied, but without prejudice to such further consideration as the Commission may accord public air-ground communication service in the disposition of the general allocation proceeding pending in Docket No. 11997: *And it is ordered*, Pursuant to the authority contained in sections 4(i), 303(c) and 303(r) of the Communications Act of 1934, as amended, and sections 4(a) and 4(c) of the Administrative Procedure Act, that the proceeding in Docket No. 11995 is terminated effective December 2, 1959.

Adopted: December 2, 1959.

Released: December 4, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-10400; Filed, Dec. 8, 1959; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

CERTAIN TRANSACTIONS BY INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Notice of Proposed Rule Making

On February 10, 1958 (Release No. 4028), the Securities and Exchange Commission announced that it had under consideration a proposed Rule 144 (§ 230.144) which would define the term "transactions by an issuer not involving any public offering" in section 4(1) of the Securities Act of 1933 and the term "distribution" in section 2(11) of the Act as not including certain proposed activities by the International Bank for Reconstruction and Development.

Since publication of notice of the proposal it has become clear that there is no present need for the suggested rule. Consequently, the Commission has determined to discontinue further consideration of it.

By the Commission.

[SEAL] ORVAL L. DUBOIS, Secretary.

NOVEMBER 27, 1959.

[F.R. Doc. 59-10383; Filed, Dec. 8, 1959; 8:48 a.m.]

[17 CFR Part 230]

TRANSACTIONS BY AN ISSUER NOT INVOLVING ANY PUBLIC OFFERING; DEFINITION

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has

under consideration a proposed new rule under the Securities Act of 1933. This rule, which would be designated Rule 155 (§ 230.155), is in the form of a definition of the phrase "transactions by an issuer not involving any public offering" in section 4(1) of the Act. Its purpose is to make clear that a public offering of convertible security, which at that time is immediately convertible into another security of the same issuer (hereinafter referred to as the underlying security), by persons who purchased the convertible security from an issuer in a private placement, or a public offering of the underlying security received by such persons upon conversion of the convertible security, may be subject to the registration provisions of the Securities Act.

In a number of situations the assertion has been made that the holders of a convertible security, purchased in a "private placement," may later sell to the public the convertible security, or the security into which it is convertible, free of the prohibitions of section 5 of the Act because the proposed distribution will not involve a transaction by the issuer or an underwriter or the security to be distributed is "free stock," or the security transaction is otherwise exempt by virtue of the provisions of sections 3(a)(9) or 4(1) of the Act. These views, if followed, may deprive public investors of information necessary to informed investment decisions and may otherwise impair or impede the effectiveness of the Commission's over-all administration and enforcement of the Act. Accordingly, the Commission directed its staff to conduct a comprehensive re-examination and review of all relevant legislative and other statutory materials, prior Commission and staff actions, and the points of view and arguments expressed by the Bar and those engaged in the securities business. As a result of such examination and review, the staff has recommended that the Commission publish for public consideration and comment proposed Rule 155, as set forth below, in order that the Commission may reach a conclusion whether to adopt the proposed rule after consideration of the views of all persons having an interest in the matter. The proposed rule is based upon staff conclusions and recommendations summarized below:

I. It has been generally understood that a conversion is an exchange within the meaning of section 3(a)(9), with the result that the actual transaction of conversion is exempt if the other conditions of the section are satisfied. It is clear, however, that there is nothing in the intrinsic nature of securities issued in a transaction falling within section 3(a)(9) which justifies consideration of such securities as permanently exempt from registration without regard to any other factors.

II. A security which is immediately convertible consists of the convertible security and a right to acquire the underlying security, thus involving a continuous offering by the issuer of the underlying security. A purchaser of the convertible security acquires it and the right and no more. If he offers to sell

the convertible security, he offers to sell the right, thus transferring the issuer's offer of the underlying security, originally limited to the persons to whom the convertible security was initially offered, into an offer to all persons to whom the convertible security is now offered. The issuer's offer of the underlying security terminates upon exercise or expiration of the right. At any one time a person can own only one security or the other; he can never own both. Consequently, it cannot be said that a purchase of the convertible security includes a simultaneous purchase of the underlying security. In the case of a debenture convertible into an equity security, the purchaser remains a creditor until he chooses to become an owner of the equity security; the two interests never merge. The transaction of conversion is an exchange for value and, therefore, a sale under the Securities Act and under accepted commercial practice and understanding.

III. An issuer has a direct, intimate and continuing connection with any offer it is making of a security, whether by virtue of a right, conversion privilege or otherwise, so long as that offer continues. As to the issuer, then, for purposes of section 5 and exemptions therefrom under section 4(1), the entire transaction of offer and sale in the situation under discussion is open and incomplete until the public offering and sale of both securities are completed, or the possibility of a public offering is terminated.

IV. The issuer's right to rely upon the exemptive provisions of section 4(1) must be tested against the economic, financial and legal characteristics of the transaction, with particular reference to the motives and expectations upon the part of both the issuer and the initial purchasers which are a cause and a result of the decision to employ a convertible security in the transaction.

V. An issuer contending that there will be no public offering in the entire transaction assumes a heavy burden of proof. This burden can presumably be carried where the issuer surrounds the transaction with restrictions designed to preclude the possibility that, without registration, the underlying security will be offered to the public, either directly or by virtue of a public offering of the convertible security. It is not sustained simply by obtaining from purchasers assurances that they are acquiring the convertible security with no present intention to distribute that security, or even with no present intention to distribute the underlying security. If the purchaser should state upon acquisition of the convertible security, or if the issuer should understand, that it is the intention of the purchaser to distribute the underlying security directly, or by a public offering of the convertible security, if and when the relation between the market price of that security and the conversion price made it profitable to do so, the issuer could not successfully maintain that no public offering was involved in the entire transaction. In the ordinary case of a private placement of a convertible security, it must be pre-

sented that this will in fact be the intention of the usual purchaser, absent restrictions preventing him from doing so, even though that intention is not expressly stated. Likewise, it must be presumed that the issuer understands that such is the intention of the purchaser. If not, the conversion privilege does not serve its normally intended purpose.

VI. These assumptions lead to the conclusion that the purchaser of a convertible security in a private placement may be a statutory underwriter in a subsequent distribution by him of either security. Assuming that a probable public offering of the underlying security, directly or indirectly by an offering of the convertible security, is inherent in the situation and that the issuer cannot rely on the second clause of section 4(1), this conclusion may be reached upon either of two grounds. The first is that the purchaser is playing an indispensable role in a distribution by an issuer involving a public offering and, therefore, is "offering or selling for" the issuer, despite the absence of an understanding or agreement between them. Alternatively, it could be said that, since the purchaser reasonably contemplated a distribution, directly or indirectly, of the underlying security when he purchased the convertible security (including the conversion right), he has purchased the convertible security with a view to the distribution of a security (the underlying security) and, hence, he may be an underwriter. In view of the wording of section 2(11), it does not appear essential that an underwriter offer or sell the same security that he purchased, if the security is altered or converted in the interim. Thus, if an issuer split its stock, or reclassified it, after acquisition for distribution by an underwriter but before reoffering or resale, the underwriter would still be an underwriter.

VII. These views are consistent with fundamental principles announced in various prior statements of the Commission. One of these principles is that the essential purpose of the first and second clauses of section 4(1) is to draw the line between an isolated transaction or transactions with particular persons on the one hand, and transactions which are in reality part of a distribution of securities. In any attempt to reach a conclusion in this area, the entire transaction and not merely a part of it must be considered. Applying this principle, a transaction having inherent in it the probability that, before its completion, a large block of securities will be distributed to the general public appears to be of such a nature as not to be entitled to exemption under section 4(1).

VIII. This does not mean that registration necessarily, or even properly, should be required at the time when the convertible security is privately placed. There are at least three reasons for not requiring registration at this point: first, there is no present public offering and there may never be one; second, the original sale of the convertible security might be regarded as a preliminary agreement with an underwriter as to

the underlying security; or third, the second clause of section 4(1) might be regarded as available until events demonstrate that a public offering is involved. When, however, the public offering materializes, registration might be necessary. What will be required is to establish arrangements initially for keeping the issuer informed of intended distributions and restraining their consummation until registration has been accomplished.

IX. For purposes of the provisions of sections 2(11), 4(1), and 5 of the Securities Act, the transaction involved in the private placement by an issuer of a convertible security is not completed until the disposition of the underlying security is determined. The scope and purpose of these sections extend to a public offering of such security and registration should be effected prior to any public offering of such security or of the convertible security unless the circumstances of the acquisition and retention of the convertible and of the underlying security are such that the provisions of section 5 do not apply.

The text of Rule 155 (§ 230.155) which is proposed pursuant to section 19(a) of the Act, follows:

§ 230.155 Definition of "Transactions by an issuer not involving any public offering" in section 4(1) for certain transactions.

The phrase "transactions by an issuer not involving any public offering" in section 4(1) of the Act shall not include (a) any public offering of a security, which at that time is immediately convertible into another security of the same issuer by or on behalf of any person or persons who purchased the convertible security directly or indirectly from an issuer as part of a non-public offering of such security, or (b) any public offering by or on behalf of any such person or persons of the other security acquired on conversion of a convertible security, unless the other security was acquired under such circumstances that such person or persons are not underwriters within the meaning of section 2(11).

All interested persons are invited to submit their views and comments on the above rule, in writing, to the Securities and Exchange Commission, Washington 25, D.C., on or before January 15 1960.

By the Commission.

ORVAL L. DuBois,
Secretary.

DECEMBER 2, 1959.

[F.R. Doc. 59-10384; Filed, Dec. 8, 1959; 8:48 a.m.]

I 17 CFR Part 240 I

MANIPULATIVE AND DECEPTIVE DEVICES AND CONTRIVANCES

• Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend

Rule 10b-7 (§ 240.10b-7) under the Securities Exchange Act of 1934 to make it unlawful to effect any stabilizing transaction except for the purpose of facilitating a particular distribution of securities. The rule would continue to prohibit stabilizing to facilitate a distribution at the market.

The term "stabilizing" has generally been accepted to mean the placing of any bid or the effecting of any purchase for the purpose of pegging or fixing the price of a security, or for the purpose of preventing or retarding a decline in the open market price of a security. While the Act specifically prohibits certain types of manipulation, and the Congress recognized stabilization as a form of manipulation, stabilization was not specifically prohibited. The mandate to the Commission under the Act was that the Commission should guard investors and the public from the vicious and unsocial aspects of the practice by such regulation as might be necessary.¹

As is generally known, the Commission has been continually studying the problem of whether and to what extent stabilizing should be prohibited, and in what areas it should be regulated and how. In 1955, after obtaining the written views and comments of interested persons, and after a public hearing on the subject, the Commission adopted its Rules 10b-6, 7 and 8 prohibiting certain manipulative activities and regulating others in connection with the distribution of securities.² Rule 10b-7 regulates stabilizing for the purpose of facilitating a distribution, and prohibits any person from making any stabilizing bid or purchase in connection with a distribution except in compliance with that rule. In general, the rule requires that such purchases be limited to those necessary to prevent or retard a decline in the open market price of the security, that they be made at price levels restricted as provided in the rule, that purchasers be given notice that the market is being stabilized, and that the Commission receive appropriate notice and reports.

The Commission has become aware that certain persons have been effecting open market purchases which are intended to create trading activity, or to affect the price of a particular security, under circumstances which do not relate to or are not intended to facilitate a distribution. For example, there have been situations in which persons who have borrowed substantial amounts of money on loans collateralized by stock, and who, when they find that the collateral is becoming inadequate because of a decline in the price of the stock, purchase the security in the open market to "stabilize" the price of the stock and to maintain the value of their collateral. There have been other situations in which issuers or other persons not contemplating any distribution, but interested in "improving" or "stimulating" or "stabilizing" the existing market for a particular security, undertake to make

open market purchases of the security. Persons bidding for or purchasing a security for the purpose of affecting the price, otherwise than to facilitate a distribution, may contend that their activities constitute stabilization which is not prohibited in the absence of a Commission rule, rather than illegal manipulation.

It has been suggested that bids and open market purchases which are intended to affect the price of a security should be prohibited when they are not necessary to facilitate a particular distribution of securities. It is contended that while stabilizing may be in the public interest when it is done in connection with a distribution, because it facilitates an expeditious and orderly distribution and avoids disruption of the existing market for the security, conditions which are necessary under the American system of public financing, no such reason to justify the activity exists in other cases. The Commission's proposal would prohibit all bids or purchases of a security which are intended to peg, fix or stabilize the price of a security unless such transactions are for the purpose of facilitating a particular distribution of securities.

Rule 10b-7 now provides, in paragraph (o), that the Commission may exempt particular transactions, either unconditionally or on specified terms or conditions, when they do not appear to be manipulative within the purpose of the rule. Persons who can clearly demonstrate that their proposed stabilizing transactions, otherwise than to facilitate a particular distribution, are not manipulative within the purpose of the rule and that such transactions are necessary could still, of course, make written application to the Commission requesting that such transactions be exempted.

The Commission's proposed action would be taken pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 9(a)(6), 10(b) and 23(a) thereof.

It is proposed that the following amendments would be made to the rule (§ 240.10b-7):

1. Paragraph (a) would be amended, as follows:

(a) *Scope of section.* The provisions of this section shall apply to any person who, either alone or with one or more other persons, directly or indirectly, stabilizes the price of any security. It shall constitute a "manipulative or deceptive device or contrivance," as used in section 10(b) of the Act, for any such person, directly or indirectly, by the use of any means or instrumentality of interstate commerce; or of the mails, or of any facility of any national securities exchange, to effect, either alone or with one or more other persons, any stabilizing transaction or series of transactions except in compliance with this section.

2. Paragraph (b) (3) would be amended, as follows:

(3) The terms "stabilize", "stabilizes", "stabilizing" or "stabilized" shall mean the placing of any bid, or the effecting of any purchase, for the purpose of pegging, fixing or stabilizing the price of

any security, or for the purpose of preventing or retarding a decline in the open market price of a security: *Provided, however,* That a bid shall not constitute a stabilizing bid unless or until it is shown in the market.

3. A new paragraph (c), which incorporates the provisions of existing paragraph (g) and adds certain others, would be included, as follows:

(c) *Prohibited stabilizing.* No person shall effect any stabilizing transaction (1) which is not for the purpose of facilitating a particular distribution of securities, or (2) to facilitate any offering at the market.

4. Paragraphs (e), (d), (e), and (f), would be redesignated paragraphs (d), (e), (f), and (g) respectively.

5. Paragraph (1) would be amended, as follows:

(1) *Reporting requirements.* When stabilizing purchases are effected to facilitate a distribution, each person subject to this rule shall file with the Commission the reports and notices required to be filed by Rule 17a-2 (§ 240.17a-2).

All interested persons are invited to submit views and comments on the proposal in writing to Orval L. DuBois, Secretary, Securities and Exchange Commission, Washington 25, D.C., on or before January 15, 1960.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

NOVEMBER 30, 1959.

[F.R. Doc. 59-10381; Filed, Dec. 8, 1959; 8:48 a.m.]

[17 CFR Part 250]

EXEMPTION OF CERTAIN REGISTERED HOLDING COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission is considering adopting a new Rule 14 (§ 250.14), under the Public Utility Holding Company Act of 1935 exempting certain registered holding companies from the obligations, duties and liabilities imposed upon them as registered holding companies with respect to the issue, sale or acquisition of shares of common stock of which they are the issuers.

The proposal to adopt Rule 14 is made pursuant to the provisions of sections 3(a) and 20(a) of the Public Utility Holding Company Act of 1935.

Section 3(a) of the Act provides that

The Commission, by rules and regulations upon its own motion, or by order upon application, shall exempt any holding company, * * * from any provision or provisions of this title, unless and except insofar as it finds the exemption detrimental to the public interest or the interest of investors or consumers, if—

* * * * *

(5) such holding company is not, and derives no material part of its income, directly or indirectly, from any one or more subsidiary companies which are, a company or

¹ See Sen. Rep. No. 1455, 73d. Cong. 2d Sess. pp. 54 and 55 and Securities Exchange Act Release No. 2446 (1940).

² See Securities Exchange Act Release No. 5194.

companies the principal business of which within the United States is that of a public-utility company.

The proposed rule would unconditionally exempt every registered holding company (1) as to which there is pending an application for an order of exemption under section 3(a)(5) of the Act, and (2) which is permitted to conduct an investment program by an order of the Commission which has become final entered in connection with the conversion of such company into an investment company in compliance with section 11 of the Act, from all the obligations, duties and liabilities imposed upon it by the Act as a registered holding company, with respect to the issue, sale or acquisition of shares of common stock of which it is the issuer, provided that the company so exempted, in effecting any such issue, sale or acquisition, shall conform to the requirements of the Investment Company Act of 1940.

Heretofore certain registered holding companies, have, with Commission approval, converted into investment companies, and there is presently one registered holding company, in the process of converting into an investment company to comply with section 11 of the Act, which has no domestic public-utility

subsidiaries and which is conducting an investment program permitted by order of the Commission which has become final. The Commission believes that it is consistent with the protection of the public interest and the interest of investors or consumers that such a registered holding company, during the interim period while it is converting into an investment company, be relieved of the obligations of a registered holding company with respect to the issue, sale or acquisition of shares of common stock of which it is the issuer, provided that it be required to conform to the requirements of the Investment Company Act of 1940 with respect to any such issue, sale or acquisition which would apply if the conversion of such company had been completed at the time of any such transaction.

The text of the proposed rule would read as follows:

§ 250.14 Exemption of certain registered holding companies converting into investment companies with respect to issue, sale or acquisition of shares of common stock of which they are the issuers.

Any registered holding company as to which there is pending an application for an order of exemption under section

3(a)(5) of the Act, and which is permitted to conduct an investment program by an order of the Commission which has become final, entered in connection with the conversion of such company into an investment company in compliance with section 11 of the Act, shall be exempt from all obligations, duties and liabilities imposed by the Act, or any rule promulgated thereunder, on such company as a registered holding company, with respect to the issue, sale or acquisition of shares of common stock of which it is the issuer; provided that such company, in effecting any such issue, sale or acquisition, shall conform to the requirements of the Investment Company Act of 1940.

All interested persons are hereby invited to submit views and comments on the proposed rule. Such views and comments should be submitted to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C., on or before December 15, 1959.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

DECEMBER 1, 1959.

[F.R. Doc. 59-10382; Filed, Dec. 8, 1959; 8:48 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Order 150-49]

INTERNAL REVENUE DISTRICT, MANHATTAN

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950, Reorganization Plan No. 1 of 1952, section 7621 of the Internal Revenue Code of 1954, as amended, and Executive Order 10289, approved September 17, 1951, made applicable to the Internal Revenue Code of 1954 by Executive Order 10574, approved November 5, 1954, it is hereby ordered:

1. *Internal Revenue Districts of Lower Manhattan and Upper Manhattan, and district directors' offices thereof abolished.* The Internal Revenue District, Lower Manhattan, and Internal Revenue District, Upper Manhattan, and the office of district director of each such district are abolished.

2. *Internal Revenue District, Manhattan, and office of district director thereof established.* An internal revenue district to be known as Internal Revenue District, Manhattan, which shall include the area within the boundaries of the internal revenue districts named in paragraph 1 as they existed immediately prior to the effective date of this order, and an office of District Director, Manhattan, are established in the New York City Region for all purposes authorized

by the internal revenue laws of the United States.

3. *Effective date.* This order shall be effective January 1, 1960.

Dated: November 25, 1959.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F.R. Doc. 59-10398; Filed, Dec. 8, 1959; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

BAKELY DISTRIBUTORS, LTD., ET AL.

Order Denying Export Privileges

In the matter of Bakely Distributors Limited, H. Martyn Snow, I. K. Arnold, 105 Coleherne Court, London S.W. 5, England, Case No. 264; respondents.

Bakely Distributors Limited, H. Martyn Snow, and I. K. Arnold, all of London, England, the respondents herein, were charged by the Director, Investigation Staff, Bureau of Foreign Commerce of the United States Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, they engaged in conduct which induced the exportation of goods from the United States and later transhipped such goods to Communist China, contrary to the regulations and the authorizations under which the goods had been exported from the United States. They answered the charging let-

ter, admitting the substance of the charges but citing various factors in alleged mitigation.

In accordance with the practice, the case was referred to the Compliance Commissioner, who has reported that the evidence supports findings of violation and has recommended that the respondents be denied export privileges so long as export controls remain in effect.

Now, after considering the entire record consisting of the charges, the evidence submitted in support thereof, the answers and other evidence submitted by respondents, and the Report and Recommendation of the Compliance Commissioner, I hereby make the following findings of fact.

1. At all times hereinafter mentioned, respondent Bakely Distributors Limited was a corporation engaged in import and export business in London, England, respondent H. Martyn Snow was its senior director, and respondent I. K. Arnold was also a director.

2. The respondents, prior to their purchase and the exportation from the United States of the goods hereinafter mentioned, had entered into contracts for the sale and delivery thereof to a firm in Shanghai, China.

3. Respondents knew that the Export Control Regulations of the United States did not permit the exportation of goods from the United States to Communist China.

4. Having such knowledge, they caused to be ordered from one American exporter a microtome knife sharpener,

valued* at \$258.25 delivered, and from another American supplier a quantity of metal gauges, valued at \$614 and, in connection with such purchases, they represented and caused to be represented to the American suppliers that the port of destination for the said sharpener and metal gauges was Gdynia, Poland.

5. In their correspondence with each of the suppliers concerning the transactions, respondents at no time disclosed to either of them that they were purchasing the goods for transshipment to Communist China and, by this silence and their designation of Gdynia, Poland, as the port of destination, caused the suppliers to believe that the goods were being purchased by them to be delivered to Poland as the ultimate destination.

6. In compliance with the orders given on behalf of the respondents, the suppliers exported the said metal gauges and microtome knife sharpener from the United States to Gdynia, Poland, under the General License applicable thereto and related shipper's export declarations authorizing the delivery thereof to Poland as the country of ultimate destination.

7. In accordance with the contracts which the respondents had with their purchaser in Communist China, they caused the said microtome knife sharpener and metal gauges to be transshipped to Shanghai in Communist China, following arrival at Gdynia, Poland.

And from the foregoing, I have concluded (a) that in violation of § 381.5 of the Export Control Regulations, respondents concealed a material fact and made false and misleading representations for the purpose of effecting exportations from the United States, and that the same resulted in the authorizations of the exportations involved herein by the Bureau of Foreign Commerce and by Collectors of Customs at the ports of New York and San Francisco; and (b) that respondents diverted and transshipped the goods involved herein from Gdynia, Poland, to Shanghai, China, contrary to prior representations made by them as to the ultimate destination of the goods and the regulations governing the exportation of goods under the General License to which resort was had, in violation of § 381.6 of the Export Control Regulations.

In his report the Compliance Commissioner said in part:

This is another of those cases where an English firm, actively engaged in Communist Chinese trade, arranges with another firm, frequently in a foreign country such as Holland, for the purchase of goods under representations or appearances that the goods are intended for an approvable destination, and then causes the goods to be transshipped to Communist China. A somewhat similar, but not identical, case was that involving London Export Corporation Ltd., which also arranged with a Dutch firm for the purchase by that firm of goods to be shipped in the first instance to Holland, and then transshipped the goods to Communist China. (22 F.R. 3765, May 29, 1957.) In that case, the Dutch firm knew that the goods were intended for Communist China and delivered the documents to London Export, which then directed the transshipment. In

this case, the respondents were actively engaged in the Communist Chinese trade and, in fact, respondent Arnold, while a director or officer of M. Newmark & Company Ltd., also of London, England, had been fully informed about United States Export Regulations during the course of an investigation of a transshipment of boric acid to Communist China. (21 F.R. 1941, March 29, 1956; 21 F.R. 2851, May 1, 1956.) In this case, respondents also used a Dutch firm to do the actual purchasing of both consignments but, not as in London Export, there is no evidence that they informed the Dutch intermediary, or that the Dutch intermediary had any reason to believe, that Communist China and not Poland was the true ultimate destination for both shipments.

Respondents have been candid with the Department of Commerce as to what transpired herein in that, following the detection of the transshipments, they disclosed many relevant facts in responses to interrogatories submitted by the Bureau's Investigation Staff. Similarly, in acknowledging receipt of the charging letter, they conceded the charges therein made and offered no denial, except that they had assumed that an exportation pursuant to General License was freed of all restrictions and was not subject to any controls. Considering the respondents' activity in the Communist Chinese trade, respondent Arnold's prior experience with an investigation concerned with unauthorized transshipments to Communist China, and the manner in which the respondents couched their correspondence with the suppliers, I am convinced that they were in fact aware that the General License involved herein was not an absolute, unconditional license authorizing transshipment anywhere in the world but, on the contrary, permitted shipment only under particular circumstances or to particular destinations explicitly set forth in the regulations, without requiring an exporter to make prior application for a specific license or what is more often called a "validated license." Even if respondents had not had the prior experience and knowledge which I have concluded they did have, the obvious meaning of the word, "license," in the combination words, "General License," is that it is a permission or authorization to do something which is otherwise prohibited. This imposes on anyone undertaking to avail himself of such a license the duty to ascertain whether what is intended to be done is, in fact, authorized thereby. All the correspondence in this case makes clear that the General License, pursuant to which the respondents were seeking to have the goods exported and did have them exported, was a General License authorizing the exportation of the goods involved to Poland and not to Communist China. Such consideration as normally might be given to the frankness and co-operation of the respondents in providing the Bureau of Foreign Commerce with facts involved in these violations and to their protestations that in the future they will not engage in transactions which might involve contraventions of the Export Control Regulations, may not, under the circumstances of this case, be accorded to them. Section 382.1 of the Regulations provides for the denial of export privileges to persons, who violate the regulations. In this case, there does not appear to be any evidence which would persuade me to recommend that there be any mitigation of that sanction. It is therefore my recommendation that the respondents be denied export privileges so long as export controls are in effect.

Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. Henceforth, and so long as export controls shall be in effect, the said respondents, their agents, servants, and employees, be, and they hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated license, or resorting to a procedure permitted by any General License, or the utilization of any export control document, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

III. Without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, shall, on behalf of or in any association with any respondent, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity or (b) order, receive, buy, use, sell, dispose of, finance, transport, or forward any commodity heretofore or hereafter exported from the United States. Nor shall any person do any of the foregoing acts with respect to any such commodity or exportation in which any respondent may have any interest of any kind or nature.

Dated: November 13, 1959.

FRANK W. SHEAFFER,
Acting Director,
Office of Export Supply.

[F.R. Doc. 59-10357; Filed, Dec. 8, 1959;
8:45 a.m.]

Office of the Secretary
CONTINUITY OF SERVICES IN AND
FOR ALASKA

Delegation of Authority

1. Pursuant to authority vested in the Secretary of Commerce by law and by

NOTICES

delegation from the Director, Bureau of the Budget, the Federal Highway Administrator is hereby authorized to exercise the authority of the Secretary of Commerce to continue to perform the following services in and for Alaska under the provisions of section 44(b) of the Alaska Omnibus Act (Public Law 86-70):

Maintenance of small airfields; maintenance or construction of access roads and bridges not on any Federal-aid highway system; services and repairs to vehicles, equipment, and facilities where no commercial services are available; snow removal; building maintenance and alterations; and providing utilities (electric energy, water, and heating) for housing at isolated installations.

2. The authorization set forth herein is subject to the conditions that (1) services shall be performed only to the extent that the same were performed on or before June 30, 1959, (2) the period during which such services are performed pursuant to this authorization shall not extend beyond June 30, 1964, and (3) appropriate reimbursement shall be made by the State of Alaska for the cost of performing such services, out of State funds, without allocation or use of funds authorized by section 44(a) of the Alaska Omnibus Act.

3. The authority herein delegated may be redelegated to any officer or employee of the Bureau of Public Roads.

Dated: December 2, 1959.

FREDERICK H. MÜELLER,
Secretary of Commerce.

[F.R. Doc. 59-10393; Filed, Dec. 8, 1959;
8:50 a.m.]

EDMUND W. DUGAN

Statement of Changes in Financial Interests

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

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

This statement is made as of December 1, 1959.

EDMUND W. DUGAN.

DECEMBER 1, 1959.

[F.R. Doc. 59-10394; Filed, Dec. 8, 1959;
8:50 a.m.]

KEVIN G. SHEA

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 of the last six months.

- A. Deletions: None.
B. Additions: Wheeling Steel Corp.

This statement is made as of November 14, 1959.

KEVIN G. SHEA.

NOVEMBER 25, 1959.

[F.R. Doc. 59-10395; Filed, Dec. 8, 1959;
8:50 a.m.]

FEDERAL COMMUNICATIONS
COMMISSION

[Docket No. 12544]

BAY AREA ELECTRONIC
ASSOCIATES

Order Scheduling Hearing

In re application of John F. Egan and Robert Sherman, d/b as Bay Area Electronic Associates, Santa Rosa, California, Docket No. 12544, File No. BP-11319; for construction permit.

Pursuant to agreement of counsel: *It is ordered*, This 3d day of December 1959, that a further hearing in the above-entitled proceeding will be held at the offices of the Commission in Washington, D.C., on December 28, 1959, at 10 a.m.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-10404; Filed, Dec. 8, 1959;
8:51 a.m.]

[Docket No. 9401, etc.; FCC 59M-1634]

CANNON SYSTEM, LTD. (KIEV) ET AL.

Order Scheduling Prehearing
Conference

In re applications of Cannon System, Ltd. (KIEV), Glendale, California, Docket No. 9401, File No. BP-7260; Robert D. Lamb and Charles R. Dooley, d/b as Southland Communications Co., Anaheim, California, Docket No. 12641, File No. BP-10725; Donald C. McBain, Howard G. Hoegsted, George W. Irwin and Arthur B. Baling, d/b as Upland Broadcasting Company, Upland, California, Docket No. 12645, File No. BP-11942; Robert Burdette & Associates, Inc., West Covina, California, Docket No. 12689, File No. BP-12471; for construction permits.

Pursuant to the Commission's Memorandum Opinion and Order of November 18, 1959, which reopened the record and enlarged the issues in this proceeding: *It is ordered*, This 3d day of December 1959, that a pre-hearing conference will be held at 10:00 a.m., December 18, 1959, at the offices of the Commission, looking toward further hearing.

Released: December 3, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-10405; Filed, Dec. 8, 1959;
8:51 a.m.]

[Docket No. 13274; FCC 59M-1642]

WOOD BROADCASTING, INC.
(WOOD-TV)

Order Scheduling Hearing

In re application of Wood Broadcasting, Inc. (WOOD-TV), Grand Rapids, Michigan, Docket No. 13274; File No. BFCT-2673; for construction permit to change existing facilities.

It is ordered, This 3d day of December 1959, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 11, 1960, in Washington, D.C.

Released: December 4, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-10406; Filed, Dec. 8, 1959;
8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 459]

CALIFORNIA

Small Tract Classification;
Amendment

NOVEMBER 30, 1959.

Effective immediately, Federal Register Document 55-8788 appearing on pages 8201 and 8202 of the issue for November 1, 1955, is hereby amended to the following extent:

1. Under paragraph 1 the "Small Tract Act of June 1, 1936" should read "Small Tract Act of June 1, 1938."

2. The following described land listed under paragraph 1 is revoked from the classification order since it has been determined to be patented land:

T. 26 S., R. 34 E., M.D.M.,
Sec. 2, N½N½.

ROLLA E. CHANDLER,
Officer-in-charge, Southern
Field Group, Los Angeles, California.

[F.R. Doc. 59-10380; Filed, Dec. 8, 1959;
8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18840]

BERNARD HAYS ET AL.

Notice of Application and Date of
Hearing

DECEMBER 3, 1959.

Take notice that on June 24, 1959, Bernard Hays, et al. (Applicant) filed an application in Docket No. G-18840, pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon the sale of natural gas to Hope Natural Gas Company (Hope) from certain acreage in the Center District, Gilmer County, West Virginia, all as more fully set forth in the application which

is on file with the Commission and open to public inspection.

The subject sales are covered by a gas sales contract dated March 11, 1954, between Applicant, as seller, and Hope, as buyer, on file with the Commission as Bernard R. Hays, et al., FPC Gas Rate Schedule No. 3. Concurrently with this application, Applicant filed a notice of cancellation of its related FPC Gas Rate schedule, which notice has been accepted for filing and designated as Supplement No. 1 to Bernard R. Hays, et al., FPC Gas Rate Schedule No. 3.

Applicant was authorized on July 13, 1955, in Docket No. G-5652 to render the service to Hope, herein proposed to be abandoned, under its gas sales contract of March 11, 1954.

On May 1, 1958, Applicant and Hope entered into a formal agreement to terminate said contract.

Applicant states that the volume of gas available for delivery under this contract has declined to the point where it is no longer economically feasible to continue the operation.

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 January 5, 1960 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by 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 December 24, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-10368; Filed, Dec. 8, 1959; 8:46 a.m.]

[Docket No. G-4896]

LEACH LEASE

Notice of Date of Hearing

DECEMBER 3, 1959.

Take notice that, pursuant to the authority conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commis-

sion's rules of practice and procedure, a hearing will be held on December 22, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the application of Leach Lease, H. L. Smith, Agent, in the above-entitled proceeding: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceeding pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure.

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

The application herein was duly noticed in consolidation with, in the Matters of W. H. Mosser and Son, et al., Docket No. G-4354, et al., by publication in the FEDERAL REGISTER on March 2, 1956 (21 F.R. 1406-7).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-10369; Filed, Dec. 8, 1959; 8:46 a.m.]

[Docket Nos. G-13652, G-18143]

TALLYHO OIL CO.¹ AND MOHAWK GAS AND OIL PRODUCERS²

Notice of Applications and Date of Hearing

DECEMBER 3, 1959.

Take notice that on November 5, 1957, Tallyho Oil Company (Tallyho) filed in Docket No. G-13652 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Tallyho to sell natural gas to Hope Natural Gas Company (Hope) from the Guy M. Kincheloe, et ux., Lease located in Union District, Wood County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

This sale was covered under a gas sales contract dated October 3, 1957, between Tallyho, as seller, and Hope, as buyer, which is on file with the Commission as Tallyho Oil Company FPC Gas Rate Schedule No. 1.

Take further notice that on March 24, 1959, Mohawk Gas and Oil Producers (Mohawk) filed in Docket No. G-18143 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Mohawk to continue the sale of gas involved in the aforesaid Docket No. G-13652, all as more fully set forth

¹ A mining partnership composed of A. R. Kelly and Arthur S. Moats.

² A partnership composed of Andrew Allison, Frank Cashier, Stephen M. Jankowski, Margaret K. Macfarlane, Francis Mulroy, Mathew F. Patulski, Robert C. Tyo, and Edwin O. Waters.

in the application which is on file with the Commission and open to public inspection.

By instrument dated January 10, 1959, the Guy M. Kincheloe, et ux., Lease was assigned by Tallyho to Mohawk. Concurrently with its application, Mohawk filed a notice of succession to Tallyho Oil Company FPC Gas Rate Schedule No. 1 with the above-mentioned assignment. Said notice and assignment were accepted by the Commission and Tallyho's Rate Schedule was redesignated as Margaret K. Macfarlane, et al., d/b/a Mohawk Gas and Oil Producers FPC Gas Rate Schedule No. 1; the assignment was designated as Supplement No. 1 thereto.

The production facilities involved in this sale include customary lease equipment and approximately one mile of 2-inch field line connecting the well with Hope's existing line in Union District.

These related matters should be heard on a consolidated record and 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 January 5, 1960 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *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 Applicants 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 December 24, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-10370; Filed, Dec. 8, 1959; 8:46 a.m.]

[Docket No. G-18369, G-18511]

ZAPATA OFF-SHORE CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Postponement of Hearing

DECEMBER 2, 1959.

Take notice that the hearing in the above-designated matters recessed on December 1, 1959, by the Presiding Ex-

aminer to be resumed on December 9, 1959, is further postponed to a date to be hereafter fixed by further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-10372; Filed, Dec. 8, 1959;
8:47 a.m.]

[Docket No. G-20218]

TEXAS GAS CORP.

Order for Hearing, Suspending Proposed Change in Rate, and Allowing Increased Rate To Become Effective Upon Filing of Motion and Undertaking To Assure Refund of Excess Charges

DECEMBER 2, 1959.

Texas Gas Corporation (Texas Gas) on November 2, 1959, tendered for filing Supplement No. 12 to its FPC Gas Rate Schedule No. 1, proposing an increase in rate of 0.1336 cent from 14.0203 cents to 14.1539 cents per Mcf for gathered gas sold to Texas Eastern Transmission Corporation (Texas Eastern). The proposed increased rate reflects the incidence of the Texas Severance Beneficiary Tax of 1½ percent of the wellhead value of the gas and reimbursement by buyer to seller of ⅓ths of such tax. Texas Gas requests that the 30-day notice requirement be waived to permit the tax increase to be effective retroactively as of September 1, 1959, the date seller became liable for such tax.

Texas Gas purchases the subject gas from various producers in Texas, gathers it through its gathering system, and resells the gas to Texas Eastern. The tax clause in the contract embodied in Texas Gas' FPC Gas Rate Schedule No. 1 provides that buyer shall reimburse seller for ⅓ths of any sales, occupation, or severance tax or taxes of a similar nature in addition to or greater than those being levied on February 28, 1950.

The Commission is advised that litigation is being instituted to challenge the constitutionality of the Texas Severance Beneficiary Tax. In consideration of this fact, and in order to assure appropriate refund in the event said tax should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be sus-

pending and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Texas Gas' proposed increased rate be made effective as hereinafter provided and that Texas Gas be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Texas Gas' FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, Supplement No. 12 to Texas Gas' FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof deferred until December 4, 1959, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, classification, and service set forth in the above-designated filing shall be effective as of December 4, 1959: *Provided, however*, That, within 20 days from the date of this order, Texas Gas shall file a motion as required by section 4(e) of the Natural Gas Act and concurrently execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Texas Gas shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the Texas Severance Beneficiary Tax is for any reason held to be invalid. Should said tax eventually be held invalid and the State of Texas make refund, with interest, of the tax monies collected pursuant to said tax, then, and in that event, a proportionate part of the interest so received by Texas Gas herein shall be passed on and paid to the persons entitled thereto at such times, and in such amounts, and in such manner as may be required by final order of the Commission. Texas Gas shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath to the Commission quarterly or monthly if Texas Gas so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers

and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance hereof, Texas Gas shall concurrently execute and file (original and three (3) copies) with the Secretary of the Commission its motion to make the rate effective and its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of Texas Gas Corporation To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order for Hearing, Suspending Proposed Change in Rate, and Allowing Increased Rate To Become Effective Upon Filing of Motion and Undertaking To Assure Refund of Excess Charges

In conformity with the requirements of the order issued (Date), in Docket No. G-20218, Texas Gas Corporation hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this _____ day of _____ 1959.

TEXAS GAS CORPORATION

By _____

Attest:

(Secretary)

Unless Texas Gas is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Texas Gas shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged, otherwise it shall remain in full force and effect.

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

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

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-10371; Filed, Dec. 8, 1959;
8:47 a.m.]

¹ Stowell, Big Hill and Fannett Fields, Jefferson County, Texas; E. Mayes, S. Mayes, Stowell, and E. Jackson Pasture Fields, Chambers County, Texas; and N. Port Neches and W. Port Neches Fields, Orange County, Texas (Railroad Commission District No. 3).

ATOMIC ENERGY COMMISSION

[Docket No. 50-1]

ARMOUR RESEARCH FOUNDATION OF ILLINOIS INSTITUTE OF TECHNOLOGY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 1, set forth below, to License No. R-3, as amended, authorizing Armour Research Foundation of Illinois Institute of Technology to conduct certain test operations to determine the cause of abnormal temperatures in the upper core of the facility. The Commission has found that conduct of the test operations in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the test operations would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment.

Requests for formal hearing should be addressed to the Secretary at the AEC's offices at Germantown, Maryland, or to the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. For further details, see (1) Reactor Operations Reports Nos. 9 and 10 submitted by Armour Research Foundation of Illinois Institute of Technology, and (2) a hazards analysis of the test operations prepared by the Hazards Evaluation Branch, Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 3d day of December 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of
Licensing and Regulation.

[License No. R-3, as amended; Amdt. 1]

1. License No. R-3, as amended, is hereby amended to authorize Armour Research Foundation of Illinois Institute of Technology (hereinafter referred to as "Armour Research Foundation") to conduct the test operations proposed in Reactor Operations Report No. 10 submitted by Armour Re-

search Foundation to determine the cause of abnormal temperatures in the upper core of the facility in accordance with the procedures described therein and in compliance with the conditions contained in paragraph 4 of License No. R-3, as amended.

2. Paragraph 4a. of License No. R-3, as amended, is amended to read as follows:

4a. Armour Research Foundation shall not operate the facility at power levels in excess of 50 kilowatts until Armour Research Foundation has submitted data to substantiate the safety of operation at higher power levels and the Commission has authorized such operation by further amendment to this license.

Date of issuance: December 3, 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director,
Division of Licensing and Regulation.

[F.R. Doc. 59-10355; Filed, Dec. 8, 1959; 8:45 a.m.]

[Docket No. 50-147]

NORTH AMERICAN AVIATION, INC.

Notice of Proposed Issuance of Construction Permit

Please take notice that the Atomic Energy Commission proposes to issue to North American Aviation, Incorporated, a construction permit substantially as set forth below unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). Such request should be addressed to the Secretary at the AEC's Office in Germantown, Maryland or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. For further details see (1) the application submitted by North American Aviation, Incorporated and amendment thereto, and (2) a hazards analysis by the Hazards Evaluation Branch, Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 1st day of December 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of
Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

1. By application dated August 18, 1959, and amendment thereto dated September 11, 1959 (hereinafter together referred to as "the application") North American Aviation, Incorporated, requested a Class 104 license defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, authorizing construction and operation at its site in Ventura County, California, of a separable-half type critical experiments facility (hereinafter referred to as "the facility") for the purpose of investigating the characteristics and nuclear

properties of epithermal neutron energy systems.

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") has found that:

A. The facility will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities";

B. The facility will be useful in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act");

C. North American Aviation, Incorporated, is financially qualified to construct and operate the facility in accordance with the regulations contained in Title 10, Chapter I, CFR, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time;

D. North American Aviation, Incorporated, is technically qualified to design and construct the facility;

E. North American Aviation, Incorporated, has submitted sufficient information to provide reasonable assurance that a facility of the general type proposed can be constructed and operated at the proposal location without undue risk to the health and safety of the public, and that omitted information necessary to complete the application will be supplied; and

F. The issuance of a construction permit to North American Aviation, Incorporated, will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to North American Aviation, Incorporated, to construct the facility in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the facility is May 1, 1960. The latest date for completion of the facility is August 31, 1960. The term "completion date", as used herein, means the date on which construction of the facility is completed except for the introduction of the fuel material; and

B. The facility shall be constructed and located at the location in Ventura County, California, specified in the application.

4. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless North American Aviation, Incorporated, has submitted to the Commission, by amendment of the application, descriptions of the procedures for handling the fuel and irradiated materials, for monitoring the areas in which fuel will be handled, and for maintaining any restricted areas, both inside and outside the facility building, and additional information on instrumentation of the facility and the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the facility in accordance with the specified procedures.

5. Upon completion (as defined in Paragraph 3A. above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of the additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed in conformity with the ap-

plication as amended and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of good cause shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to North American Aviation, Incorporated, pursuant to section 104c of the Act, which license shall expire twenty years after the date of this construction permit.

For the Atomic Energy Commission.

[F.R. Doc. 59-10356; Filed, Dec. 8, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1259]

CENTENNIAL FUND, INC.

Notice of Filing of Application

DECEMBER 1, 1959.

Notice is hereby given that Centennial Fund, Inc., a Delaware corporation which has registered as an open-end investment company under the Investment Company Act ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act proposed transaction hereinafter described.

Applicant, a newly formed company not yet in active operations, has filed registration statements under the Securities Act of 1933 which have not as yet become effective. Since the proposed transactions are the basic organizational transactions, the Applicant will not commence active business operations until this application is disposed of. The proposed transactions involve escrow agreements among the Centennial Management and Research Corporation ("Manager"), manager for the Applicant, a bank and certain persons referred to as the "Depositors." The escrow agreements provide a procedure for accumulating \$10,000,000 or more in cash or securities in escrow to be exchanged for the shares of an open-end investment company in a simultaneous tax-free exchange.

Deposits under the escrow agreements must have a value of at least \$25,000 and will be held for the individual accounts of the depositors during the escrow period. The escrow agreements provide that if \$10,000,000 or more in cash or securities, has been raised by March 1, 1960, the Manager will report this fact to all Depositors and supply each with a full description of the proposed portfolio. The Depositors will then have a period of 30 days to determine whether to participate in the planned exchange or to withdraw all or any part of their assets. During the 30-day withdrawal period, the Depositors will be supplied with a full statement of the identity, tax cost and current market value of all assets then in escrow for the account of all Depositors. During this same 30-day period, and for an additional 30 days after this period the Manager will have the right to re-

quire any Depositor to withdraw all or any part of his assets from the escrow. At the close of these two periods, the exchange of Applicant's shares for assets in escrow will be carried out. If the \$10,000,000 cash or securities has not been placed in escrow by March 1, 1960, all deposited assets will be returned to the Depositors.

Immediately after the exchange, all of the shares of Applicant will be owned by the Depositors, who will represent in writing that they have acquired them for investment and not for further distribution. The deposited assets will be valued at current market value, and shares of the Applicant will be issued to each Depositor on the basis of the per share net asset value of the Applicant's shares. Since the exchange will be tax free to the Depositor, for tax purposes Centennial will have the same cost basis as the Depositors for the securities acquired from them. No discount for unrealized gains will be applied against the assets offered for Applicant's shares in the exchange. The first Depositors will not be subject to any sales charge in the proposed transactions, but before the exchange takes place, Applicant may amend its registration statement to provide for a scale of sales charges to be applied against subsequent deposits in escrow. As a condition to the requested exemptive order, Applicant has agreed that it will not offer additional shares to the public for cash after the exchange takes place (except for shares issued upon reinvestment of dividends or distributions), until it obtains a further order of the Commission permitting such sales.

Section 17(a) of the Act, with certain exceptions, prohibits the sale of property to a registered investment company by the promoter or by an affiliated person of an affiliated person of such company. Since the Depositors by virtue of their function in causing the organization of Applicant could be considered "promoters", and because certain of the Depositors are or will be shareholders of the investment adviser of the Applicant, holding sufficient shares to affiliates of an affiliated person of Applicant, the transactions described above would be prohibited under section 17(a) of the Act unless the Commission grants an exemption pursuant to section 6(c) of the Act.

In support of the application Applicant states that the proposed transactions are designed for investors whose portfolios are large and of good quality, but who feel that they are prevented from diversifying because of what they consider to be the excessive tax cost of selling appreciated assets. All Depositors will purchase shares of Applicant with full knowledge of the proposed portfolio and there will be no other shareholders to protect except the Depositors, who will be a relatively small group of large and knowledgeable investors. Applicant further maintains that the proposed transactions will be beneficial in that they make it possible for Applicant to begin its operations as a strong, going concern with a portfolio large enough to be reasonably well di-

versified at the beginning of its operation. Further, it is stated that the size of the initial portfolio will enable the Applicant to secure adequate investment supervision and management from the outset of operations. Applicant also contends that the initial unit cost of operation will be substantially lower as a result of skipping a period of gradual growth. The obtaining of a portfolio without brokerage commission is another advantage which is cited.

Applicant admits that there will undoubtedly be significant unrealized gains in the securities taken into the portfolio of the Applicant in the proposed tax-free exchange, and that the degree of such gains applicable to the portfolio acquired from each Depositor will vary, but it points out that, since the tax-free nature of the exchange and its relationship to capital appreciation is the dominant feature in the whole arrangement, it will not be overlooked or misunderstood by any of the Depositors before they decide to enter into the proposed transactions.

Under section 17(b) of the Act the Commission shall grant an exemption from the prohibitions of section 17(a) if it finds that the terms of the proposed transactions are reasonable and fair and will not involve overreaching on the part of any person concerned; that the proposed transactions are consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the Act, and with the general purposes of the Act.

Since the proposed transactions which would be exempted by the requested order are not related to specific transactions but relate to a class of transactions as described in the application and summarized above, Applicant has requested that the Commission grant an exemption under section 6(c) of the Act. Section 6(c) of the Act authorizes the Commission, by order upon application, to exempt, conditionally or unconditionally, any transaction or any class of transactions from any provisions of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 11, 1959 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained

in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-10385; Filed, Dec. 8, 1959;
8:49 a.m.]

[File No. 812-1256]

INSTITUTIONAL SHARES, LTD.

Notice of Filing of Application

DECEMBER 1, 1959.

Notice is hereby given that Institutional Shares, Ltd. ("Institutional"), a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of shares of Institutional Growth Fund class of voting stock of Institutional ("Growth Shares") for substantially all of the cash and securities of C.S.B. Inc. ("CSB").

Shares of Institutional, a Delaware corporation, are offered to the public on a continuance basis at net asset value plus varying sales charges dependent on the amount purchased. As of August 31, 1959, the net assets of Institutional Growth Fund amounted to \$88,792,990 and 7,530,620 shares of its stock were outstanding.

CSB, a Maryland corporation, is a personal holding company with two stockholders which engages in the business of investing and reinvesting its funds. CSB is exempt from registration under the Act by reason of the provisions of section 3(c) (1) thereof. Pursuant to an Agreement and Plan of Reorganization between Institutional and CSB, substantially all of the cash and securities owned by CSB, with a total value of approximately \$424,204 as of August 31, 1959, will be transferred to Institutional in exchange for Growth Shares. The shares acquired by CSB are to be distributed immediately to its shareholders, who have agreed to take such shares for investment. The number of Growth Shares to be delivered to CSB will be determined by dividing the net asset value per Growth Share in effect at the close of business on the day next preceding the closing date into the value of the CSB assets to be exchanged.

The value of the assets of CSB will be determined in substantially the same manner as used for calculating net asset value for the purpose of issuance of Growth Shares, except that from the value of CSB's assets there may be deducted an adjustment designed to protect Institutional's shareholders from possible adverse tax consequences of the exchange. Since the exchange will be tax free for CSB and its shareholders, Institutional's cost basis for tax purposes on the assets acquired from CSB will be the same as for CSB, rather than the price actually paid by Institutional for

the assets. In view of this, if the percentage of the value of CSB's assets representing unrealized appreciation is greater than the percentage of value of Institutional Growth Fund's portfolio securities representing unrealized appreciation, there will be deducted from the value of CSB's assets 12½ percent of the amount of such excess unrealized appreciation. This adjustment is intended to safeguard the present shareholders of Institutional from bearing a greater capital gains tax on any subsequent sale by Institutional of the CSB securities than they would bear on the sale of the securities presently in the Institutional Growth Fund's portfolio.

The application states that since the average capital gains tax rate that would have to be paid by Institutional's shareholders cannot be exactly calculated the figure of 12½ percent used for the adjustment was arrived at as a fair compromise between 0 and the maximum long-term capital gains tax of 25 percent.

As of August 31, 1959 the net unrealized appreciation on the CSB securities amounted to approximately \$40,000, or 9.04 percent of their value, as compared with net unrealized appreciation of \$9,719,643 or 10.9 percent of Institutional Growth Fund's portfolio securities. Assuming the exchange had taken place on August 31, 1959 there would have been no tax adjustment made because CSB's percentage of unrealized appreciation was less than Institutional Growth Fund's percentage of unrealized appreciation. The CSB shareholders would have received approximately 36,000 Growth Shares, representing about 0.5 percent of the total shares outstanding.

The application recites that the terms of the entire transaction were arrived at through arm's-length bargaining between officers of Institutional and CSB. The application further states that there is no affiliation or relationship of any kind between the officers and directors of Institutional and the officers, directors and stockholders of CSB.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of Institutional are to be issued to CSB at a price other than the public offering price stated in the prospectus, which lists a sales charge of 1½ percent for sales of \$250,000 and over.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 14, 1959 at 5:30 p.m., submit to

the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-10386; Filed, Dec. 8, 1959;
8:49 a.m.]

[File No. 37-7]

NEW ENGLAND POWER SERVICE CO.

Notice of Proposed Modifications in Organization and Conduct of Business of Subsidiary Service Company

DECEMBER 2, 1959.

New England Power Service Company ("Service Company"), a subsidiary service company which is wholly-owned by New England Electric System ("NEES"), a registered holding company, has filed a declaration and amendments thereto with this Commission pursuant to section 13 of the Public Utility Holding Company Act of 1935 ("Act") and rule 88 promulgated thereunder regarding proposed modifications in the organization and conduct of its business.

All interested persons are referred to said amended declaration which is on file in the Headquarters Office of the Commission for a statement of the proposals which are summarized below.

Service Company performs technical, construction, and other services at cost for all companies in the NEES holding-company system. It was qualified as a subsidiary service company under the Act by an order of this Commission dated July 31, 1936 (New England Power Service Co., 1 SEC 615). Following a show-cause order by the Commission and a resulting extensive reorganization of Service Company and system servicing arrangements, the Commission's authorization was continued as to the reorganized company by an order dated November 21, 1941 (New England Power Service Co. et al., 10 SEC 562).

Among the changes effected by the 1941 reorganization were (1) the transfer of all system policy making personnel (44 officers and employees) from the payroll of Service Company to the payrolls of the system holding companies, (2) the elimination of the interlocking of Service Company's officers, directors, and

employees with those of the then holding companies and operating companies being rendered service, and (3) the transfer by Service Company of 177 of its employees to the payrolls of operating subsidiaries. The objectives of this reorganization of Service Company and of the servicing arrangements of the holding-company system were, among others, (1) to make Service Company purely a service company chiefly interested in performing technical services for operating subsidiaries of the system at their request, (2) to place upon the holding companies' payrolls sufficient personnel to perform services of primary benefit to the parent companies, including all system policy making and supervisory functions, and (3) to transfer from Service Company to the operating subsidiaries functions which such subsidiaries were capable of performing for themselves.

The following changes proposed by Service Company in its current filing would reverse the 1941 reorganization in certain important respects:

1. The directors of Service Company in choosing its officers and NEES, as the sole stockholder of Service Company, in choosing the directors of Service Company, are to be free to make selections regardless of whether these result in interlocking positions between Service Company, NEES, and/or system operating companies.

2. Officers and employees of Service Company who have been, or at the time are, also officers or employees of NEES will be paid by Service Company. Such payments and related expenses will then be charged to the associate companies, including NEES, benefiting from their services in accordance with a method of allocation which is summarized below.

The declaration states, in support of the proposed changes, (a) that the cost of management is a recognized part of the cost of utility service and that the operating companies should bear the reasonable costs thereof and (b) that elimination of duplicate management personnel within the holding-company system will be facilitated thereby.

Under the proposal, the entire payroll of NEES, consisting of 8 officers and 12 employees, and related expenses, which together aggregate \$500,000 per annum, will be transferred to Service Company. System officials estimate that of this total of \$600,000, from \$350,000 to \$425,000 would be chargeable to operating subsidiaries as a result of the proposed changes. The maximum amount, \$425,000, is equivalent to 0.25 percent of the consolidated annual gross operating revenues of the system. Of the total annual expenses of approximately \$900,000 now being borne by NEES, NEES would continue to pay aggregate corporate expenses, including charges for services rendered by Service Company, ranging from \$475,000 to \$550,000 per annum. Officials also expect resulting annual savings in the system's consolidated expenses of at least \$90,000 within a reasonable period of time as a consequence of the elimination of duplicate management personnel. It is represented that the proposed changes in the

servicing arrangements for the NEES system will not of themselves be the basis for seeking an increase in the rates charged by any of the operating subsidiaries and that only a very small portion of the proposed additional service charges to operating subsidiaries will be chargeable by such subsidiaries to their respective plant investment accounts.

Service Company proposes to charge for the additional services rendered by billing in accordance with the cost allocation formula set forth in Service Company's amended declaration which was approved by the Commission in its order dated November 21, 1941. Under this formula, charges for services rendered to associate companies are on the basis of the actual cost of rendering services. Billings of such cost are based on direct costs identified as to the type of charge either from invoices, time sheets, or other source material. Wherever possible, direct charges to individual companies are made. Where such direct charges are not practicable, charges are made to groups of associate companies or to all associate companies of the NEES holding-company system through special distribution and apportionment accounts and methods based on such factors as numbers of meters, numbers of employees, weighted gross operating revenues, and similar bases.

Service Company estimates that over 50 percent of the total salary costs and related expenses of the eight officers and twelve employees of NEES proposed to be transferred to the payroll of the Service Company will be charged for services rendered to associate companies upon specific requests or upon annual requests for continuing and recurring services. A further portion of such total costs and related expenses will be charged to various groups of associate companies for services rendered to such companies on a group basis. The balance of such costs and related expenses will be charged to departmental overhead and then charged out to associate companies and groups of such companies on the basis of a percentage of the direct charges thereto. The aggregate of the charges to each group of associate companies would in turn be distributed among the member companies upon the basis of weighted gross operating revenues.

If the Commission allows the proposed changes set forth above, Service Company will supply the Commission, during a trial period of eighteen months following such changes, quarterly reports showing the distribution of charges that are made by each of the persons on Service Company's payroll who were, or also remain as, officers of NEES or their assistants. In addition, Service Company will supply, within 45 days after the end of the first full 12 months following such changes, a report in such detail as will enable the Commission to fully appraise the results of the proposed changes during said 12 months. Service Company will also supply during the trial period such further information as the Commission may request in order that it may be fully advised as to whether or not Service Company's organization

and conduct of business meet the requirements of section 13(b) of the Act and the rules and regulations thereunder and as to whether or not its expenses are fairly and equitably allocated among the members of the NEES holding-company system. Service Company requests that at or prior to the end of said eighteen-month trial period the Commission make such approval permanent or take such other action as may then be appropriate.

Notice is further given that any interested State, State commission, municipality or other subdivision of a State, or person may, not later than December 21, 1959, at 5:30 p.m., request in writing that a hearing be held on such matters. Any such request shall state the nature of the party's interest, the reasons for such request, and the issues of fact or law raised by said filing which are desired to be controverted. A request may also be made for notice should the Commission order a hearing. Requests should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the Commission may enter an order authorizing the proposed changes in Service Company's organization and conduct of business as requested, or the Commission may take such other action as it deems appropriate.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-10387; Filed, Dec. 8, 1959;
8:49 a.m.]

[File No. 812-1264]

**ROYAL AMERICAN CORP. AND
MADISON SQUARE GARDEN CORP.**

**Notice of Filing of Application for
Order Exempting Transactions Be-
tween Affiliates**

DECEMBER 1, 1959.

Notice is hereby given that Royal American Corporation ("Royal") and Madison Square Garden Corporation ("Garden"), both affiliates of Graham-Paige Corporation ("Graham"), a closed-end, non-diversified management investment company, have filed an application pursuant to the provisions of section 17 (b) of the Investment Company Act of 1940 ("Act") for an order exempting from the prohibitions of section 17(a) of the Act proposed purchase by Garden from Royal of 130,250 shares of capital stock of Garden.

Subject to receipt of the order of exemption hereby applied for, Garden proposes to buy from Royal 130,250 shares of the capital stock of Garden at \$20 per share.

Graham owns 63 percent or 2,425,395 shares of the capital stock of Royal, and 58.1 percent or 489,000 shares of the capital stock of Garden; Royal owns 26.6 percent or 130,250 shares of the capital stock of Garden.

The price at which it is proposed that Garden will purchase its capital stock from Royal is \$20 per share, which is the same price at which Garden pur-

chased 73,600 shares of its capital stock on October 2, 1959 and October 7, 1959 from two of its ten largest stockholders. The sole consideration for such sales was said purchase price of \$20 per share. The same price of \$20 per share was the price at which Garden and Graham, by an invitation for tenders dated October 9, 1959, invited all stockholders of Garden, other than Graham and Royal, to tender for purchase by Graham and/or Garden an unlimited number of shares of the capital stock of Garden. The total number of shares tendered for purchase pursuant to such invitation was 66,041, of which 65,383 have been purchased by Graham at \$20 per share, the balance having been accepted for purchase by Graham subject to the satisfaction of certain formal requirements.

It is recited that the purposes of the proposed transaction are as follows:

The proposed transaction enables Royal to participate, to the same extent as all other stockholders of Garden, in the offer by Graham and Garden to purchase all shares of Garden tendered to them at \$20 per share;

Assuming the completion of the purchase by Graham of a relatively small number of additional shares of capital stock of Garden (including shares tendered pursuant to the above described invitation for tenders which have been accepted for purchase by Graham subject to the satisfaction of certain formal requirements) the transaction will also increase to over 80 percent Graham's direct ownership of the outstanding capital stock of Garden, thereby permitting the filing by Graham and Garden of consolidated Federal income tax returns. Inasmuch as Graham currently has an annual cost of operations of approximately \$400,000 per year in excess of its income (other than income from dividends and capital gains), very substantial tax savings will accrue to Garden as a result of the filing of such returns;

The transaction, if and when completed, will then enable Graham and Garden to consider a merger of the two corporations on a basis which should permit the resulting corporation to record the assets of Garden for Federal income tax purposes at an amount proportionately equivalent to Graham's investment in the capital stock of Garden. Such a stepped up basis, which will not otherwise be possible in any merger of Graham and Garden, would result in substantial additional tax benefits to the resulting corporation and its stockholders.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company or any affiliated person of such a person, from selling to or purchasing from such registered investment company or person controlled by such investment company, any securities or property, subject to certain exceptions not pertinent here. The Commission upon application pursuant to section 17(b) may grant an exemption from the provisions of section 17(a) if it finds that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any

person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than December 14, 1959, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-10388; Filed, Dec. 8, 1959;
8:49 a.m.]

U.S. STUDY COMMISSION, SOUTH-EAST RIVER BASINS

STATEMENT OF ORGANIZATION AND FUNCTIONS

Creation and purpose. The U.S. Study Commission, Southeast River Basins, was created by Public Law 85-850, approved August 28, 1958, and is an independent Federal Agency charged with preparing a comprehensive and coordinated plan for the conservation, utilization and development of the land and water resources of the Savannah, Altamaha, Saint Marys, Apalachicola-Chattoohocsee, and Perdido-Escambia River Basins (and intervening areas) in the States of South Carolina, Georgia, Florida, and Alabama. The scope of its study will include all general benefits present and future, which are realizable from land and water resources.

Organization and authority. The Commission is composed of eleven members, appointed by the President, December 16, 1958, as follows: A Chairman; a member from each of the States of Alabama, Florida, Georgia, and South Carolina; and a member from each of the principal land and water Federal agencies, viz., Army; Commerce; Health, Education and Welfare; Agriculture; and the Federal Power Commission. The Commission is directly responsible for all policy aspects and, within the policies established by the Commission, the Chairman is vested with responsibility for appointment and supervision of personnel, distribution of business, and use and expenditure of funds. The Commis-

sion is assisted by a small, but highly specialized, professional staff. Requests for information concerning the Commission and its activities may be directed to the U.S. Study Commission, Southeast River Basins, Walton Building, P.O. Box 953, Atlanta 1, Georgia.

JAMES W. WOODRUFF, Jr.,
Chairman.

[F.R. Doc. 59-10389; Filed, Dec. 8, 1959;
8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

December 1959 Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, as well as herein, the commodities listed below are available for sale on the price basis set forth.

Linseed oil is an addition to the list for December. Nonfat dry milk has been dropped from the list of commodities available for sale because all stocks have been sold or committed. Interest rates per annum under the CCC Export Credit Sales Program are down ¼ of 1 percent from November.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for export sale under the CCC Export Credit Sales Program. The following commodities are currently eligible for barter: Cotton, tobacco, rice (milled), wheat, corn, barley, sorghum grain, and soybeans. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales program for December 1959 are 5½ percent for periods up to six months, 5¾ percent for periods from over six and up to 18 months, and 6½ percent for periods from over 18 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of

credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Commodity Stabilization Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated CSS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the CSS office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered promptly upon appearance by public notice issued by the appropriate CSS office and therefore generally they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with

only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas.

Commodity	Sales price or method of sale
Dairy products	All sales are under LD-29 and amendments. All sales are in carlots only. Domestic prices: For unrestricted use price is "in store" at storage locations of products. Export prices are on the basis of delivery f.a.s. vessel or at buyers option f.o.b. cars point of export. If delivery is to be "in store" CCC will convert to "in store" price as provided in LD-29. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office. Domestic, unrestricted use: 38.0 cents per pound for New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic and Pacific and Gulf of Mexico. All other States 37.0 cents per pound. Export, unrestricted use: 31.87 cents per pound.
Cheddar Cheese: Cheddars, flats, twins, rindless blocks (Standard moisture basis).	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcement ON-A (Sales by local sales agencies of choice (A) cotton for unrestricted use), Announcement NO-C-12 (Sale of 1958 and prior crop cotton for unrestricted use), and Announcement NO-C-13 (Sale of 1959-crop choice (A) cotton for unrestricted use). Under ON-A, cotton to be sold at highest price offered but in no event at less than 110 percent of the applicable choice (B) support price plus carrying charges. Under NO-C-12 and NO-C-13, cotton in CCC's catalogs to be sold at highest price offered but in no event at less than the higher of (1) the market price as determined by CCC or (2) 110 percent of the applicable choice (B) support price plus carrying charges.
Cotton, upland	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcements NO-C-5 as amended and NO-C-10 as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Catalogs for upland cotton (except cotton offered under ON-A) and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office. Catalogs or lists of cotton offered under ON-A may be obtained from local sales agencies.
Cotton, extra long staple	Domestic, unrestricted use: Commercial wheat-producing area: Market price basis in store but not less than the 1959 applicable loan rates plus (1) 21 cents per bushel if received by truck or (2) 16 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Examples of the foregoing minimum price per bushel (exrail or barge): Chicago, No. 1 RW \$2.23 Minneapolis, No. 1 DNS 2.35 Kansas City, No. 1 HW 2.23 Portland, No. 1 SW 2.19 Noncommercial wheat-producing area: Same basis as in commercial area except 133 percent of applicable support rate. Export (as wheat): Under Announcement GR-261 revised, as amended, for application under arrangements for barter and approved credit sales only at prices determined daily, and under Announcement GR-212 revised, amended, for specific offerings as announced. Disposals under Payment-in-Kind Program under Announcement GR-345. Available Evanston, Dallas, Kansas City, Minneapolis and Portland CSS Commodity Offices.
Wheat, bulk	Domestic, unrestricted use: Market price, basis in store, ² but not less than the 1959 applicable loan rate plus (1) a markup of 12 cents per bushel for corn in storage at point of production or (2) a markup of 14 cents per bushel and the rail freight from point of production to the present point of storage for corn in storage at other than the point of production. Examples of the foregoing minimum price per bushel for No. 2 yellow corn, 13.3 percent moisture and 1.4 percent foreign material including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis, respectively: Chicago \$1.4614 Minneapolis 1.2914 Non-storable corn, unrestricted use, (as available): At other than bin sites, through the offices indicated below. At bin sites, through ASO County Offices. Export: Under Announcement GR-212, revised, amended, for application to arrangements for barter and approved credit and emergency sales, and under Announcement GR-363 for Feed Grain Payment-in-Kind Program. Available Evanston, Dallas, Kansas City, Minneapolis and Portland CSS Commodity Offices.
Corn, bulk	Domestic, unrestricted use: Market price, basis in store, ² but not less than the 1959 applicable loan rate, plus (1) a markup of 11 cents per bushel for oats in storage at point of production and (2) a markup of 13 cents per bushel and the rail freight from point of production to present point of storage for oats in storage at other than the point of production. Examples of the foregoing minimum price per bushel including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis respectively: Chicago, No. 3 oats \$0.7114 Minneapolis, No. 3 oats6214 Export: Under Announcement GR-212, revised, amended, for application to approved credit and emergency sales and under Announcement GR-363 for Feed Grain Payment-in-Kind Program. Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices.
Oats, bulk	Domestic, unrestricted use: Market price basis in store but not less than the 1959 applicable loan rates plus (1) 14 cents per bushel if received by truck or (2) 11 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 2 or better \$1.11 Export: Under Announcement GR-212, revised, amended, for application to arrangements for barter and approved credit and emergency sales, and under Announcement GR-363 for Feed Grain Payment-in-Kind Program. Available Minneapolis, Evanston, Kansas City, Portland and Dallas CSS Commodity Offices.
Barley, bulk	Domestic, unrestricted use: Market price basis in store but not less than the 1959 applicable loan rates plus (1) 17 cents per bushel if received by truck or (2) 12 cents per bushel if received by rail or barge.
Rye, bulk	Domestic, unrestricted use: Market price basis in store but not less than the 1959 applicable loan rates plus (1) 17 cents per bushel if received by truck or (2) 12 cents per bushel if received by rail or barge.

See footnotes at end of table.

Commodity	Sales price or method of sale														
Rye, bulk—Continued	If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 2 or better..... \$1.25 Export: Under Announcement GR-212 revised, amended, for application to approved credit and emergency sales, and under Announcement GR-368 for Feed Grain Payment-in-Kind Program. Available Minneapolis, Evanston, Portland, Dallas and Kansas City CSS Commodity Offices.														
Grain sorghums, bulk	Domestic, unrestricted use: Market price basis in store but not less than the 1959 applicable loan rates plus (1) 30 cents per hundredweight if received by truck or (2) 21 cents per hundredweight if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per hundredweight (exrail or barge): Kansas City, No. 2 or better..... \$2.11 Export: Under Announcement GR-212, revised, amended, for application to arrangements for barter and approved credit and emergency sales, and under Announcement GR-368 for Feed Grain Payment-in-Kind Program. Available Evanston, Dallas, Kansas City, Minneapolis and Portland CSS Commodity Offices.														
Rice, milled (as available)	Domestic, unrestricted use: Market price but not less than equivalent 1959 loan rate for rough rice by varieties and grades plus 5 percent, adjusted for milling, plus 24 cents per hundredweight basis in store. Prices and quantities available by varieties and grades may be obtained from Dallas CSS Commodity Office. Example of minimum prices of milled rice per hundredweight at mills:														
	<table border="1"> <thead> <tr> <th></th> <th>U.S. No. 3</th> <th>U.S. No. 4</th> </tr> </thead> <tbody> <tr> <td>Blue Bonnet</td> <td>9.28</td> <td>8.57</td> </tr> <tr> <td>Century Patna</td> <td>8.53</td> <td>7.90</td> </tr> </tbody> </table>		U.S. No. 3	U.S. No. 4	Blue Bonnet	9.28	8.57	Century Patna	8.53	7.90					
	U.S. No. 3	U.S. No. 4													
Blue Bonnet	9.28	8.57													
Century Patna	8.53	7.90													
	Export: Under GR-379 for application to arrangements for barter and approved credit sales. Prices and quantities available by varieties and grades may be obtained from Dallas CSS Commodity Office.														
Rice, rough	Domestic, unrestricted use: Market price but not less than the 1959 loan rate plus 5 percent, plus 25 cents per hundredweight, basis in store. Export: As milled or brown under Announcement GR-369, Rice Export Program Payment-in-Kind, and under GR-379 for approved credit sales. Prices, quantities, and varieties of rough rice available from Dallas CSS Commodity Office.														
Soybeans, bulk 1957 and 1958 crop (as available)	Domestic for crushing or export: Market price basis in store but not less than the 1959 basic loan rate for No. 2 grade, basis point of storage, plus 20 cents per bushel, plus the value of billing, if any, as determined by the CSS Commodity Office. Market discounts for quality factors will be applied to the basic price to determine the actual sales prices. Sales for application under arrangements for barter will be made under GR-212, revised and amended, f.o.b. vessel at Great Lakes ports or delivered port elsewhere. Sales prices will be the same as to other buyers plus an adjustment for transportation and other charges required to place the soybeans at the export delivery point. Available Dallas, Evanston, Kansas City and Minneapolis CSS Commodity Offices.														
Peanuts, shelled (as available)	Domestic, unrestricted use: Market price but not less than the following minimum prices:														
	<table border="1"> <thead> <tr> <th></th> <th>Cents per pound</th> </tr> </thead> <tbody> <tr> <td>Virginias:</td> <td></td> </tr> <tr> <td> Extra large</td> <td>22.9</td> </tr> <tr> <td> Mediums</td> <td>20.9</td> </tr> <tr> <td> No. 1's</td> <td>19.1</td> </tr> <tr> <td> Spanish, No. 1's</td> <td>19.15</td> </tr> <tr> <td> S.E. Runners, No. 1's</td> <td>17.90</td> </tr> </tbody> </table>		Cents per pound	Virginias:		Extra large	22.9	Mediums	20.9	No. 1's	19.1	Spanish, No. 1's	19.15	S.E. Runners, No. 1's	17.90
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	DOMESTIC FOR CRUSHING OR EXPORT: Competitive bid under CCC Peanut Announcement 1, as amended.														
Peanuts, farmers stock (as available)	Domestic for crushing or export: Competitive bid under Announcement 1, as amended. Available Dallas CSS Commodity Office.														
Linseed oil	Domestic or export, unrestricted use: Competitive bid on limited quantities as announced from time to time by the Cincinnati CSS Commodity Office														
Tung oil	Export: Competitive bid under Announcement DL-OP-10 by Dallas CSS Commodity Office.														
Gum rosin	Domestic, unrestricted use: Offer and acceptance basis, in galvanized metal drums (approximating 517 pounds net) in the stated quantities and on the designated storage yards, subject to the terms and conditions of Announcement TB-21-59 and supplements thereto which will be issued periodically during the month. Available through the American Turpentine Farmers Association Cooperative, Valdosta, Georgia. Export: Competitive bids for rosin in storage subject to Announcement TB-21-59 and weekly supplements thereto.														

mission's general rules of practice (49 CFR 1.40) including special rules (49 CFR 1.241) 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 unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1827 (Sub No. 33), filed September 28, 1959. Applicant: K. W. MCKEE, INCORPORATED, 2811 Highway 55, St. Paul 18, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Trucks, in initial movements, by truckaway and driveaway methods, from St. Paul, Minn., to points in Colorado and Wyoming; (2) Damaged, defective, rejected, or returned shipments of automobiles and trucks, in secondary movements, by truckaway and driveaway methods, from points in Arizona, Nevada, New Mexico, Oregon, and Texas, to St. Paul, Minn.; and (3) Damaged, defective, rejected, or returned shipments of trucks, in secondary movements, by truckaway and driveaway methods, from points in Colorado and Wyoming to St. Paul, Minn. Applicant is authorized to conduct operations in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Wisconsin, and Wyoming.

NOTE: Applicant states that operations are limited to a transportation service performed under a contract with the Ford Motor Company.

HEARING: January 18, 1960, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 2153 (Sub No. 26), filed November 6, 1959. Applicant: MIDWEST MOTOR EXPRESS, INC., 1205 Front Avenue, Bismarck, N. Dak. Applicant's attorney: F. J. Smith, Suite 200, Professional Building, Bismarck, N. Dak. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Clay products, in truckload lots of not less than 30,000 lbs., from points in North Dakota located west of the Missouri River, to points in North Dakota, South Dakota, Wisconsin, Montana, Wyoming, Minnesota, and Nebraska, and refused or rejected shipments, and empty containers or other such incidental facilities used in transporting clay products, on return. Applicant is authorized to conduct operations in Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

HEARING: February 1, 1960, in the North Dakota Public Service Commis-

¹ At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.

² In those counties in which grain is stored in CCC bin sites delivery will be made f.o.b. buyer's conveyance at bin sites without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Issued: December 3, 1959.

FOREST W. BEALL,
Acting Executive Vice President,
Commodity Credit Corporation.

INTERSTATE COMMERCE COMMISSION

[Notice 299]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 4, 1959.

[F.R. Doc. 59-10376; Filed, Dec. 8, 1959; 8:47 a.m.]

The following publications are governed by the Interstate Commerce Com-

sion, Bismarck, N. Dak., before Examiner Leo A. Riegel.

No. MC 2202 (Sub No. 177), filed September 14, 1959. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over an alternate route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Decatur, Ala., and Huntsville, Ala., from Decatur over Alternate U.S. Highway 72 to Huntsville, and return over the same route for operating convenience only, in connection with applicant's authorized regular route operations between Nashville, Tenn., and Birmingham, Ala., and between Athens, Ala., and Huntsville, Ala. Applicant is authorized to conduct operations in Alabama, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Common control may be involved.

HEARING: February 2, 1960, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 100, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 2253 (Sub No. 20), filed October 28, 1959. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, Box 707, Cherryville, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat*, fresh, frozen and cured, from Orangeburg, S.C., to Harrisburg, Pa. Applicant is authorized to conduct operations in Connecticut, Florida, Georgia, Massachusetts, Maryland, North Carolina, New York, New Jersey, Pennsylvania, Rhode Island, South Carolina, Virginia, and the District of Columbia.

HEARING: January 15, 1960, at the Charlotte Hotel, Charlotte, N.C., before Examiner Robert A. Joyner.

No. MC 11207 (Sub No. 198), filed October 12, 1959. Applicant: DEATON TRUCK LINE, INC., 3409 10th Avenue, North, Birmingham, Ala. Applicant's attorney: John W. Cooper, 818-821 Massey Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, namely, iron and steel, in bulk, from points in Florida, Arkansas, Kentucky, North Carolina, South Carolina, Georgia, Louisiana, and Mississippi, to all points in Alabama. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

HEARING: January 27, 1960, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Robert A. Joyner.

No. MC 26396 (Sub No. 14), filed March 30, 1959. Applicant: STAR TRANSFER COMPANY, a corporation, 1024 Second Avenue, North Billings, Mont. Applicant's attorney: J. F. Meglen, 204-205 Behner Building, 2822 Third Avenue North, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* and *dry fertilizer compound*, in bulk, and in bags and packages, from Anaconda plant at Anaconda, Mont., (1) to points in Idaho except points in Owyhee, Idaho, and Valley Counties, Idaho; (2) to points in Bowman, Adams, Slope, Hettinger, Stark, Golden Valley, Billings, Dunn, McKenzie, McLean, Mountrail, Williams, Divide, and Burke Counties, N. Dak.; (3) to points in Box Elder, Cache, Carbon, Duchesne, Emery, Morgan, Salt Lake, Sanpete, Sevier, Uintah, Utah, and Weber Counties, Utah; and (4) to points in Wyoming; and *contaminated or rejected shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations in Montana, Wyoming, and Idaho.

HEARING: January 11, 1960, at the Commercial Club, Billings, Mont., before Examiner Lawrence Van Dyke.

No. MC 26396 (Sub No. 16), filed April 6, 1959. Applicant: STAR TRANSFER COMPANY, a corporation, 1024 Second Avenue North, Billings, Mont. Applicant's attorney: J. F. Meglen, 2822 Third Avenue North, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk and in bags and containers, from Georgetown, Idaho, to points in Montana, North Dakota, South Dakota, and Wyoming, and *contaminated and rejected shipments* of dry fertilizer on return. Applicant is authorized to conduct operations in Idaho, Montana, and Wyoming.

NOTE: Applicant states the above movements are to be used in connection with its present operating authority.

HEARING: January 12, 1960, at the Commercial Club, Billings, Mont., before Examiner Lawrence Van Dyke.

No. MC 26396 (Sub No. 20), filed October 15, 1959. Applicant: STAR TRANSFER COMPANY, a corporation, 1024 Second Avenue North, Billings, Mont. Applicant's attorney: J. F. Meglen, 2822 Third Avenue North, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Culvert pipe*, corrugated, coated, set up or knocked down, from Billings, Mont., to points in Wyoming on and north of U.S. Highway 26, those in North Dakota on and west of U.S. Highway 83, and those in South Dakota on and west of U.S. Highway 83 from the North Dakota State line to the Missouri River, then points west of the Missouri River to the Nebraska State line; (2) *cement*, in bulk and bags, from Trident, Mont., to points in Lemhi, Custer, Butte, Clark, Fremont, Jefferson, Madison, Teton, Bonneville, Caribou, Bannock, Power, Bearlake, Bingham, Cassia, Twin Falls, Jerome, Gooding, Lincoln, Blaine, Oneida, Franklin, and Minidoka Counties, Idaho, those in Teton, Lincoln, Sublette, Fremont, Hot

Springs, Washakie, Johnson, Sheridan Counties, and Yellowstone Park, Wyo., and those in North Dakota on and west of U.S. Highway 83; (3) *barite*, from Don, Idaho, to points in Montana; (4) *sulfuric acid*, from Riverton, Wyo., to points in Montana, and *rejected shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Montana and Wyoming.

HEARING: January 14, 1960, at the Commercial Club, Billings, Mont., before Examiner Lawrence Van Dyke.

No. MC 29886 (Sub No. 159), filed October 26, 1959. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes transporting: *Prefabricated structures and component parts* of prefabricated structures, and, when shipped with the foregoing commodities, *materials and supplies*, necessary for their erection, from Huntington Park, Calif., to points in the United States, including Alaska and the District of Columbia. Applicant is authorized to conduct operations throughout the United States.

HEARING: January 18, 1960, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 42487 (Sub No. 422), filed October 9, 1959. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2118 Northwest Savier Street, Portland, Ore. Applicant's attorney: Ronald E. Poelman, Consolidated Freightways, Inc., 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, other than those requiring special handling because of weight or size, and commodities injurious or contaminating to other lading, from Hamilton, N. Dak., over U.S. Highway 81 to Pembina, N. Dak., for joinder purposes, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's regular route operations between Fargo, N. Dak., and the International Boundary Line between the United States and Canada. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Common control may be involved.

HEARING: February 2, 1960, in the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Leo A. Riegel.

No. MC 42487 (Sub No. 425), filed October 26, 1959. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2118 Northwest Savier Street, Portland, Ore. Applicant's attorney: Ronald E. Poelman, 175 Linfield Drive, Menlo Park,

Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic Soda*, from East Pasco, Wash., to points in Wyoming. Applicant is authorized to conduct operations in Nevada, Colorado, Illinois, Indiana, Iowa, Michigan, Nebraska, New Mexico, South Dakota, Arizona, Wisconsin, Wyoming, Oregon, Washington, Idaho, California, North Dakota, Minnesota, Montana, and Utah.

HEARING: January 29, 1960, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner Lawrence Van Dyke.

No. MC 42487 (Sub No. 429), filed November 2, 1959. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers and fertilizer compounds*, liquid or dry, (a) between points in Montana, Idaho, Oregon, and that part of Washington on and east of U.S. Highway 97, restricted against the transportation of traffic originating at or destined to points in British Columbia, Canada, and (b) between points in that part of Washington east of U.S. Highway 97, on the one hand, and, on the other, that part of Washington west of U.S. Highway 97, restricted against the transportation of traffic originating at or destined to points in British Columbia, Canada.

HEARING: January 19, 1960, at the Davenport Hotel, Spokane, Wash., before Examiner Lawrence Van Dyke.

No. MC 42487 (Sub No. 434), filed November 20, 1959. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, as defined by the Commission, and *chemical solutions*, liquid or dry, between points in Oregon and Washington, on the one hand, and, on the other, points in North Dakota, Wyoming, Colorado, and Nevada. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

HEARING: December 14, 1959, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner F. Roy Linn.

No. MC 49368 (Sub No. 82), filed September 28, 1959. Applicant: COMPLETE AUTO TRANSIT, INC., 18465 James Couzens Highway, Detroit 35, Mich. Applicant's attorney: Edmund M. Brady, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, bodies, and parts* thereof, and *trucks, chassis, bodies, cabs, and parts*

thereof, in truckaway and driveaway service, in initial movements, from the plant site of Chevrolet Motor Division of General Motors Corporation at Atlanta, Ga., to points in Arkansas, Kentucky, Virginia, West Virginia, and points in Louisiana west of the Mississippi River. Applicant is authorized to conduct operations throughout the United States.

NOTE: Common control may be involved.

HEARING: January 19, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Robert A. Joyner.

No. MC 56982 (Sub No. 31), filed September 3, 1959. Applicant: DAVIS & RANDALL, INC., Chautauqua Road, Fredonia, N.Y. Applicant's attorneys: Johnson, Peterson, Tener & Anderson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising materials*, from Newark, N.J., to points in Michigan, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, New York, New Jersey, Ohio, Pennsylvania, and West Virginia.

HEARING: January 18, 1960, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, New York, before Examiner Abraham J. Essrick.

No. MC 58212 (Sub No. 19), filed September 8, 1959. Applicant: MAAS TRANSPORT, INC., U.S. No. 2 and No. 85 North, Williston, N. Dak. Applicant's attorney: John R. Davidson, 200 American State Bank Building, Williston, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay and clay products, including tile, brick, pipe, and related articles* from Dickinson, N. Dak., and points within ten (10) miles thereof, to points in South Dakota, Montana, Wyoming, Nebraska, and Minnesota; and (2) *Salt and salt products*, from Williston, N. Dak., and points within ten (10) miles thereof, to points in South Dakota, Montana, Wyoming, Nebraska, and Minnesota. Applicant is authorized to conduct operations in Montana, North Dakota, and South Dakota.

HEARING: February 2, 1960, in the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Leo A. Riegel.

No. MC 89617 (Sub No. 13), filed November 13, 1959. Applicant: FREEMAN A. LEWIS, doing business as LEWIS TRUCK LINES, P.O. Box 676, Conway, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and siding, and roofing and siding materials*, from Savannah, Ga., to points in North Carolina on and east of U.S. Highway 21, from the North Carolina-South Carolina State line, to Charlotte, thence U.S. Highway 29 from Charlotte to Greensboro, and on and south of U.S. Highway 70 from Greensboro to Morehead City, N.C., and re-

jected shipments of the above described commodities, on return. Applicant is authorized to conduct operations in South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, the District of Columbia, and Georgia.

NOTE: Applicant states it is authorized to perform the above service by tacking on his Certificate Nos. MC 89617 and sub No. 8 thereunder; but desires, by this application to eliminate the necessity of operating through Horry County, S.C.

HEARING: January 14, 1960, in the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 130, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

No. MC 103051 (Sub No. 85), filed October 12, 1959. Applicant: WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium hydrosulfide*, in bulk, in tank vehicles, from Cartersville, Ga., to Oak Point, La. Applicant is authorized to conduct operations in Georgia, Tennessee, Alabama, Mississippi, North Carolina, Delaware, Kentucky, Maryland, Virginia, South Carolina, Florida, Louisiana, Texas, Illinois, Indiana, and Ohio.

HEARING: January 20, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Robert A. Joyner.

No. MC 103051 (Sub No. 86), filed October 20, 1959. Applicant: WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1403 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oils and blends and products thereof*, except petroleum products, animal oils and animal oils blended with vegetable oils, in bulk, in tank vehicles, from points in Alabama, Georgia, and Mississippi to points in Hamilton County, Tenn. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Texas, and Virginia.

HEARING: January 21, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Robert A. Joyner.

No. MC 103051 (Sub No. 87), filed October 20, 1958. Applicant: WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1403, C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and animal oils, and blends thereof*, in bulk, in tank vehicles, from points in Hamilton County, Tenn., to points in New York. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, North Carolina,

Ohio, South Carolina, Tennessee, Texas, and Virginia.

HEARING: January 21, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Robert A. Joyner.

No. MC 103191 (Sub No. 9), filed October 12, 1959. Applicant: THE GEO. A. RHEMAN CO., INC., P.O. Box 2095, Station "A," 2019 Elgin Street, Charleston, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ethylene gas*, in shipper-owned tube trailers, (1) from Institute, W. Va., to the plant site of T. E. Wannamaker, Inc., at Orangeburg, S.C., and (2) from Baton Rouge, La., to the plant site of T. E. Wannamaker, Inc., at Orangeburg, S.C., and *empty shipper-owned tube trailers*, on return. Applicant is authorized to conduct operations in Florida, Georgia, North Carolina, South Carolina and Virginia.

HEARING: January 18, 1960, in the U.S. Court Rooms, Columbia, S.C., before Examiner Francis A. Welch.

No. MC 103378 (Sub No. 156), filed September 29, 1959. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and blends thereof*, in bulk, in tank vehicles, from Moultrie, Ga., to points in Maryland, Massachusetts, Indiana, Wisconsin, New Jersey, and Pennsylvania. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and West Virginia.

HEARING: January 19, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Robert A. Joyner.

No. MC 103378 (Sub No. 161), filed October 21, 1959. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Hillsborough County, Fla., to points in Richmond County, Ga. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and West Virginia.

HEARING: January 27, 1960, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

No. MC 103378 (Sub No. 162), filed October 26, 1959. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville, 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Methanol*, in bulk, in tank vehicles, from points in Santa Rosa County, Fla., to points in

Kentucky, Louisiana, Mississippi, and Virginia. Applicant is authorized to conduct operations in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, and West Virginia.

HEARING: January 26, 1960, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Francis A. Welch.

No. MC 103378 (Sub No. 163), filed October 27, 1959. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Naval stores*, in bulk, in tank vehicles, from points in Dixie County, Fla., to points in Chatham County, Ga. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and West Virginia.

HEARING: January 27, 1960, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

No. MC 103993 (Sub No. 125), filed October 19, 1959. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Minnesota (except from St. Paul, Minn.) to points in the United States (except to Mount Clemens, Detroit, and Flint, Mich.), including points in Alaska and the District of Columbia. Applicant is authorized to conduct operations throughout the United States.

HEARING: January 28, 1960, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner Leo A. Riegel.

No. MC 106398 (Sub No. 133), filed September 17, 1959. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Minnesota, except St. Paul, to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: January 27, 1960, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner Leo A. Riegel.

No. MC 106398 (Sub No. 138), filed November 2, 1959. Applicant: NATIONAL TRAILER CONVOY, INC., Box 8096 Dawson Station, 1916 North Sheridan Road, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats* not exceeding 18' in length, from points in Utah to all points in the United States including Alaska, and *returned or refused shipments and incidental facilities* used in transporting the above-specified commodity on return.

Applicant is authorized to conduct operations throughout the United States.

HEARING: January 13, 1960, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner James H. Gaffney.

No. MC 107107 (Sub No. 135), filed November 4, 1959. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, 2424 Northwest 46th Street, Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products and articles distributed by meat packing houses*, from points in Iowa to points in Florida. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: January 22, 1960, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Francis A. Welch.

No. MC 107227 (Sub No. 80), filed October 22, 1959. Applicant: INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif.

Applicant's attorney: John G. Lyons, Mills Tower, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks*, in driveway and truckaway service, in initial movements, from Pomona, Calif., to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: January 20, 1960, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 107527 (Sub No. 40), filed August 31, 1959. Applicant: POST TRANSPORTATION COMPANY, a corporation, 3152 East 26th Street, Los Angeles 23, Calif. Applicant's attorney: John C. Allen, 1212 Wilshire Boulevard, Los Angeles 17, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Compressed Hydrogen*, in shipper-owned tube trailers, from Compton, Calif., to Henderson, Nev., and *empty tube trailers*, on return. Applicant is authorized to conduct operations in California, Nevada, Arizona, Utah, Wyoming, Montana, Idaho, Colorado, and New Mexico.

HEARING: January 19, 1960, at the Federal Building, Los Angeles, Calif., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 107643 (Sub No. 51), filed October 30, 1959. Applicant: ST. JOHNS MOTOR EXPRESS CO., a corporation, 7220 North Burlington Avenue, Portland 3, Oreg. Applicant's attorney: George H. Hart, Central Building, Seat-

tle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Acids, chemicals, chemical solutions, and resins*, in tank vehicles, and *contaminated and rejected shipments* of the above-specified commodities, between points in Oregon and Washington, on the one hand, and, on the other, points in California, and (2) *Dry urea*, in bulk, from points in California to points in Oregon and Washington, and *contaminated and rejected shipments* of dry urea, on return. Applicant is authorized to conduct operations in Idaho, Montana, Oregon, Utah, and Washington.

HEARING: February 3, 1960, at the Interstate Commerce Commission, Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner Lawrence Van Dyke.

No. MC 107643 (Sub No. 52), filed October 30, 1959. Applicant: ST. JOHNS MOTOR EXPRESS CO., a corporation, 7220 North Burlington Avenue, Portland 3, Oreg. 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: *Acids, chemicals, chemical solutions and resins*, in tank vehicles, from Springfield, Oreg., to points in Idaho and Montana, and *contaminated or rejected shipments* of the above-specified commodities, on return. Applicant is authorized to conduct operations in Idaho, Oregon, Montana, Utah, and Washington.

HEARING: February 2, 1960, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 396, or, if the Joint Board waives its right to participate, before Examiner Lawrence Van Dyke.

No. 107643 (Sub No. 53), filed November 16, 1959. Applicant: ST. JOHNS MOTOR EXPRESS CO., a corporation, 7220 North Burlington Avenue, Portland, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers and fertilizer compounds*, liquid or dry, (a) between points in Montana, Idaho, Oregon, and that part of Washington on and east of U.S. Highway 97; and (b) between points in that part of Washington east of U.S. Highway 97, on the one hand, and, on the other, that part of Washington west of U.S. Highway 97. Applicant is authorized to conduct operations in Oregon, Washington, Idaho, Montana, and Utah.

NOTE: Applicant states the proposed operations herein will be restricted against the transportation of traffic originating at, or destined to, points in British Columbia, Canada.

HEARING: January 20, 1960, at the Davenport Hotel, Spokane, Wash., before Examiner Lawrence Van Dyke.

No. MC 108973 (Sub No. 3) (AMENDMENT), filed July 9, 1959, published FEDERAL REGISTER issue of July 22, 1959. Applicant: INTERSTATE EXPRESS, INC., 2334 University Avenue, St. Paul,

Minn. Applicant's attorney: W. P. Knowles, New Richmond, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh citrus juices*, in containers, from Columbia, Mo., to points in Illinois, Iowa, Nebraska, North Dakota, South Dakota, Minnesota, and Wisconsin, and *empty containers and rejected shipments* on return. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: Applicant states it will serve all accounts of the Central States Processors, Inc. This application was previously published under the "No Hearing" procedures.

HEARING: January 19, 1960, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 109141 (Sub No. 23), filed March 30, 1959. Applicant: L. P. GAS TRANSPORT CO., a corporation, P.O. Box 67, Billings, Mont. Applicant's attorney: Jerome Anderson, Box 1472, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from Opal, Riverton, and Cheyenne, Wyo., and points within five (5) miles of each, to points in Montana, North Dakota, and South Dakota, points in Colorado on and north of U.S. Highway 6, those in Utah on and north of U.S. Highway 50, and those in that part of Nebraska on and west of Nebraska Highway 19. Applicant is authorized to conduct operations in Colorado, Idaho, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

HEARING: January 13, 1960, at the Commercial Club, Billings, Mont., before Examiner Lawrence Van Dyke.

No. MC 109518 (Sub No. 8), filed April 24, 1959. Applicant: ADAMS TRANSPORT, INC., East 12205 Empire Avenue, Spokane, Wash. 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: *Sand, gravel, diatomaceous earth, pozzolan, bentonite, clays, crushed rock, and other aggregates*, in bulk, between points in Washington east of the Cascade Mountains, points in Idaho north of the southern boundary of Idaho County, and points in that part of Montana lying west of the easterly boundary of Flathead, Lake, Missoula, Granite, and Ravalli Counties, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Idaho, Montana, Oregon, and Washington.

HEARING: January 26, 1960, at the Davenport Hotel, Spokane, Wash., before Examiner Lawrence Van Dyke.

No. MC 109518 (Sub No. 9), filed April 24, 1959. Applicant: ADAMS TRANSPORT, INC., East 12205 Empire Building, Spokane, Wash. 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) *Concrete mix, mortar mix, concrete mix and mortar mix ingredients*, from points in Spokane County, Wash., to points in Washington east of the Cascade Mountains, those in that part of Idaho north of the southern boundary of Idaho County, those in that part of Montana lying in and west of the eastern boundaries of Carbon, Yellowstone, Musselshell, Fergus, Chouteau, and Hill Counties, and those in Umatilla, Wallowa, Union, Morrow, Gilliam, Sherman, and Wasco Counties, Oreg., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return; (2) *Concrete products*, reinforced or plain, and *empty containers or other such incidental facilities*, used in transporting concrete products, between points in Washington east of the Cascade Mountains, those in that part of Idaho in and north of the southern boundary of Idaho County, those in that part of Montana in and west of the easterly boundary of Flathead, Lake, Missoula, Granite, and Ravalli Counties, and those in Wallowa, Umatilla, and Union Counties, Oreg. Applicant is authorized to conduct operations in Idaho, Montana, Oregon, and Washington.

HEARING: January 26, 1960, at the Davenport Hotel, Spokane, Wash., before Examiner Lawrence Van Dyke.

No. MC 109584 (Sub No. 75), filed October 5, 1959. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium chlorate*, in bulk, in tank vehicles, from Henderson, Nev., to Phoenix, Ariz., and Edison (Kern County), Calif., and *rejected and contaminated shipments* of the above-specified commodity on return. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Washington.

HEARING: January 20, 1960, at the Federal Building, Los Angeles, Calif., before Joint Board No. 166, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 109689 (Sub No. 96), filed September 14, 1959. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Gross, Utah. Applicant's attorney: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Acids and chemicals*, in bulk, from points in Arizona to points in California, and *rejected or contaminated shipments*, on return. Applicant is authorized to conduct operations in Utah, Nevada, Idaho, Oregon, Colorado, Montana, Wyoming, Arizona, California, New Mexico, and Washington.

HEARING: January 22, 1960, at the Federal Building, Los Angeles, Calif., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 109689 (Sub No. 99), filed October 26, 1959. Applicant: W. S. HATCH CO., a Utah corporation, 643 South 800 West, Woods Cross, Utah. Applicant's attorney: Mark K. Boyle, 345 South State Street, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, including blends of corn syrup and liquid sugar, vegetable oils, animal oils, fish oils and tallow*, in bulk, from points in Utah to points in Idaho, Wyoming, and Nevada, and *rejected or contaminated shipments* of the above-specified commodities, on return. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

HEARING: January 15, 1960, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner James H. Gaffney.

No. MC 109847 (Sub No. 6), filed September 16, 1959. Applicant: BOSS LINCO LINES, INC., 226 Ohio Street, Buffalo 4, N.Y. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, (1) between Binghamton, N.Y., and New York, N.Y.: From Binghamton over U.S. Highway 11 to Scranton, Pa., thence over U.S. Highway 611 to junction U.S. Highway 46 near Columbia, N.J., thence over U.S. Highway 46 to Clifton, N.J., thence over New Jersey Highway 3 to junction U.S. Highway 1, and thence over U.S. Highway 1 to New York, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only in connection with applicant's authorized operations; and (2) between Binghamton, N.Y., and New York, N.Y.: From Binghamton over New York Highway 17 to the New York-New Jersey State line, near Suffern, N.Y., thence over New Jersey Highway 17 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction U.S. Highway 1, and thence over U.S. Highway 1 to New York, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only in connection with applicant's authorized operations. Applicant is authorized to conduct operations in Pennsylvania, New York, New Jersey, Delaware, and Maryland.

NOTE: Applicant states it is agreeable to a restriction against the use of either of the routes sought in the transportation of any shipment moving solely between the "exempt" New York, N.Y. Commercial Zone, on the one hand, and, on the other, points on U.S. Highway 17 between Wellsville and Binghamton, including Binghamton but not including Wellsville.

HEARING: January 14, 1960, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Abraham J. Essrick.

No. MC 110252 (Sub No. 47), filed October 15, 1959. Applicant: JAMES J. WILLIAMS, INC., 1108 North Pearl Street, Spokane, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers*, dry, in shipments of not less than 20,000 pounds, (a) between points in that part of Montana on and west of U.S. Highway 91, points in Idaho on and north of the southern boundary of Idaho County, points in Washington on and east of U.S. Highway 97, and those in Oregon; and (b) between points in Washington on and east of U.S. Highway 97, on the one hand, and, on the other, points in Washington on and west of U.S. Highway 97. Applicant is authorized to conduct operations in Idaho, Montana, Oregon, and Washington.

NOTE: Applicant presently has authority under Docket No. MC 110252 (Sub No. 37) to transport dry fertilizers (among other commodities) between points in Washington on and east of U.S. Highway 97, on the one hand, and, on the other, points in Oregon on and east of U.S. Highway 97 and points in Idaho on and north of the southern boundary of Idaho County, Idaho. Applicant states it does not seek duplicating authority.

HEARING: January 18, 1960, at the Davenport Hotel, Spokane, Wash., before Examiner Lawrence Van Dyke.

No. MC 110451 (Sub No. 5), filed November 2, 1959. Applicant: MIDLAND TRANSFER, INC., Box 625, Gilbert, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives and blasting agents*, between Barksdale, Wis., and points in Minnesota, North Dakota, South Dakota, and the Upper Peninsula of Michigan. Applicant is authorized to conduct operations in Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.

HEARING: January 21, 1960, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 110698 (Sub No. 128), filed September 24, 1959. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Winstonsboro, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum wax*, in bulk, in tank vehicles, from Paulsboro, N.J., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia.

HEARING: January 13, 1960, at the Charlotte Hotel, Charlotte, N.C., before Examiner Robert A. Joyner.

No. MC 110878 (Sub No. 10), filed October 6, 1959. Applicant: GRADY

ALBERTSON, doing business as ARGO TRUCKING COMPANY, Lower Heard Street, Elberton, Ga. Applicant's attorneys: Reuben G. Crimm and Guy H. Postell, Eight-O-Five Peachtree Street Building, Atlanta 8, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Granite and marble*, from Elberton, Ga., and points within fifteen (15) miles thereof, and Tate, Ga., and points within twenty (20) miles thereof, to points in Arizona, California, Colorado, Nevada, New Mexico, and Utah; (2) *Prefabricated marble water closet stall partitions*, complete, from Nelson and Tate, Ga., to points in Arizona, California, Colorado, Nevada, New Mexico, and Utah; and (3) *Damaged and defective shipments* of the above-specified commodities, from the above-described destination points to the respective origin points. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Texas.

HEARING: January 22, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Robert A. Joyner.

No. MC 111472 (Sub No. 63) filed, September 21, 1959. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and parts thereof and tractor attachments*, for earth moving, (a) from Anchor and Bloomington, Ill., Fort Dodge and Maquoketa, Iowa, Manhattan, Kans., Glencoe, and Minneapolis, Minn., Columbus, Nebr., Cleveland, Newberry, and Coldwater, Ohio, and Milwaukee, Wis., to the Port of entry on the United States-Canada boundary line at Noyes, Minn., (b) from Anchor, Ill., Newberry, Ohio, and Brodhead, Wis., to the Port of Entry at the United States-Canada boundary line at Detroit, Mich., and (c) from the Port of Entry on the United States-Canada boundary line at Noyes, Minn., to Belvidere and Springfield, Ill., Fort Dodge, Iowa, Minneapolis, Minn., Omaha, Nebr., Coldwater, Ohio, and Menomonie, Wis., and *rejected shipments* of the above-described commodities on return. Applicant is authorized to conduct operations throughout the United States.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, in No. MC 111472 Sub No. 53.

HEARING: January 15, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 112196 (Sub No. 15), filed October 14, 1959. Applicant: GEORGE R. MALLORY, doing business as MALLORY TRUCKING CO., U.S. Highway 99 and Hunt's Lane, P.O. Box 412, Colton, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in hopper type vehicles, from

Victorville and Oro Grande, Calif., to the Plant Site of Mojave Rock Materials Co., at Kingman, Ariz., and empty containers or other such incidental facilities (not specified) used in transporting the above-specified commodity on return. Applicant is authorized to conduct operations in Arizona, California, Illinois, Indiana, Iowa, and Wisconsin.

HEARING: January 19, 1960, at the Federal Building, Los Angeles, Calif., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 113336 (Sub No. 27), filed October 5, 1959. Applicant: PETROLEUM TRANSIT COMPANY, Inc., P.O. Box 921, East Second Street, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Sodium sulphhydrate*, in bulk, in tank vehicles, from Cartersville, Ga., and Charleston, W. Va., to Gretna, La., and points within fifteen miles thereof. (B) *Monochlorobenzene*, in bulk, in tank vehicles from Cartersville, Ga., to McIntosh, Ala., and points within fifteen miles thereof. Applicant is authorized to conduct operations in Florida, Georgia, North Carolina, and South Carolina.

HEARING: January 18, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Robert A. Joyner.

No. MC 113558 (Sub No. 10), filed September 30, 1959. Applicant: BELYEA TRUCK CO., a corporation, 6800 South Alameda Street, Los Angeles 1, Calif. Applicant's attorney: Warren N. Grossman, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Missile transtainers*, requiring special handling, accompanied by escorts and escort vehicles, moving on Government bills of lading, between Litchfield Park, Ariz., on the one hand, and, on the other, San Diego, Calif. Applicant is authorized to conduct operations in Arizona, California, Nevada, and New Mexico.

HEARING: January 19, 1960, at the Federal Building, Los Angeles, Calif., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 113855 (Sub No. 40), filed September 29, 1959. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South Rochester, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt products, and salt compounds*, from Williston, N. Dak., and points within ten (10) miles thereof to points in South Dakota, Montana, Wyoming, Nebraska, Minnesota, and Iowa. Applicant is authorized to conduct operations throughout the United States.

HEARING: February 3, 1960, in the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Leo A. Riegel.

No. MC 113879 (Sub No. 5), filed September 14, 1959. Applicant: EUGENE C. FISCHER, doing business as FISCHER TRANSPORTATION COMPANY, 520 First Avenue SE., Watertown, S. Dak. Applicant's attorney: R. G. May, 316 Security Bank Building, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Williston, N. Dak., and points within fifteen (15) miles thereof, to points in South Dakota, Wyoming, Montana, and Colorado. Applicant is authorized to transport salt in Kansas, Montana, and North Dakota.

HEARING: February 3, 1960, in the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Leo A. Riegel.

No. MC 114084 (Sub No. 1), filed October 29, 1959. Applicant: S AND S TRUCKING COMPANY, a corporation, 1133 West Front Street, Statesville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from points in Alexander, Burke, Caldwell, Catawba, Iredell, McDowell, and Wilkes Counties, N.C., to points in Maine, New Hampshire, Vermont, and that portion of New York, north of New York State Highway 5 and *rejected shipments*, of new furniture, on return, and (2) *bone meal, fish meal, and meat meal*, from points in New York, New Jersey, Delaware, Pennsylvania, Maryland, and Virginia to points in North Carolina on and west of U.S. Highway 1, and *rejected shipments* of the above-specified commodities, on return. Applicant is authorized to conduct operations in Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and the District of Columbia.

HEARING: January 13, 1960, at the Charlotte Hotel, Charlotte, N.C., before Examiner Robert A. Joyner.

No. MC 114290 (Sub No. 4), filed November 2, 1959. Applicant: EXLEY EXPRESS, INC., 2204 Southeast Eighth Avenue, Portland 14, Ore. Applicant's attorney: James T. Johnson, 1111 Northern Life Tower, Seattle 1, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and frozen grape products*, from Kennewick and Prosser, Wash., to points in California and Nevada. Applicant is authorized to conduct operations in California, Oregon, and Washington.

HEARING: January 18, 1960, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 114614 (Sub No. 7), filed September 18, 1959. Applicant: T. T. BROOKS TRUCKING COMPANY, INCORPORATED, 112 Chitwood Avenue, Fort Payne, Ala. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured, processed, or dealt in by rubber or rubber products manufacturers*, from West Helena, Ark., to points in Alabama, Georgia, Mississippi, and Ten-

nessee and *materials and supplies* used in the conduct of such business, and *returned or rejected shipments* of rubber products, but not including any commodity requiring special equipment, from points in Alabama, Georgia, Mississippi, and Tennessee, to West Helena, Ark. Applicant is authorized to conduct operations in Alabama, Georgia, Kentucky, Mississippi, Ohio, and Tennessee.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier assigned Docket Number MC 114614 (Sub No. 5).

HEARING: February 1, 1960, at the U.S. Court Rooms, Montgomery, Ala., before Examiner Robert A. Joyner.

No. MC 115162 (Sub No. 50), filed November 16, 1959. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 2284 West Fairview Avenue, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture finishing paint materials*, consisting of varnish, base coat, sealers, thinners and finishing inks, from Louisville, Ky., to Frisco City, Ala. Applicant is authorized to conduct operations throughout the United States.

HEARING: February 3, 1960, at the U.S. Court Rooms, Montgomery, Ala., before Examiner Robert A. Joyner.

No. MC 115162 (Sub No. 52), filed November 16, 1959. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 2284 West Fairview Avenue, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture drawer pulls and metal screws*, from Evansville, Ind., to Frisco City, Ala. Applicant is authorized to conduct operations throughout the United States.

HEARING: February 3, 1960, at the U.S. Court Rooms, Montgomery, Ala., before Examiner Robert A. Joyner.

No. MC 115162 (Sub No. 53), filed November 16, 1959. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 2284 West Fairview Avenue, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bedrails*, from Hickory, N.C., to Frisco City, Ala. Applicant is authorized to conduct operations throughout the United States.

HEARING: February 3, 1960, at the U.S. Court Rooms, Montgomery, Ala., before Examiner Robert A. Joyner.

No. MC 115162 (Sub No. 54), filed November 16, 1959. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 2284 West Fairview Avenue, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mirrors*, from Mount Airy and North Wilkesboro, N.C., to Frisco City, Ala. Applicant is

authorized to conduct operations throughout the United States.

HEARING: February 3, 1960, at the U.S. Court Rooms, Montgomery, Ala., before Examiner Robert A. Joyner.

No. MC 115523 (Sub No. 52), filed October 7, 1959. Applicant: CLARK TANK LINES COMPANY, a Utah corporation, 1450 Beck Street, Salt Lake City 10, Utah. Applicant's attorney: Bertram S. Silver, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry Potato flour*, in bulk, from Idaho Falls, Idaho, and points within 10 miles thereof to points in Utah, Wyoming, Arizona, Colorado, and California, and *contaminated or rejected shipments* of dry potato flour on return. Applicant is authorized to conduct operations in Utah, Wyoming, Arizona, California, Colorado, Idaho, Montana, Nevada, and New Mexico.

HEARING: January 13, 1960, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner James H. Gaffney.

No. MC 115523 (Sub No. 53), filed October 7, 1959. Applicant: CLARK TANK LINES COMPANY, a Utah corporation, 1450 Beck Street, Salt Lake City 10, Utah. Applicant's attorney: Bertram S. Silver, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers, dry fertilizer ingredients, and dry fertilizer compounds* used in the manufacture of commercial fertilizers, in bulk and in bags, from points in Idaho to points in Montana, Wyoming, Colorado, Arizona, and California, and *contaminated and rejected shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Utah, Wyoming, Arizona, California, Colorado, Idaho, Montana, Nevada, and New Mexico.

NOTE: Applicant states that the above transportation will be restricted to shipments of said products in bags, being made only to farms and ranches.

HEARING: January 11, 1960, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner James H. Gaffney.

No. MC 115840 (Sub No. 2), filed September 16, 1959. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, from points in Florida, Georgia, Louisiana, Mississippi, and Tennessee to Birmingham, Ala., and points within 65 miles of Birmingham. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Tennessee, Mississippi, and Louisiana.

HEARING: January 26, 1960, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Robert A. Joyner.

No. MC 115841 (Sub No. 61), filed September 3, 1959. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, articles distributed by meatpacking houses, and frozen foods*, from points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, and *damaged, rejected, returned shipments* of the above commodities, and *returned shipping containers*, on return. Applicant is authorized to conduct operations to all points in the United States except to points in Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, and Wyoming.

HEARING: January 11, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 116073 (Sub No. 8), filed October 16, 1959. Applicant: JOHN C. BARRETT, doing business as MOORHEAD PHILLIPS SERVICE, 1335 Center Avenue, Moorhead, Minn. Applicant's attorney: Lee F. Brooks, 405 First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile trailer homes*, in initial movements, by the truckaway method, from Red Lake Falls, Minn., to points in North Dakota, Montana, South Dakota, Nebraska, Kansas, Colorado, Arizona, New Mexico, Wisconsin, Oklahoma, Oregon, Washington, Utah, Iowa, Idaho, California, and Alaska, and *empty containers or other such incidental facilities* (not specified) used in transporting mobile trailer homes, on return movements.

HEARING: January 27, 1960, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner Leo A. Riegel.

No. MC 116410 (Sub No. 5), filed October 16, 1959. Applicant: R. W. BRADSHAW, doing business as R. W. BRADSHAW TRANSFER, Hudson, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk and commodities requiring special equipment, from points in Caldwell, Wilkes, Catawaba, Burke, Forsythe, and Mecklenburg Counties, N.C., to points in Oklahoma, Texas, New Mexico, Arizona, Colorado, Idaho, Wyoming, Utah, Nevada, Oregon, California, Iowa, Nebraska, and Minnesota. Applicant is authorized to conduct operations in Ohio, North Carolina, the District of Columbia, Maryland, West Virginia, Virginia, Pennsylvania, South Carolina, Georgia, Tennessee, California, Iowa, Nebraska, New Mexico, Oklahoma, and Texas.

HEARING: January 14, 1960, at the Charlotte Hotel, Charlotte, N.C. before Examiner Robert A. Joyner.

No. MC 116806 (Sub No. 5), filed October 15, 1959. Applicant: HUTTON TRANSPORT LIMITED, a corporation, R.R. No. 1, Lakeside, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, 1110 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from points in the Commercial Zone

of Niagara Falls, N.Y., as defined by the Interstate Commerce Commission, to Ports of Entry on the International boundary between the United States and Canada at or near Buffalo and Niagara Falls, N.Y. Applicant is authorized to transport meat, meat products and meat byproducts from the Port of Entry of Detroit, Mich., to Detroit, restricted to traffic originating at Stratford, Ontario, Canada.

NOTE: Applicant states the proposed operations will be restricted to traffic destined to the Province of Ontario, Canada.

HEARING: January 14, 1960, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Abraham J. Essrick.

No. MC 117427 (Sub No. 9), filed October 27, 1959. Applicant: G. G. PARSONS, doing business as G. G. PARSONS TRUCKING COMPANY, P.O. Box 746, North Wilkesboro, N.C. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, except plywood and veneer, (1) from points in North Carolina on and west of U.S. Highway 29 to points in Ohio, Michigan, Indiana, Illinois, and those in Pennsylvania on and west of U.S. Highway 220; (2) from points in South Carolina to points in Ohio, West Virginia, Indiana, Illinois, points in Pennsylvania on and west of U.S. Highway 220 and those in New York on and west of U.S. Highway 15; (3) from points in Halifax, Henry, Charlotte, Campbell, Pittsylvania, and Dinwiddie Counties, Va. to points in West Virginia, Indiana, Illinois, Michigan, and Ohio, points in Pennsylvania on and west of U.S. Highway 220, and those in New York on and west of U.S. Highway 15. Applicant is authorized to conduct common carrier operations in Alabama, Florida, Georgia, Michigan, North Carolina, Ohio, South Carolina, Tennessee, and Virginia.

NOTE: Applicant holds contract carrier authority in Permit No. MC 116145. Section 210, dual operations may be involved.

HEARING: January 12, 1960, in the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner Francis A. Welch.

No. MC 117898 (Sub No. 1), filed September 16, 1959. Applicant: WILLIAM EARNHARDT, doing business as EARNHARDT TRANSPORT, Gold Hill, N.C. Applicant's attorney: Nelson Woodson, Salisbury, N.C. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Rough and dressed lumber*, (1) from Gold Hill, N.C., and points within 10 miles thereof to points in Ohio, West Virginia, Pennsylvania, New Jersey, and New York; (2) from Willington (Newberry County), S.C., and points within 20 miles thereof, to points in Ohio, West Virginia, Pennsylvania, and New Jersey; (3) from Spartanburg (Spartanburg County), S.C., and points within 10 miles thereof, to points in West Virginia and Ohio; (4) from points in York County, S.C., to points in Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, and Ohio; and (5) from

St. Stephens (Berkeley County), S.C., and points within 10 miles thereof, to points in Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, West Virginia, and Ohio. Applicant is authorized to transport rough or dressed lumber, except plywood and veneer, from Statesville, N.C., and points within 10 miles thereof, to Pikesville and Ashland, Ky., Portsmouth, Ironton, and Columbus, Ohio, and Huntington, Parkersburg, Wheeling, and Beckley, W. Va.

HEARING: January 12, 1960, at the Charlotte Hotel, Charlotte, N.C., before Examiner Robert A. Joyner.

No. MC 118078 (Sub No. 1), filed September 14, 1959. Applicant: WILMONT D. CURTIS, 723 Ellwood Street, Orlando, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh citrus juices, concentrate citrus juices, citrus fruit salad, and citrus puree*, from points in Florida to ports of entry in Maine on the International Boundary line between the United States and the Maritime Provinces of New Brunswick and Nova Scotia, Canada.

NOTE: Applicant has a BOR 1 in Docket No. MC 118078 to transport specified commodities from and to points in the United States including the District of Columbia. Applicant states if the proposed service is granted he will tack same to MC 118078.

HEARING: January 28, 1960, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Francis A. Welch.

No. MC 118507 (Sub No. 1), filed October 19, 1959. Applicant: L. M. ROSEN AND ELMER ROSEN, doing business as ROSEN LIVESTOCK, P.O. Box 269, Fairmont, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Duluth, Minn., to points in Iowa, North Dakota, and South Dakota.

HEARING: January 22, 1960, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 118616 (Sub No. 1), filed September 3, 1959. Applicant: WILLIAM E. LASATER, doing business as LASATER MOTOR LINES, Route No. 1, Bunnlevel, N.C. Applicant's attorney: John R. Jordan, Jr. and William L. Dawkins, Suite 400 First Citizens Bank Building, Raleigh, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dressed lumber, and rough lumber*, from points in Wake, Moore, Lee, and Harnett Counties and Chatham County south of U.S. Highway 64, N.C., to points in New Jersey, New York, Connecticut, Delaware, Pennsylvania, Ohio, and West Virginia, and (2) *rough lumber*, from points in Hamilton, Fulton, Montgomery, Herkimer, Otsego, Oneida, Madison, Chenago, and Onondaga Counties, N.Y., to points in Virginia and North Carolina, on return.

HEARING: January 11, 1960, in the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner Francis A. Welch.

No. MC 118691 (Sub No. 1), filed April 16, 1959. Applicant: BICE BROTHERS, INC., P.O. Box 1784, Billings, Mont. Applicant's attorneys: Jerome Anderson and Raymond K. Peete, 204 Electric Building, P.O. Box 1472, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mixed livestock feed*, in bulk, and in bags, from Portland and North Portland, Oreg., to points in Montana and Wyoming.

HEARING: January 13, 1960, at the Commercial Club, Billings, Mont., before Examiner Lawrence Van Dyke.

No. MC 118859 (Sub No. 2), filed November 10, 1959. Applicant: N. H. THOMPSON, doing business as THOMPSON TRUCKING CO., RD 2 Box 565, Old Statenville Road, Valdosta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, treated and untreated, *poles and posts*, between Valdosta, Ga., and points within 75 miles thereof, on the one hand, and on the other, points in Florida.

HEARING: January 27, 1960, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

No. MC 118966, filed June 1, 1959 (REPUBLICATION), published issue FEDERAL REGISTER August 5, 1959. Applicant: PARKINSON TRANSPORT COMPANY, a Minnesota corporation, East 1006 First National Bank Building, St. Paul, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as more fully described in the application, between St. Paul, Minn., and points in Minnesota, North Dakota, South Dakota, Montana, Wyoming, Wisconsin, Illinois, Iowa, Kansas, Nebraska, and Michigan.

NOTE: The purpose of this republication is to advise that the authority actually sought by applicant is that of a *contract carrier*. The previous notice in the FEDERAL REGISTER indicating *common carrier* authority is sought was in error. Applicant also advises that the proposed transportation will be restricted as follows: (1) For delivery from Paper, Calmenson and Company of St. Paul, Minn., to customers of Paper, Calmenson and Company in the States of Minnesota, North Dakota, South Dakota, Montana, Wyoming, Wisconsin, Michigan, Illinois, Iowa, Kansas, and Nebraska; or (2) For delivery to Paper, Calmenson and Company from said States where Paper, Calmenson and Company has purchased such commodities from sellers in said States.

CONTINUED HEARING: January 25, 1960, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 118970, filed June 4, 1959. Applicant: GEORGE VITKO, doing business as MINOT DISTRIBUTING COMPANY, 225 14th Avenue SE., Minot, N. Dak. Applicant's attorney: R. W. Wheeler, 33 Woolworth Building, Bismarck, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer* from points in Wisconsin, Illinois, and Minnesota, to points in

North Dakota, and *empty containers or other such incidental facilities* (not specified) used in transporting beer on return.

HEARING: February 4, 1960, in the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Leo A. Riegel.

No. MC 119003, filed June 15, 1959. Applicant: LYVOID LARSON, doing business as WILLISTON TRAILER SALES, Highway 2 and 85 North, Williston, N. Dak. Applicant's attorney: Herman E. Halland, Suite No. 1, Marshall-Wells Building, P.O. Box 1215, Williston, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, by the towaway method, (1) from points in North Dakota to points in Minnesota, South Dakota, Wyoming, and Montana; (2) between points in North Dakota; and (3) between points in Minnesota, South Dakota, and Wyoming.

HEARING: February 4, 1960, in the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Leo A. Riegel.

No. MC 119038, filed June 30, 1959. Applicant: EAGLE TRANSFER CO., a corporation, 510 South Columbia, Wenatchee, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Wenatchee, Wash., and Oroville, Wash., over U.S. Highway 97, serving the intermediate points of Welch, Tena, Wagnersburg, Entiat, Chelan, Chelan Falls, Azwell, Starr, Pateros, Brewster, Malott, Okanogan, Omak, Barker, Tonasket, Thornton, Ellisford, Larabbie Siding, and Drinnel Siding, Wash. (2) Between Wenatchee and Leavenworth, Wash., over U.S. Highway 2, serving the intermediate points of Olds Station, Monitor, Cashmere, Dryden, and Peshastin, Wash. (3) Between Wenatchee, Wash., and Mansfield, Wash., from Wenatchee over U.S. Highway 2 to Farmer, Wash., thence over Washington Highway 10B to Mansfield, Wash., and return over the same route, serving the intermediate points of Douglass and Withrow, Wash., and off-route points of Alstown and Supplee, Wash. (4) Between Wenatchee, Wash., and Ephrata, Wash., from Wenatchee over Washington Highway 10 to junction Washington Highway 7, thence over Washington Highway 7 to Ephrata, and return over the same route, serving the intermediate or off-route point of Malaga, and the intermediate points of Rock Island, Trinidad, Quincy, and Winchester, Wash. Applicant states the proposed service is subject to the following conditions: The service performed by carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the Great Northern Railroad Company, hereinafter called the railroad; no service shall be rendered to, or from, any point not a station on the rail lines of the railroad; Shipments transported shall be limited to those which are received from,

or delivered to, the railroad under a through bill of lading covering, in addition to a motor carrier movement by carrier, a prior or subsequent movement by rail.

HEARING: January 22, 1960, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate, before Examiner Lawrence Van Dyke.

No. MC 119158 (Sub No. 1), filed September 25, 1959. Applicant: WALTER GARRETT, 2316 Main Street, Miles City, Mont. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from points in Utah to points in Montana.

HEARING: January 14, 1960, at the Commercial Club, Billings, Mont., before Examiner Lawrence Van Dyke.

No. MC 119190 filed September 1, 1959. Applicant: NORMAN RALPH WHITTAKER, 180 Hammersmith Court, Burlington, Ontario, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building brick*, from Darling, Pa., to Port of Entry on the boundary between the United States and Canada at Detroit, Mich., and Buffalo and Niagara Falls, N.Y., (2) *Building brick and fire brick*, from Oak Hill, Ohio to Ports of Entry on the boundary between the United States and Canada at Detroit, Mich., and Buffalo and Niagara Falls, N.Y., and (3) *fire brick tile*, exterior interior, and structural, *pottery, sewer pipe, flue lining, and bagged fire clay*, from Parrell, Strasburg, Mogadore, Zoar, Roseville, and Massillon, Ohio, to Ports of Entry on the boundary between the United States and Canada at Detroit, Mich., and Buffalo and Niagara Falls, N.Y.

NOTE: Applicant states the proposed transportation shall be restricted to property moving in foreign commerce from points in the United States to points in Canada.

HEARING: January 18, 1960, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Abraham J. Essrick.

No. MC 119215, filed September 16, 1959. Applicant: CECIL W. DOWLING AND F. P. SYKES, doing business as HOUSE TRAILER AND MOBILE HOME MOVERS, 1215 Remount Road, North Charleston, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers and mobile homes, including furnishings thereof*, in initial and secondary movements, in truckaway (towaway) service, between points in Charleston and Beaufort Counties, S.C., on the one hand, and, on the other, points in the United States, including Alaska.

HEARING: January 18, 1960, in the U.S. Court Rooms, Columbia, S.C., before Examiner Francis A. Welch.

No. MC 119223, filed November 2, 1959. Applicant: BULK TRANSPORT, INC., 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye Street, NW., Washington 6, D.C. Authority sought to operate as a *contract*

carrier, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages, palletized and unpalletized, from the plant site of Universal Atlas Cement Division of United States Steel Corporation, located at Leeds, Jefferson County, Ala., to points in Alabama, Georgia, North Carolina, South Carolina, Florida, Mississippi, Louisiana, and Tennessee, and *empty pallets and rejected or returned shipments of the above-specified commodity*, on return.

NOTE: Applicant is a new corporation and is a wholly controlled affiliate of Baggett Transportation company, which also controls Alabama Highway Express and which has a pending application to control Hucklebee Transport Corp. under docket No. MC-F-6661.

HEARING: January 28, 1960, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Robert A. Joyner.

No. MC 119241, filed October 2, 1959. Applicant: PCP TRANSPORTATION COMPANY, 9500 South Norwalk Boulevard, Santa Fe Springs, Calif. Applicant's attorney: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay pipe*, having a maximum length of five feet, and *clay pipe fittings*, from points in Los Nietos, Corona, and Stockton, Calif., to points in Nevada, Arizona, and the Los Angeles Harbor Commercial Zone as defined by the Commission.

HEARING: January 21, 1960, at the Federal Building, Los Angeles, Calif., before Joint Board No. 166, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 119261, filed October 16, 1959. Applicant: ROY LEWIS, doing business as LEWIS TRUCK LINES, 807 Beach Street, Ashland, Ore. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, plywood glue, cottonseed meal, alfalfa meal, linseed meal, dairy stock salt and government war surplus parts, and empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, between points in California, Oregon, Arizona, Nevada, Utah, Montana, Idaho, and Washington.

HEARING: January 27, 1960, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Ore., before Examiner Lawrence Van Dyke.

No. MC 119302, filed November 13, 1959. Applicant: JOSEPH H. SHAW, doing business as MILLER TRANSFER & STORAGE, 137 Sixth Street, Clarion, Pa. Applicant's attorney: Frederick L. Kiger, Grant Building, Pittsburgh, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and machinery parts*, between the plant site of Elliott Company Division of Carrier Corporation, at Ridgway, Elk County, Pa., and points in the United States, except points in Alaska and Hawaii.

NOTE: Applicant is authorized to conduct operations as a common carrier in Certificate MC 87103, therefore, dual operations

may be involved. Applicant states that the machinery parts will be transported at the same time in the same vehicle with the machinery of which they are a part, or on which they are to be attached, and also will transport machinery parts as a distinct and separate service.

HEARING: January 15, 1960, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Abraham J. Essrick.

MOTOR CARRIERS OF PASSENGERS

No. MC 2908 (Sub No. 15), filed October 12, 1959. Applicant: CAPITAL MOTOR LINES, a corporation, 504 North Court Street, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail and newspapers* in the same vehicle with passengers, between Florala, Ala., and Fort Walton, Fla.; from Florala over U.S. Highway 331 to junction Florida Highway 285, thence over Florida Highway 285 to junction U.S. Highway 90, thence west over U.S. Highway 90 to junction Florida Highway 285, thence south over Florida Highway 285 to junction Florida Highway 85, and thence south over Florida Highway 85, via Valparaiso and Shalimar, Fla., to Fort Walton, and return over the same route, serving all intermediate points, except that no local traffic shall be handled between any points on Florida Highway 85. Applicant is authorized to conduct operations in Florida, Alabama, Mississippi, and Georgia.

HEARING: February 2, 1960, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 98, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 115812 (Sub No. 2), filed November 16, 1959. Applicant: THEODORE R. WIRTH, North Creek Road, Palmyra, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at points in Monroe County, N.Y., and extending to Washington, D.C. Applicant is authorized to conduct similar operations in New York, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Tennessee, Vermont, Virginia, West Virginia, Pennsylvania, and the District of Columbia.

HEARING: January 20, 1960, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Abraham J. Essrick.

No. MC 119228 filed September 22, 1959. Applicant: MASON MOTOR COACHES LTD., 21 Wellington Street East, Guelph, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, 1110-14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Passengers and their baggage*, in round trip charter operations, beginning and end-

ing at Ports of Entry on that part of the International Boundary Line between the United States and Canada between the Province of Ontario and Michigan and New York, and extending to points in New York, Illinois, Indiana, Michigan, Ohio, New Jersey, and Pennsylvania.

NOTE: Applicant states the transportation to be performed under the authority herein requested shall be restricted to the movement of persons and their baggage from points in Canada to points in the United States, and return.

HEARING: January 13, 1960, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Abraham J. Essrick.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 55811 (Sub No. 56), filed November 23, 1959. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, 1210-12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Barrels*, sheet iron or steel, shipping, old (used), from Chillicothe, Ohio, to Kalamazoo, Mich., and *used shipper barrels*, manufactured of iron or steel, on return. Applicant is authorized to conduct operations in Indiana, Michigan, Kentucky, Missouri, Pennsylvania, Illinois, Ohio, Iowa, Wisconsin, and West Virginia.

No. MC 66562 (Sub No. 1577), (AMENDMENT), filed October 15, 1959, published FEDERAL REGISTER, issue of October 28, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Inc. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, (1) between White River Junction, Vt., and Whitefield, N.H.: from White River Junction over U.S. Highway 5 to Wells River, Vt., thence over U.S. Highway 302 to Littleton, N.H., and thence over New Hampshire Highway 116 to Whitefield, and return over the same route, serving the intermediate points of Fairlee and Bradford, Vt., and Woodsville and Littleton, N.H.; and (2) between Wells River and Newport, Vt., from Wells River over U.S. Highway 5 to Newport, and return over the same route, serving the intermediate points of St. Johnsbury, Barton, and Orleans, Vt. RESTRICTION: The service to be performed by applicant will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt. Applicant is authorized to conduct operations throughout the United States.

No. MC 109451 (Sub No. 107), filed November 27, 1959. Applicant: ECOFF TRUCKING, INC., 112 Merrill Street,

Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ethylene gas*, in bulk, in shipper-owned tank vehicles, from the site of the plant of National Distillers and Chemical Corporation, near Ficklin, Ill., to Cincinnati, Ohio, and *empty shipper-owned tank vehicles* on return. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

NOTE: Applicant states it presently holds authority under Permit No. MC 109451 Sub 37, to transport acids and chemicals and nitrogen solutions, in bulk, in tank vehicles, from the site of the plant of National Distillers and Chemical Corporation near Ficklin, Ill., to Cincinnati, Ohio, among other points, and that the proposed operation will be the same except that applicant will transport the commodities sought in tank vehicles owned by the shipper. A proceeding has been instituted in Docket No. MC 109451 (Sub No. 82) to determine whether applicant's status is that of a contract or common carrier.

No. MC 111159 (Sub No. 101), filed November 23, 1959. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 700 Petroleum Building, P.O. Box 141, Jackson, Miss. Applicant sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions* (except anhydrous ammonia), in bulk, in tank vehicles, (1) from Memphis, Tenn., to points in Arkansas, Kentucky, Mississippi, and Missouri; and (2) from Greenville, Miss., to points in Arkansas and Louisiana. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, and Tennessee.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 173), filed November 23, 1959. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Earl A. Bagby, Western Greyhound Lines, (Division of The Greyhound Corporation), Market and Fremont Streets, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between Meacham Junction, Oreg., and Perry Junction, Oreg., over relocated U.S. Highway 30, bypassing Kamela, Oreg., serving all intermediate points. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that the proposed route is a partial rerouting of the presently authorized route over the relocated portion of U.S. Highway 30 in lieu of the presently authorized route over former U.S. Highway 30 which is now an unnumbered highway; that U.S. Highway 30 has been relocated

between Meacham Junction and Perry Junction, bypassing Kamela.

No. MC 1501 (Sub No. 174), filed November 23, 1959. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Earl A. Bagby, Western Greyhound Lines (Division of The Greyhound Corporation), Market and Fremont Streets, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between Valley Junction, Wash., and East Loon Lake, Wash., over relocated U.S. Highway 395: from junction U.S. Highway 395 and unnumbered highway (Valley Junction), over unnumbered highway via Springdale, to junction U.S. Highway 395 (East Loon Lake), and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states the proposal herein relates to a route wholly within the State of Washington; that the proposed route is a partial rerouting of the present route over the relocated portion of U.S. Highway 395: that U.S. Highway 395 has been relocated between the points herein designated; that the proposed route is a presently authorized segment of applicant's regular route between Spokane and the International boundary between the United States and Canada; and that applicant desires to continue to serve the points on the route of former U.S. Highway 395 between Valley Junction and East Loon Lake while maintaining its main-line interstate route between these points over relocated U.S. Highway 395, as hereinabove proposed.

No. MC 3647 (Sub No. 273), filed November 23, 1959. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip special operations, seasonal during racing seasons, beginning and ending at 69th Street Terminal, West Chester-Turnpike, Upper Darby, Pa., and extending to Garden State Race Track, Delaware Township, N.J., Monmouth Park Race Track, Oceanport, N.J., and Atlantic City Race Track, Hamilton Township, N.J. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Virginia, and the District of Columbia.

PETITION

No. MC 109611, assigned in lieu of No. MC 387, pursuant to transfer proceeding No. MC-FC 27345 (PETITION TO REOPEN MOTOR CARRIER APPLICATION), dated November 20, 1959. Petitioner: OVER-NITE MOTOR SERVICE, INC., 3600 West State Street, Rockford, Ill. Petitioner's representative: Thomas P. Scanlan, 111 West Washington Street, Chicago 2, Illinois. Certificate No. MC 387, dated May 13, 1941, transferred to the above-named corporation, and re-assigned No. MC 109611, authorizes the

transportation of general commodities, with the usual exceptions, between Freeport, Ill., and Chicago, Ill., over U.S. Highway 20, serving the intermediate point of Rockford, Ill. The subject petition, dated November 20, 1959, seeks reopening of the application and prays the Commission find that petitioner is authorized to serve all intermediate points on the above-described route, between Freeport and Chicago, Ill., specifically, Belvidere, Ill. Any person or persons desiring to participate in this proceeding may file representations supporting or opposing the relief sought within 30 days after the date of this publication in the FEDERAL REGISTER.

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 sections 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 7379. Authority sought for purchase by HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Marietta, Ga., of a portion of the operating rights of WOODROW EVERETTE, doing business as W. EVERETTE TRUCK LINE, Washington, N.C., and for acquisition by JIMMIE H. AYER, also of Marietta, of control of such rights through the purchase. Applicants' attorneys: Allan Watkins and Paul M. Daniell, both of 214 Grant Building, Atlanta 3, Ga. Operating rights sought to be transferred: *Boilers and machinery*, as a *common carrier* over irregular routes, between points in North Carolina. Vendee is authorized to operate as a *common carrier* in Georgia, Alabama, Tennessee, North Carolina, South Carolina, Michigan, Illinois, Indiana, Iowa, Kansas, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Wisconsin, Delaware, Missouri, Oklahoma, Nebraska, Kentucky, Massachusetts, Florida, Louisiana, Mississippi, Arkansas, Texas, Virginia, West Virginia, Minnesota, Tennessee, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7380. Authority sought for purchase by STANDARD TRANSPORTATION COMPANY, INC., 290 Armistice Boulevard, Pawtucket, R.I., of the operating rights and property of WARREN TEAMING CO., 3 Steeple Street, Providence 3, R.I., and for acquisition by BERNARD J. O'TOOLE and MARY O'TOOLE, both of Pawtucket, of control of such rights and property through the purchase. Applicants' attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Operating rights sought to be transferred: *General commodities*, except those of unusual value, livestock, automobiles, commodities in bulk, high explosives, commodities requiring special equipment or refrigeration, and those injurious or contaminating to other lading, as a *common carrier* over regular

routes, between Providence, R.I., and Boston, Mass., serving certain intermediate and off-route points; *general commodities*, except those of unusual value, livestock, automobiles, commodities in bulk, high explosives, commodities requiring special equipment or refrigeration, and those injurious or contaminating to other lading, over irregular routes, between Providence, R.I., on the one hand, and, on the other, points in Rhode Island, Massachusetts, and Connecticut. Vendee is authorized to operate as a *common carrier* in Rhode Island, Massachusetts, Connecticut, New Hampshire, New Jersey, New York, and Maine. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7381. Authority sought for purchase by SAM GOTTRY CARTING COMPANY, 47 Parkway, Rochester 6, N.Y., of a portion of the operating rights and certain property of ROCHESTER CARTING COMPANY, 25 North Washington Street, Rochester 10, N.Y. Applicants' attorney: Robert V. Gianniny, 25 Exchange Street, Rochester 14, N.Y. Operating rights sought to be transferred: *Stainless steel and glass lined tanks*, as a *common carrier* over irregular routes, from Rochester, N.Y., to points in New Jersey, Pennsylvania, Delaware, Massachusetts, Ohio, West Virginia, and Maryland, and from Rochester, N.Y., to points in Connecticut, New Hampshire, Rhode Island, and Virginia. Vendee is authorized to operate as a *common carrier* in New York, Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7382. Authority sought for purchase by LINDLEY TRUCKING SERVICE, INC., 3618 Vandalia Road, Des Moines, Iowa, of the operating rights of BOYD H. KOLB, P.O. Box 195, Shenandoah, Iowa, and for acquisition by BESSIE L. LINDLEY, GEORGE LINDLEY, VERNON LINDLEY and ALICE HUNSINGER, all of 1701 Grand, Granite City, Ill., of control of such rights through the purchase. Applicants' representative: William Watkins, General Manager, Lindley Trucking Service, 3618 Vandalia Road, Des Moines, Iowa. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Shenandoah, Iowa, and Omaha, Nebr., and between Shenandoah, Iowa, and Nebraska City, Nebr., serving certain intermediate and off-route points; *household goods and emigrant moveables*, over irregular routes, between Shenandoah, Iowa, and points within 12 miles of Shenandoah, on the one hand, and, on the other, those in Nebraska. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, and Iowa. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7385. Authority sought for merger into HELM'S EXPRESS, INC.,

R.D. No. 5, Route No. 30, Irwin, Pa. (mail address P.O. Box 268, Pittsburgh 30, Pa.), of the operating rights and property of ZENO FREIGHTWAYS, INC., R.D. No. 5, Irwin, Pa. (mail address P.O. Box 268, Pittsburgh 30, Pa.), and for acquisition by HARRY M. WERKSMAN, P.O. Box 268, Pittsburgh, Pa., of control of such rights and property through the transaction. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Cleveland, Ohio, and Philadelphia, Pa., between Harrisburg, Pa., and Lancaster, Pa., between Harrisburg, Pa., and Philadelphia, Pa.; between Bethlehem, Pa., and Philadelphia, Pa., between Akron, Ohio, and Pittsburgh, Pa., between Canfield, Ohio, and Rochester, Pa., between Norwalk, Ohio, and Youngstown, Ohio, between Pittsburgh, Pa., and Jennerstown, Pa., between West Alexander, Pa., and Uniontown, Pa., between Greensburg, Pa., and Point Marion, Pa., between Pittsburgh, Pa., and Steubenville, Ohio, between Sandusky, Ohio, and New Philadelphia, Ohio, between Norwalk, Ohio, and Willoughby, Ohio, between Strasburg, Ohio, and Willoughby, Ohio, between Wadsworth, Ohio, and Canton, Ohio, and between Lorain, Ohio, and Mallett Creek, Ohio, serving all intermediate and certain off-route points; alternate route for operating convenience only between the junction of U.S. Highway 224 and Ohio Highway 367 (west of Canfield, Ohio) and the junction of Ohio Highways 367 and 46 (south of Canfield, Ohio), serving no intermediate points, and serving the named termini for the purpose of joinder only, in connection with carrier's regular-route operations between Cleveland, Ohio, and Philadelphia, Pa.; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, from Cleveland, Ohio, and points in Ohio within 50 miles of Cleveland, to certain points in Pennsylvania, and from Blairsville, Pa., and points in Pennsylvania within 60 miles of Blairsville, to certain points in Ohio. HELM'S EXPRESS, INC., is authorized to operate as a *common carrier* in New York, Pennsylvania, West Virginia, Ohio, Connecticut, Massachusetts, and New Jersey. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7386. Authority sought for purchase by COOPER-JARRETT, INC., 311 West 14th Street, Kansas City, Mo., of the operating rights and property of ATLANTIC FREIGHT LINES, INC., North Gallatin Avenue and Bailey Extension, P.O. Box 32, Uniontown, Pa., and for acquisition by R. E. COOPER, 100 Water Street, Jersey City, N.J., and GUY D. COOPER, 2113 West 73d Street, Chicago, Ill., of control of such rights and property through the purchase. Applicants' attorney: Irving Klein, 280 Broadway, New York 7, N.Y. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over

regular routes between Pittsburgh, Pa., and Akron, Ohio, between Pittsburgh, Pa., and Rochester, Pa., between Ravenna, Ohio, and Stow, Ohio, between Deerfield, Ohio, and Akron, Ohio, between New Alexandria, Pa., and Clarksburg, W. Va., between Pittsburgh, Pa., and New York, N.Y., between Pittsburgh, Pa., and Newark, N.J., between Cleveland, Ohio, and Niagara Falls, N.Y., between Wheeling, W. Va., and Cleveland, Ohio, between Wheeling, W. Va., and Shadyside, Ohio, between Canton, Ohio, and Harrisville, Ohio, between Pittsburgh, Pa., and Elkins, W. Va., between Waynesburg, Pa., and Wheeling, W. Va., between Washington, Pa., and Wheeling, W. Va., between specified points in West Virginia, and between Waynesburg, Pa., and Hundred, W. Va., serving certain intermediate and off-route points; several alternate routes for operating convenience only, serving no intermediate points except the New Stanton Toll Gate on the Pennsylvania Turnpike at which service is authorized solely for the purpose of joining the alternate route between Pittsburgh, Pa., and Philadelphia, Pa., with said carrier's presently authorized regular-route operation over U.S. Highway 119, provided in each instance that service at Baltimore, Philadelphia, and Trenton is restricted to the pick-up and delivery of shipments moving to or from Uniontown, Pa., or points west of Uniontown, including all points on said carrier's presently authorized route between New Alexandria, Pa., and Clarksburg, W. Va., and the off-route points of Masontown, Fairchance, Dunbar, Nilan and Guyaux, Pa.; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Uniontown, Brownsville, Pittsburgh, and Elizabeth, Pa., on the one hand, and, on the other, points in Ohio, between Cleveland, Ohio, on the one hand, and, on the other, points in Cuyahoga County, Ohio, and between Cleveland, Ohio, on the one hand, and, on the other, Pittsburgh, Pa., and points within five miles of Pittsburgh; *household goods*, as defined by the Commission, between Brownsville, Pa., and points within 15 miles of Brownsville, on the one hand, and, on the other, New York, N.Y., and points in Ohio and West Virginia; *compressed gasses*, in steel cylinders, and *empty steel cylinders*, between Pittsburgh, Pa., on the one hand, and, on the other, Cleveland, Columbus, Bridgeport, and Mingo Junction, Ohio, Wheeling, W. Va., and Niagara Falls, N.Y.; *sugar*, from Baltimore, Md., to certain points in Ohio, West Virginia and Pennsylvania; *fruits, vegetables, and grocery supplies*, from points in Allegheny County, Pa., to points in Belmont, Harrison, and Jefferson Counties, Ohio; *steel, metal products, and clay products*, from points in Jefferson County, Ohio, to certain points in West Virginia and Pennsylvania. Vendee is authorized to operate as a *common carrier* in Missouri, Nebraska, Iowa, Massachusetts, Illinois, Ohio, Rhode Island, New York, Connecticut, Pennsylvania,

Kansas, Maryland, Indiana, Delaware, and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7387. Authority sought for purchase by C & R TRANSPORT COMPANY, INC., West Sulphur Springs Highway, P.O. Box 127, Wimmsboro, Tex., of the operating rights of LUTHER M. ANDERSON, doing business as ANDERSON TRUCK LINES, P.O. Box 372, Grand Saline, Tex. Applicants' attorney: Leroy Hallman, 617 First National Bank Building, Dallas 2, Tex. Operating rights sought to be transferred: *Salt*, as a *contract carrier*, over irregular routes, from Grand Saline, Tex., and points within 10 miles thereof, to points in New Mexico. Vendee is authorized to operate as a *common carrier* in New Mexico, Texas, Louisiana, Arkansas, and Oklahoma. Application has not been filed for temporary authority under section 210a(b).

NOTE: A directly related application will be published in the FEDERAL REGISTER at a later date.

MOTOR CARRIERS OF PASSENGERS

No. MC-F 7384. Authority sought for control by TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas 7, Tex., of CONTINENTAL TENNESSEE LINES, INC., 416 Fifth Avenue South, Nashville, Tenn., and CONTINENTAL CRESCENT LINES, INC., 425 Bolton Avenue, Alexandria, La. Applicant's attorneys: Carl B. Callaway and Alfred Crager, both of 315 Continental Avenue, Dallas 7, Tex., and Curry & Dolan, 631 Southern Building, Washington 5, D.C. Operating rights sought to be controlled: (CONTINENTAL TENNESSEE LINES, INC.) *Passengers and their baggage*, as a *common carrier* over regular routes, between Nashville, Tenn., and Crossville, Tenn., between Nashville, Tenn., and Carthage, Tenn., between Westmoreland, Tenn., and Red Boiling Springs, Tenn., between Hartsville, Tenn., and junction Tennessee Highway 25 and Tennessee Highway 10, between Lebanon, Tenn., and Sparta, Tenn., and between Sparta, Tenn., and Jamestown, Tenn., serving all intermediate points and the off-route point of Ravenscroft, Tenn.; *passengers and their baggage, and express, newspapers, and mail*, in the same vehicle with passengers, between Gallatin, Tenn., and Scottsville, Ky., between Red Boiling Springs, Tenn., and Livingston, Tenn., between Chattanooga, Tenn., and Pikeville, Tenn., between Chattanooga, Tenn., and Cookeville, Tenn., between Smithville, Tenn., and McMinnville, Tenn., between McMinnville, Tenn., and junction Tennessee Highway 56 and Tennessee Highway 108, at a point just north of Coalmont, Tenn., between Dunlap, Tenn., and junction Tennessee Highways 8 and 27, just north of Chattanooga, Tenn., between Chestnut Mound, Tenn., and Gainesboro, Tenn., between Cookeville, Tenn., and Livingston, Tenn., between Knoxville, Tenn., and Clinton Engineering Works, near Clinton, Tenn., between Monterey, Tenn., and Knox-

ville, Tenn., and between Crossville, Tenn., and Oliver Springs, Tenn., serving all intermediate points; *passengers and their baggage, and express and newspapers* in the same vehicle with passengers between Harriman, Tenn., and Rockwood, Tenn., serving all intermediate points; *class D poisons* for the United States Government (Atomic Energy Commission) and moving on Government bills of lading, as a *contract carrier* over irregular routes, between Oak Ridge, Tenn., and Kevil, Ky.; (CONTINENTAL CRESCENT LINES, INC.) *passengers and their baggage, and mail, express, and newspapers* in the same vehicle with passengers, as a *common carrier* over regular routes, between Atlanta, Ga., and Brooks, Ga., between Atlanta, Ga., and Riverdale, Ga., between Woolsey, Ga., and Griffin, Ga., between Fayetteville, Ga., and Newnan, Ga., between Alexander City, Ala., and Newnan, Ga., between Nashville, Tenn., and Montgomery, Ala., between Fayetteville, Tenn., and Murfreesboro, Tenn., between Gadsden, Ala., and Atlanta, Ga., between junction U.S. Highway 78 and unnumbered highway (three miles west of Atlanta, Ga.), and junction Georgia Highways 6 and 120 (three miles south of Dallas, Ga.), between Cave Spring, Ga., and Cedartown, Ga., between Huntsville, Ala., and Piedmont, Ala., between Huntsville, Ala., and Ardmore, Ala., between Birmingham, Ala., and Opelika, Ala., between Talladega, Ala., and Lincoln, Ala., between Talladega, Ala., and Pell City, Ala., between Attalla, Ala., and junction Alabama Highways 74 and 32, between Oxford, Ala., and Good Water, Ala., between Oneonta, Ala., and Chattanooga, Tenn., and between Alexander City, Ala., and junction of Alabama Highways 9 and 22, serving certain intermediate points the first two routes being subject to the restriction that no passengers are to be transported between Atlanta and College Park and the intermediate point of East Point and between Atlanta and Hapeville; *passengers and their baggage*, between junction Alternate U.S. Highway 31 and Tennessee Highway 99, and Shelbyville, Tenn., serving all intermediate points; *passengers and their baggage, and mail*, in the same vehicle with passengers, between Opelika, Ala., and Columbus, Ga., serving no intermediate points; *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Oneonta, Ala., and junction Alabama Highway 18 and U.S. Highway 278, serving all intermediate points. TRANSCONTINENTAL BUS SYSTEM, INC., is authorized to operate as a *common carrier* in Illinois, Missouri, Kansas, California, Colorado, Louisiana, New Mexico, Texas, Utah, Arkansas, Arizona, Nebraska, Oklahoma, and Iowa. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-10392; Filed, Dec. 8, 1959; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 4, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35868: *Substituted service—CRI & P for Riss & Company, Inc.* Filed by J. D. Hughett, Agent (No. 23), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Denver, Colo., on the one hand, and Oklahoma City, Okla., Dallas and Fort Worth, Tex., on the other, on traffic originating at or destined to such point or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 6 to Southwestern Motor Freight Bureau, tariff MF-I.C.C. 285.

FSA No. 35869: *Concrete slabs from Pacific, Mo., to the South.* Filed by O. W. South, Jr., Agent (SFA No. A3876), for interested rail carriers. Rates on slabs, cement or reinforced concrete, in carloads from Pacific, Mo., to points in southern territory.

Grounds for relief: Market competition and production of a new commodity at Pacific, Mo.

Tariff: Supplement 166 to Southern Freight Association tariff I.C.C. 1278.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-10390; Filed, Dec. 8, 1959;
8:49 a.m.]

[Notice 106]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 4, 1959.

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

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 42487 (Deviation No. 5), CONSOLIDATED FREIGHTWAYS, INC., 172 Linfield Drive, Menlo Park, Calif., filed November 17, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, as follows: From the junction of U.S. Highways 12 and 94 at a point approximately 3 miles east of Hudson, Wis., over U.S. Highway 94 to its junction with U.S. Highway 12 at a point approximately 2 miles north of Menomonie, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Minneapolis over U.S. Highway 12 to junction Wisconsin Highway 172, thence over Wisconsin Highway 172 via Eau Claire, Wis., to junction U.S. Highway 12, thence over U.S. Highway 12 to Fairchild, Wis., thence over U.S. Highway 10 to Freemont, Wis., thence over Wisconsin Highway 110 to Winchester, Wis., thence over Wisconsin Highway 150 to Neenah, Wis., thence over U.S. Highway 41 to junction U.S. Highway 45 (formerly U.S. Highway 41), thence over U.S. Highway 45 to Oshkosh, Wis. (also from Neenah, Wis., over County Highway A to Oshkosh), thence over U.S. Highway 45 (formerly U.S. Highway 41) to junction Wisconsin Highway 175 (formerly U.S. Highway 41), thence over Wisconsin Highway 175 via Vandyne, Wis., to Fond Du Lac, Wis., and return over the same routes.

No. MC 55896 (Deviation No. 2), RAY WILLIAMS FREIGHT LINES, INC., 1750 Southfield Road, Lincoln Park, Mich., filed November 19, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: From Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 52, and thence over U.S. Highway 52 to Indianapolis, Ind., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago over U.S. Highway 41 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 31, thence over U.S. Highway 31 to Indianapolis, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 35), THE GREYHOUND CORPORATION, 210 East Ninth Street, Fort Worth 2, Tex., filed November 16, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers*, over a deviation route as follows: From the junction of U.S. Highways Bypass 77 and 77 at a point approximately 9 miles north of Waxahachie, Tex., over Bypass U.S. Highway 77 to junction U.S. Highway 77 approximately 2 miles south of Waxahachie and return over the same route for operating convenience only, serving

no intermediate points. The notice indicates the carrier is presently authorized to transport passengers between the same points over U.S. Highway 77.

No. MC 1501 (Deviation No. 36), THE GREYHOUND CORPORATION, 210 East Ninth Street, Fort Worth 2, Tex., filed November 16, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers*, over a deviation route as follows: From Amarillo, Tex., over U.S. Highway 287 to its junction with Texas Farm to Market Road 1912, thence over Farm to Market Road 1912 to its junction with unnumbered Farm to Market Road, thence over unnumbered Farm to Market Road to its junction with U.S. Highway 66, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between the same points over U.S. Highway 66.

No. MC 1501 (Deviation No. 37), THE GREYHOUND CORPORATION, 210 East Ninth Street, Fort Worth 2, Tex., filed November 16, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers* over a deviation route as follows: From the junction of U.S. Highway 66 and Interstate Highway 44 at a point approximately 2 miles east of Tulsa, Okla., and junction of the same two highways approximately 7 miles east of Tulsa, over Interstate Highway 44, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between the same points over U.S. Highway 66.

No. MC 1501 (Deviation No. 38), THE GREYHOUND CORPORATION, 210 East Ninth Street, Fort Worth 2, Tex., filed November 16, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers*, over a deviation route as follows: From the junction of relocated U.S. Highway 66 and U.S. Highway 66 near Catoosa, Okla., over relocated U.S. Highway 66 to junction access road to The Roy Roger Turnpike, thence over such access road to the junction of the said turnpike and U.S. Highway 66, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between the same points over old U.S. Highway 66.

No. MC 1501 (Deviation No. 39), THE GREYHOUND CORPORATION, 210 East Ninth Street, Fort Worth 2, Tex., filed November 16, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers*, over a deviation route as follows: From the junction of New U.S. Highway 75 and Old U.S. Highway 75 (now Farm Road 1378) over New U.S. Highway 75 to junction Old U.S. Highway 75 at or near Richardson, Tex., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between the described points over Old U.S. Highway 75.

No. MC 1501 (Deviation No. 40), THE GREYHOUND CORPORATION, 2600 Hamilton Avenue, Cleveland 14, Ohio, filed November 16, 1959. Carrier proposes to operate as a common carrier, by motor vehicle of passengers, over a deviation route, as follows: From Washington, D.C., over the Baltimore-Washington Parkway to junction Maryland Highway 202, thence over Maryland Highway 202 to junction Maryland Highway 704, thence over Maryland Highway 704 to junction Annapolis-Washington Expressway, thence over Annapolis-Washington Expressway to junction U.S. Highway 301 (also from Washington over Maryland Highway 704 to junction Annapolis-Washington Expressway), and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates the carrier is presently authorized to transport passengers over the following pertinent service routes: From Washington over U.S. Highway 50 to junction Maryland Highway 450 (formerly U.S. Highway 50) and thence over Maryland Highway 450 via Parole, Md., to Annapolis; from Washington over Maryland Highway 214 to junction Maryland Highway 2, thence over Maryland Highway 2 to Parole, Md., and thence over Maryland Highway 450 (formerly U.S. Highway 50)

to Annapolis; from Lanham, Md., over Maryland Highway 554 to Bowie, Md., thence over unnumbered highway to Baldwin's Garage; from junction U.S. Highway 301 and Maryland Highway 214 over U.S. Highway 301 to junction Annapolis-Washington Expressway, thence over Annapolis-Washington Expressway to junction U.S. Highway 50, and return over the same routes.

No. MC 1501 (Deviation No. 41), THE GREYHOUND CORPORATION, 2600 Hamilton Avenue, Cleveland 14, Ohio, filed November 19, 1959. Carrier proposes to operate as a common carrier, by motor vehicle of passengers over deviation routes as follows: (a) From the junction of Interstate Highway 90 and the New York State Thruway, approximately 3 miles west of Ripley, N.Y., over Interstate Highway 90 to junction Ohio Highway 44, approximately 1/10 of a mile north of Concord, Ohio, (b) from the junction of Interstate Highway 71 and Ohio Highway 18 over Interstate Highway 71 to Columbus, Ohio, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From Dunkirk, N.Y., over New York Highway 60 to Fredonia, N.Y. (also from Silver Creek, N.Y.,

over U.S. Highway 20 to Fredonia, N.Y.), thence over U.S. Highway 20 via Harborcreek, Pa., to Erie (also from Harborcreek, Pa., over Pennsylvania Highway 955 to junction Pennsylvania Highway 5 at a point approximately 3 1/2 miles east of Erie, Pa., and thence over Pennsylvania Highway 5 to Erie; from the junction of Ohio Highway 10 and U.S. Highway 20 over Ohio Highway 10 to junction U.S. Highway 20, thence over U.S. Highway 20 via Cleveland, Painesville and Geneva, Ohio to Erie, Pa., thence over U.S. Highway 19 to Waterford, Pa.; from Cleveland over Ohio Highway 87 to junction Ohio Highway 8, thence over Ohio Highway 8 to Akron, Ohio, thence over Ohio Highway 5 to Wooster, Ohio, and thence over Ohio Highway 3 to Columbus; from Cleveland over Ohio Highway 3 to Wooster; from Cleveland over U.S. Highway 42 to Delaware, Ohio, thence over U.S. Highway 23 to Columbus; from Cleveland over Ohio Highway 3 to junction Ohio Highway 94, thence over Ohio Highway 94 to junction Ohio Highway 5, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. MCCOY, Secretary.

[F.R. Doc. 59-10391; Filed, Dec. 8, 1959; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

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

3 CFR	Page
<i>Proclamations:</i>	
Dec. 18, 1907.....	9559
Nov. 24, 1908.....	9559
Apr. 17, 1911.....	9559
Jan. 15, 1918.....	9559
Oct. 17, 1927.....	9559
1349.....	9559
2169.....	9559
2173.....	9559
2174.....	9559
2178.....	9559
2187.....	9559
2188.....	9559
2189.....	9559
2190.....	9559
2285.....	9559
2289.....	9559
2293.....	9559
3326.....	9651
3327.....	9763
<i>Executive orders:</i>	
3820.....	9559
3889.....	9783
4436.....	9559
5814.....	9559
7443.....	9559
7908.....	9563, 9651
8531.....	9563, 9651
10000.....	9565
10011.....	9565
10530.....	9565
10849.....	9559
10850.....	9559
10851.....	9563
10852.....	9565
10853.....	9565
10854.....	9565

3 CFR—Continued	Page
<i>Executive Orders—Continued</i>	
10855.....	9565
10856.....	9763
6 CFR	
331.....	9655, 9925
332.....	9691
334.....	9655
464.....	9691
7 CFR	
5.....	9778
81.....	9566
351.....	9923
722.....	9693, 9703, 9778
723.....	9610
729.....	9611
730.....	9567, 9615, 9704
813.....	9705
833.....	9706
845.....	9706
850.....	9707
903.....	9567, 9807
904.....	9567
905—908.....	9807
909.....	9707
911—913.....	9807
914.....	9618, 9779
916—919.....	9807
921.....	9807
923—925.....	9807
928—932.....	9807
933.....	9654
935.....	9807
941—942.....	9807
943.....	9568, 9807
944.....	9807

7 CFR—Continued	Page
946.....	9807
948—949.....	9807
952.....	9807
953.....	9708, 9700
954.....	9807
956.....	9807
963.....	9807
965—968.....	9807
971—972.....	9807
974—978.....	9807
980.....	9807
982.....	9807
985—988.....	9807
991.....	9807
994—995.....	9807
996.....	9507
997.....	9655
998.....	9807
999.....	9567
1000.....	9807
1002.....	9807
1004—1005.....	9807
1008—1009.....	9807
1011—1014.....	9807
1015.....	9708
1016.....	9807
1018.....	9807
1023.....	9807
1070.....	9780
1102.....	9568
<i>Proposed rules:</i>	
718.....	9678
817.....	9934
905.....	9742
987.....	9742
1014.....	9742

9 CFR	Page
83-----	9926
92-----	9838
<i>Proposed rules:</i>	
131-----	9902
12 CFR	
521-----	9578
522-----	9578
545-----	9580, 9657
555-----	9693
563-----	9657, 9780
14 CFR	
1-----	9839
40-----	9765, 9767, 9839
41-----	9768, 9772, 9840
42-----	9773, 9776, 9840
297-----	9580
399-----	9619
507-----	9620, 9778
600-----	9581, 9927-9929
601-----	9581, 9841, 9842, 9928, 9929
602-----	9843
<i>Proposed rules:</i>	
40-----	9789, 9790
41-----	9789, 9790
42-----	9789, 9790
46-----	9790
221-----	9913
406-----	9847
507-----	9746
600-----	9790, 9791, 9935, 9936
601-----	9791, 9935, 9936
608-----	9792, 9937
15 CFR	
364-----	9709
16 CFR	
13-----	9659-9661, 9734, 9735, 9843, 9844
23-----	9581
17 CFR	
257-----	9724
<i>Proposed rules:</i>	
230-----	9945
240-----	9946
250-----	9947
19 CFR	
<i>Proposed rules:</i>	
16-----	9785
20 CFR	
602-----	9809
21 CFR	
15-----	9729
120-----	9619
121-----	9730
146a-----	9730, 9781
146b-----	9781
146d-----	9845
146e-----	9929

25 CFR	Page
<i>Appendix</i> -----	9847
221-----	9931
<i>Proposed rules:</i>	
1-----	9741
221-----	9785
243-----	9785
26 (1939) CFR	
39-----	9661
26 (1954) CFR	
1-----	9582, 9663, 9664
49-----	9664
<i>Proposed rules:</i>	
1-----	9587
48-----	9674
29 CFR	
403-----	9931
613-----	9620
687-----	9585
699-----	9585
32 CFR	
1-----	9710
3-----	9712
6-----	9713
7-----	9713
8-----	9714
8-----	9714
11-----	9714
12-----	9718
14-----	9719
16-----	9719
30-----	9720
151-----	9809
590-----	9621
591-----	9621
592-----	9621
596-----	9621
600-----	9621
601-----	9621
605-----	9621
606-----	9621
1001-----	9723, 9810
1002-----	9810
1003-----	9812
1005-----	9814
1007-----	9814
1009-----	9815
1010-----	9827
1012-----	9827
1013-----	9828
1014-----	9829
1015-----	9831
1016-----	9833
1052-----	9834
1053-----	9835
1054-----	9836
1057-----	9837
1058-----	9838
1464-----	9587

32A CFR	Page
<i>BDSA (Ch. VI):</i>	
DMS Reg. 1-----	9595
<i>BDSA (Ch. VI)—Continued</i>	
DMS Reg. 1, Dir. 1-----	9607
DMS Reg. 1, Dir. 2-----	9607
DMS Reg. 1, Dir. 3-----	9608, 9610
DMS Reg. 1, Dir. 4-----	9610
DMS Reg. 1, Dir. 5-----	9610
DMS Reg. 1, Dir. 6-----	9610
DMS Reg. 1, Dir. 10-----	9610
DMS Reg. 2-----	9610
DMS Reg. 2, Dir. 3-----	9610
DMS Reg. 2, Dir. 4-----	9610
<i>NSA (Ch. XVIII):</i>	
AGE-2-----	9736
33 CFR	
40-----	9932
202-----	9782
203-----	9587
36 CFR	
<i>Proposed rules:</i>	
1-10-----	9848
20-22-----	9896
25-26-----	9900
43 CFR	
191-----	9846
192-----	9846
295-----	9846
<i>Proposed rules:</i>	
115-----	9677
161-----	9627
<i>Public land orders:</i>	
750-----	9559
2021-----	9586
2022-----	9586
2023-----	9783
46 CFR	
172-----	9783
47 CFR	
2-----	9736
4-----	9737
6-----	9737
16-----	9932
21-----	9737
<i>Proposed rules:</i>	
2-----	9937, 9939
3-----	9678
4-----	9939
8-----	9747
21-----	9944
49 CFR	
193-----	9674
194-----	9784
205-----	9784
50 CFR	
<i>Proposed rules:</i>	
34-----	9677
176-----	9787