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## TITLE 3—THE PRESIDENT

### PROCLAMATION 3205

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS equal opportunity for employment is basic to our belief in human dignity and should never be denied any qualified person because of physical impairment; and

WHEREAS our expanding economy requires more workers, the useful employment of all who are able and willing to work; and

WHEREAS the physically handicapped, with the aid of expanded rehabilitation and training programs, are able to perform many of the skilled and demanding tasks essential to our social and economic progress; and

WHEREAS the full use of this source of manpower depends upon better understanding on the part of employers, fellow employees and all our citizens across the land; and

WHEREAS the Congress, by a joint resolution approved August 11, 1945 (59 Stat. 530), designated the first week in October of each year as National Employ the Physically Handicapped Week:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do call upon the people of our Nation to observe the week beginning October 6, 1957, as National Employ the Physically Handicapped Week. I also urge our citizens to remember, throughout the year, that by their interest and efforts many handicapped persons can be assisted to economic independence and active participation in our productive way of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of September in the year of our Lord nineteen hundred and fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
*Secretary of State.*

[F. R. Doc. 57-8138; Filed, Sept. 30, 1957; 2:05 p. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter V—Agricultural Marketing Service, Department of Agriculture

**Subchapter B—Export and Domestic Consumption Programs**

PART 519—FRESH IRISH POTATOES

SUBPART—FRESH IRISH POTATOES; LIVESTOCK FEED DIVERSION PROGRAM YMD 3a

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AUTHORITY: §§ 519.155 to 519.175 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c.

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### THE PRESIDENT



### EXECUTIVE AGENCIES

FEDERAL REGISTER

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## CODIFICATION GUIDE

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

## CODIFICATION GUIDE—Con.



§ 519.155 *General statement.* In order to encourage the domestic consumption of fresh Irish potatoes produced in the continental United States by diverting them from normal channels of trade and commerce, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payment for the diversion of 1957-crop potatoes for use as livestock feed, subject to the terms and conditions hereinafter set forth. Information relating to this program and forms prescribed for use hereunder may be obtained from the following:

Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Offices of the State Agricultural Stabilization and Conservation Committees in the respective States.

County Agricultural Stabilization and Conservation Committees in the respective counties.

§ 519.156 *Administration.* The program provided for in this part will be administered under the general direction and supervision of the Director, Fruit and Vegetable Division, Agricultural Marketing Service, and in the field will be carried out by the Commodity Stabilization Service through the Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees, hereinafter referred to as State and County Committees. Each State Committee will authorize one or more employees of the State Committee to act as representatives of the United States Department of Agriculture, hereinafter referred to as USDA, to approve applications for participation. State and County Committees or their authorized representatives do not have authority to modify or waive any of the provision of this subpart or any amendments or supplements to this subpart.

§ 519.157 *Area.* This program will be effective in such States or areas as may be designated from time to time by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture. Information with respect to the areas designated may be obtained from the offices listed in § 519.155.

§ 519.158 *Period of program.* This program will be effective from the date of this announcement and continue until further notice, but in any event not later than May 31, 1958.

§ 519.159 *Rate of payment.* The rate of payment per 100 pounds of potatoes meeting the requirements of Specification A as defined in § 519.165 and which are diverted as prescribed in § 519.164 will be 50 cents for potatoes diverted during the months of October, November, and December 1957; 40 cents during the months of January, February, and March 1958; and 30 cents during the months of April and May 1958. No payment will be made for any fractional part of 100 pounds and such quantities shall be disregarded.

§ 519.160 *Eligibility for payment.* Payments will be made under this program to any individual, partnership, association, or corporation located in the continental United States, (a) who executes and files an application for participation on the prescribed forms, (b) whose application is approved, (c) who diverts fresh Irish potatoes directly or through any other person or persons, (d) who files claim as provided in § 519.167, and (e) who otherwise complies with all the terms and conditions of this subpart.

§ 519.161 *Application and approval for participation.* Persons desiring to participate in this program must submit a written application on Form CSS–117 "Application for Participation in Fresh Irish Potato Livestock Feed Diversion Program—YMD 3a." Each applicant must submit a performance bond as provided in § 519.162. Applications and bonds should be submitted to the County ASC Office for the county within which the potatoes are to be diverted. Applications will be forwarded to the State ASC Office and will be considered in the order received in the respective areas and in accordance with the availability of funds. Applicants will be notified of the approval or non-approval of their application. Approved applications may be modified or amended with the consent of the applicant and the duly authorized representative of the State Committee: *Provided,* That such modification or amendment shall not be in conflict with the provisions of this subpart or any amendment or supplements hereto. An approved applicant is hereinafter referred to as "the diverter."

§ 519.162 *Performance bond.* Each applicant shall submit with his first application for participation a performance bond as further assurance that the potatoes diverted pursuant to this program will be used exclusively for livestock feed. The bond shall be executed on Form CSS–119 by the principal and two individual sureties, all of whom shall agree to indemnify the USDA for any losses, claims, or payments made by USDA with respect to any quantity of such potatoes not used for livestock feed. The USDA may disapprove any bond if for any reason any surety does not in the opinion of USDA afford USDA full protection and security.

§ 519.163 *Period of diversion.* The potatoes in connection with which payments are to be made must be diverted (a) after the date of approval of the diverter's application, (b) within the time period specified in the approved application, and (c) in any event on or before May 31, 1958.

§ 519.164 *Definition of diversion.* Diversion of potatoes for use as livestock feed as used herein means the initial processing of potatoes for feeding to livestock by ensiling, or by cutting, chopping, slicing, gouging, crushing, or cooking to the degree that (a) a minimum of 90 percent of the potatoes which are 2 inches in diameter or larger have been seriously damaged to such an extent that they will not meet the requirements of U. S. No. 2 quality, and (b) the general appearance of the lot as a whole has been seriously damaged to such an extent that, in the opinion of the inspector, the potatoes are readily and obviously identifiable as having been initially processed and rendered unsuitable to enter into normal channels of trade and commerce as potatoes.

§ 519.165 *Diversion specifications.* Potatoes in connection with which payments will be made must meet the requirements of "Specification A" which is hereby defined as meaning potatoes equal to or better than the quality requirements of U. S. No. 2 grade, and which have either a minimum diameter of 2 inches or a minimum weight of 4 ounces, with no tolerance being allowed for defects or undersize. Long varieties of potatoes which by clipping ends or second growth could be made to meet the quality requirements of U. S. No. 2 grade need not be so clipped to be classed Specification A but the portions which customarily would be clipped off shall not be considered as meeting the requirements of Specification A and this weight shall be deducted in determining the weight of those potatoes in the lot which do meet the requirements of Specification A.

§ 519.166 *Inspection and certificate of diversion.* Prior to diversion the potatoes shall be inspected by an inspector authorized or licensed by the Secretary of Agriculture to inspect and certify the class, quality, and condition of fresh Irish potatoes. The diverter shall be responsible for requesting and arranging for inspection sufficiently in advance of the diversion so that the inspector can be present to determine the proportion of potatoes in each lot which meet the quality requirements of Specification A. The inspector shall also verify the quantity of potatoes being diverted and that such potatoes have been diverted as defined in § 519.164. The diverter shall furnish such scale tickets, weighing facilities, or volume measurements as determined by the inspector to be necessary for ascertaining the net weight of the potatoes being diverted. The cost of

inspecting, verifying the quantity, certifying that diversion has been performed, and issuing certificates thereof shall be borne by the diverter. Certificates shall be prepared on Form CSS–118 "Invoice and Certificates of Inspection and Diversion."

§ 519.167 *Methods of feeding.* The feeding of potatoes to livestock shall be accomplished by the following methods:

(a) Feeding in barns or feed lots directly from troughs, bunkers, bins, or other suitable feeding receptacle;

(b) Spreading on pasture land where livestock are grazing, but the rate of spreading during any seven-day period shall not exceed 500 pounds of potatoes per head of cattle or horses or 250 pounds per head of sheep or swine; and

(c) Utilizing the potatoes for livestock feed after dehydration through a process of alternate freezing and thawing. This method may be followed only in areas suitable for this process as may hereafter be approved by the Director, Fruit and Vegetable Division. The potatoes must be initially processed as specified in § 519.164, and in addition to other program requirements, the following special terms and conditions will be applicable:

(1) The potatoes must be spread on pasture consisting of sod or other grassland and the land must be fenced. The land may not be under the Soil Bank Program and, subsequent to spreading the potatoes, the land may not be placed under the Soil Bank Program or be plowed or otherwise cultivated until it is determined by USDA that adequate pasturing by livestock has taken place.

(2) The potatoes may be spread no deeper than 4 inches at any point.

(3) Diversion payments will be computed at the rate in effect at the time of initial processing and spreading but payment to diverters by USDA will not be made until it is determined by USDA that adequate pasturing by livestock has taken place.

(4) Spreading must take place on or before February 28, 1958.

§ 519.168 *Claim for payment.* In order to obtain payment the diverter must submit a properly executed "Invoice and Certificates of Inspection and Diversion," Form CSS–118, to the State ASC Office which approved his application. All such claims shall be filed not later than one calendar month after the termination date of the applicable diversion authorization.

§ 519.169 *Compliance with program provisions.* If USDA determines that any quantity of potatoes diverted under this program was not used exclusively for livestock feed purposes, whether such failure was caused directly by the diverter or by any other person or persons, the diverter shall not be entitled to diversion payments in connection with such potatoes and shall be liable to USDA for any other damages incurred as a result of such failure to use the potatoes exclusively for livestock feed purposes. USDA may deny any diverter the right to participate in this program or the right to receive payments in connection with any diversion previously made under this program, or both, if USDA determines that: (a) The diverter has failed to use or caused to be used any quantity of potatoes diverted under this program exclusively for livestock feed purposes, whether such failure was caused directly by the diverter or by any other person or persons, (b) the diverter has not acted in good faith in connection with any transaction under this program, or (c) the diverter has failed to discharge fully any obligation assumed by him under this program. Persons making any misrepresentation of facts in connection with this program for the purpose of defrauding the USDA will be subject to the applicable civil and criminal provisions of the United States Code.

§ 519.170 *Inspection of premises.* The diverter shall permit authorized representatives of USDA at any reasonable time to have access to his premises to inspect and examine such potatoes as are being diverted or stored for diversion, and to inspect and examine the diverter's facilities for diverting potatoes, in order to determine to what extent there is or has been compliance with the provisions of this program.

§ 519.171 *Records and accounts.* If the diverter sells or otherwise disposes of potatoes diverted pursuant to this program to any other person or persons for use as livestock feed, the diverter shall keep accurate records and accounts showing the details relative to the diversion and disposition of such potatoes. The diverter shall permit authorized representatives of USDA at any reasonable time to inspect, examine, and make copies of such records and accounts in order to determine to what extent there is or has been compliance with the provisions of this program. Such records and accounts shall be retained by the diverter for two years after date of last payment to him under the program.

§ 519.172 *Set-off.* If the diverter is indebted to USDA or to any other agency of the United States, set-off may be made against any amount due the diverter hereunder. Setting off shall not deprive the diverter of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

§ 519.173 *Joint payment or assignment.* The diverter may name a joint payee on the claim for payment or may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, Public Law 811, 76th Congress, as amended (31 U. S. C. 203, 41 U. S. C. 15), the proceeds of any claim, to a bank, trust company, Federal lending agency, or other recognized financing institution: *Provided,* That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment with the authorized representative of USDA who approved the application, together with a true copy of the instrument of assignment, in accordance with the instructions on Form CSS–66 "Notice of Assignment," which form must be used in giving notice of assignment to USDA. The "Instrument of Assignment" may be executed on Form CSS–347 or the assignee may use his own form of assignment. The CSS forms may be obtained from the State ASC Office or the Washington office shown in § 519.155.

§ 519.174 *Officials not to benefit.* No member of or delegate to Congress, or Resident Commissioner, shall be entitled to any share or part of any contract resulting from this program or to any benefits that may arise therefrom, but this provision shall not be considered to extend to such a contract if made with a corporation for its general benefit or to any such person acting in his capacity as a farmer.

§ 519.175 *Amendment and termination.* This subpart may be amended or terminated at any time but the amendment or termination shall not be effective earlier than the date of filing with the Federal Register Division. No amendment or termination shall be applicable to any potatoes diverted before the effective time of such amendment or termination.

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

Dated: September 27, 1957.

[SEAL] FLOYD F. HEDLUND,
*Authorized Representative of the Secretary of Agriculture.*

[F. R. Doc. 57–8054; Filed, Oct. 1, 1957; 8:45 a. m.]

# TITLE 7—AGRICULTURE

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

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

### SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED ONIONS [1]

On February 20, 1957, a notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 1038) regarding a proposed issuance of the United States Standards for Grades of Canned Onions.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Canned Onions are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

PRODUCT DESCRIPTION, AND GRADES

Sec.
52.3041 Product description.
52.3042 Grades of canned onions.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

RECOMMENDED FILL OF CONTAINER, DRAINED WEIGHT, AND COUNT OF CANNED ONIONS

Sec.
52.3043 Fill of container.
52.3044 Drained weight.
52.3045 Count of onions.

FACTORS OF QUALITY

52.3046 Ascertaining the grade.
52.3047 Ascertaining the rating for the factors which are scored.
52.3048 Color.
52.3049 Uniformity of size and shape.
52.3050 Defects.
52.3051 Character.

LOT INSPECTION AND CERTIFICATION

52.3052 Ascertaining the grade of a lot.

SCORE SHEET

52.3053 Score sheet for canned onions.

AUTHORITY: §§ 52.3041 to 52.3053 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, AND GRADES

§ 52.3041 *Product description.* "Canned onions" means the canned product consisting of whole onions, properly prepared from clean, sound, succulent onion bulbs. The product is packed in accordance with good commercial practice and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

§ 52.3042 *Grades of canned onions.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned onions that possess similar varietal characteristics; that possess a normal flavor; that possess a good color; that are practically uniform in size and shape; that are practically free from defects; that possess a good character; and that score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned onions that possess similar varietal characteristics; that possess a normal flavor; that possess a fairly good color; that are fairly uniform in size and shape; that are fairly free from defects; that possess a fairly good character; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart: *Provided,* That the canned onions may be variable in size and shape if the total score is not less than 70 points.

(c) "Substandard" is the quality of canned onions that fail to meet the requirements of U. S. Grade C or U. S. Standard.

RECOMMENDED FILL OF CONTAINER, DRAINED WEIGHT, AND COUNT OF CANNED ONIONS

§ 52.3043 *Fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled as full as practicable with onions without impairment of quality and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

§ 52.3044 *Drained weights*—(a) *General.* The minimum drained weight recommendations for canned onions in Table I of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades.

(b) *Method for ascertaining drained weight.* The drained weight is determined by emptying the contents of the container upon a United States Standard No. 8 sieve of proper diameter so as to distribute the product evenly, inclining the sieve to facilitate drainage, allowing the product to drain for two minutes and then weighing the sieve together with the product thereon. The drained weight is the weight of the sieve and the drained product less the weight of the dry sieve. A sieve 8 inches in diameter is used for the No. 3 size can (404 x 414) or equivalent size, and smaller sizes; and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

(c) *Compliance with recommended drained weights.* Compliance with the recommended drained weights is determined by averaging the drained weights from all the containers which are representative of a specific lot; and such lot is considered as meeting the recommendations if the following criteria are met.

(1) The average of the drained weights from all of the containers meets the applicable recommended drained weight;

(2) One-half or more of the containers meets the recommended drained weight; and

(3) The drained weight of each of the containers which do not meet the recommended drained weight is within the range of variability for good commercial practice.

TABLE I—RECOMMENDED DRAINED WEIGHTS, IN OUNCES, FOR CANNED ONIONS

| Container size or designation (metal, unless otherwise stated) | Maximum headspace allowable (measured from top of double seam) | Sizes of canned onions | | |
|---|---|---|---|---|
| | | Tiny | Small | Medium |
| | *16th of an inch* | *Ounces* | *Ounces* | *Ounces* |
| 8-ounce tall | 7.6 | 4.5 | 4.5 | 4.5 |
| No. 303 | 9.4 | 9.5 | 9 | 9 |
| No. 303 glass | 9.4 | 9 | 9 | 9 |
| No. 10 | 13.6 | 64 | 63 | 60 |

§ 52.3045 *Count of onions*—(a) *General.* The count recommendations in table II of this section are not incorporated in the grades of the finished product since count of onions, as such, is not a factor of quality for the purpose of these grades.

(b) *Compliance with recommended count of canned onions.* Compliance with the recommended count of canned onions is determined by averaging the counts from all the containers which are representative of a specific lot; and such lot is considered as meeting the recommendations if the following criteria are met:

(1) The average of the counts from all of the containers is within the range of the applicable recommended count;

(2) The counts of not more than one-sixth of the containers fail the range of such recommended count; and

(3) The count from each of the containers which fails such range is not outside such range by more than 10 percent or more than two onion bulbs, whichever is the greater.

TABLE II—RECOMMENDED COUNT OF CANNED ONIONS

| Container size or designation (metal, unless otherwise stated) | Tiny | Small | Medium |
|---|---|---|---|
| 8-ounce tall | 15 and over | 8 to 14, inclusive | |
| No. 303 and No. 303 glass | 30 and over | 15 to 29, inclusive | 8 to 14, inclusive. |
| No. 10 | 200 and over | 100 to 199, inclusive | 80 to 99, inclusive. |

FACTORS OF QUALITY

§ 52.3046 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors which are not scored.* (i) Varietal characteristics.

(ii) Flavor.

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

| Factors: | *Points* |
|---|---|
| Color | 20 |
| Uniformity of size and shape | 30 |
| Defects | 30 |
| Character | 20 |
| Total score | 100 |

(b) *Normal flavor.* "Normal flavor" means that the product is free from objectionable flavors and objectionable odors of any kind.

§ 52.3047 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "17 to 20 points" means 17, 18, 19, or 20 points.)

§ 52.3048 *Color*—(a) *General.* The color of canned onions has reference to the predominating and characteristic color of the exterior surfaces of the onion bulbs.

(b) *(A) classification.* Canned onions that possess a good color may be given a

score of 17 to 20 points. "Good color" means that the canned onions possess a reasonably bright, characteristic color which may include typical greenish areas on the surface of the bulbs; and that not more than 10 percent, by count, of the onions may individually possess such typical greenish areas, which, in the aggregate, exceed one-half of the surface area of the bulb.

(c) *(C) classification.* If the canned onions possess a fairly good color a score of 14 to 16 points may be given. Canned onions that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the canned onions possess a characteristic color which may include typical greenish areas on the surface of the bulbs; that the product is not materially affected by oxidation, or dull grayish-white casts, or watery-white casts, or other discoloration; and that not more than 20 percent, by count, of the onions may individually possess greenish areas, which, in the aggregate, exceed one-half of the surface area of the bulbs.

(d) *(SStd.) classification.* Canned onions that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3049 *Uniformity of size and shape*—(a) *General.* Uniformity of size and shape refers to the degree of variation in size and shape of the individual onion bulbs in canned onions.

(1) "Poorly shaped" means that the length of the individual onion bulb exceeds the maximum length for the applicable diameter, as shown in table III of this section, or that the onion bulb is otherwise misshapen to the extent that its appearance is seriously affected.

TABLE III—ONION DIMENSIONS

| Diameter of onion: [1] | *Maximum length of onion* [2] *(inches)* |
|---|---|
| ½ inch | 15/16 |
| 9/16 inch | 1 1/16 |
| 5/8 inch | 1 3/16 |
| 11/16 inch | 1 5/16 |
| ¾ inch | 1 7/16 |
| 13/16 inch | 1 9/16 |
| 7/8 inch | 1 11/16 |
| 15/16 inch | 1 13/16 |
| 1 inch | 1 15/16 |
| 1⅛ inches | 2⅛ |
| 1¼ inches | 2⅜ |
| 1⅜ inches | 2⅝ |
| 1½ inches | 2⅞ |

[1] Diameter is determined by measuring the greatest diameter at right angles to a straight line running from the stem end to the root end.

[2] Length is determined by measuring the over-all length of the onion.

(b) *(A) classification.* Canned onions that are practically uniform in size and shape may be given a score of 26 to 30 points. "Practically uniform in size and shape" means that:

(1) In a container with a count of less than 21 onions, not more than 10 percent, by count, of the onions are poorly shaped, and the weight of the second largest onion is not more than three times the weight of the second smallest onion.

(2) In a container with a count of 21 or more onions, not more than 10 percent, by count, of the onions are poorly shaped, and with respect to 95 percent, by count, of all the onions, the weight of the largest onion is not more than three times the weight of the smallest onion.

(c) *(C) classification.* If the canned onions are fairly uniform in size and shape a score of 21 to 25 points may be given. Canned onions that fall into this classification shall not be graded above "U. S. Grade C" or "U. S. Standard," regardless of the total score for the product (this is a limiting rule). "Fairly uniform in size and shape" means that:

(1) In a container with a count of less than 21 onions, not more than 25 percent, by count, of the onions are poorly shaped, and the weight of the second largest onion is not more than four times the weight of the second smallest onion.

(2) In a container with a count of 21 or more onions, not more than 25 percent, by count, of the onions are poorly shaped, and with respect to 95 percent, by count, of all the onions, the weight of the largest onion is not more than four times the weight of the smallest onion.

(d) *(SStd.) classification.* Canned onions that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule).

§ 52.3050 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from extraneous vegetable material and from onion bulbs that are blemished or seriously blemished or affected by mechanical damage, loose scales, or detached centers, and to the trimming of the onion bulb.

(1) "Blemished" means affected by surface or internal discoloration to such an extent that the appearance or eating quality is materially affected. Internal yellow sprouts which show no discoloration are not considered as being within the meaning of the term "blemished."

(2) "Seriously blemished" means blemished to such an extent that the appearance or eating quality is seriously affected.

(3) "Mechanical damage" means damaged by crushing, gouging, or trimming to such an extent that the appearance of the onion bulb is materially affected.

(4) "Loose scales or pieces of scales" means scales or pieces of scales that are not attached to an onion bulb.

(5) "Detached center" means an onion bulb without its center portion.

(6) "Well trimmed" means that the top and roots of the onion bulb have been removed.

(b) *(A) classification.* (1) Canned onions that are practically free from defects may be given a score of 25 to 30 points. "Practically free from defects" means:

(i) With respect to the onions in all of the containers

(*a*) At least 95 percent, by count of the onions, are well trimmed, and

(*b*) For each 20 onions, there may be present not more than two loose scales or pieces of scales and one detached center; and

(ii) With respect to the onions in the individual containers

(*a*) Not more than a total of 10 percent, by count of the onions in the container, are affected by mechanical damage, and

(*b*) Not more than 3 percent, by count of the onions in such container, are blemished, including not more than 1 percent, by count of the onions in such container, that are seriously blemished.

(2) Notwithstanding the requirements in subparagraph (1) (ii) of this paragraph, one onion bulb in an individual container may be affected by one or more of the defects listed therein, although in excess of the percentages permitted for the particular defects: *Provided,* That the percentage of each such defect computed on the basis of all of the onions in all containers is within the percentage permitted for such defect.

(c) *(C) classification.* (1) Canned onions that are fairly free from defects may be given a score of 21 to 24 points. Canned onions that fall into this classification shall not be graded above "U. S. Grade C" or "U. S. Standard," regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means:

(i) With respect to the onions in all of the containers

(*a*) At least 90 percent, by count of the onions, are well trimmed, and

(*b*) For each 20 onions, there may be present not more than four loose scales or pieces of scales and two detached centers, and

(ii) With respect to the onions in the individual containers

(*a*) Not more than a total of 20 percent, by count of the onions in the container, are affected by mechanical damage, and

(*b*) Not more than 5 percent, by count of the onions in such container, are blemished, including not more than 2 percent, by count of the onions in such container, that are seriously blemished.

(2) Notwithstanding the requirements in subparagraph (1) (ii) of this paragraph, one onion bulb in an individual container may be affected by one or more of the defects listed therein, although in excess of the percentages permitted for the particular defects: *Provided,* That the percentage of each such defect computed on the basis of all of the onions in all containers is within the percentage permitted for such defect.

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

§ 52.3051 *Character*—(a) *General.* Character has reference to firmness and texture of the individual onion, and to the tendency to retain its conformation without becoming soft or spongy.

(b) *(A) classification.* Canned onions that possess a good character may be

given a score of 17 to 20 points. "Good character" means that the onions are reasonably firm, reasonably tender, and not more than 10 percent, by count, are soft or spongy.

(c) *(C) classification.* Canned onions that possess a fairly good character may be given a score of 14 to 16 points. Canned onions that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the onions are fairly firm, fairly tender, and not more than 20 percent, by count, are soft or spongy.

(d) *(SStd.) classification.* Canned onions that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.3052 *Ascertaining the grade of a lot.* The grade of a lot of canned onions covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87; 22 F. R. 3535).

SCORE SHEET

§ 52.3053 *Score sheet for canned onions.*

| | |
|---|---|
| Size and kind of container | ---- |
| Container mark or identification | ---- |
| Label | ---- |
| Net weight (ounces) | ---- |
| Vacuum (inches) | ---- |
| Drained weight (ounces) | ---- |
| Count (whole) | ---- |
| Varietal type | ---- |

| Factors | Score points | |
|---|---|---|
| Color | 20 | (A) 17–20<br>(C) [1] 14–16<br>(SStd.) [1] 0–13 |
| Uniformity of size and shape | 30 | (A) 26–30<br>(C) [1] 21–25<br>(SStd.) [2] 0–20 |
| Defects | 30 | (A) 25–30<br>(C) [1] 21. 24<br>(SStd.) [1] 0–20 |
| Character | 20 | (A) 17–20<br>(C) [1] 14. 16<br>(SStd.) [1] 0–13 |
| Total score | 100 | |

| | |
|---|---|
| Flavor | ---- |
| Grade | ---- |

[1] Limiting rule.
[2] Partial limiting rule.

*Effective time.* The United States Standards for Grades of Canned Onions (which is the first issue) contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER.

Dated: September 27, 1957.

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

[F. R. Doc. 57–8097; Filed, Oct. 1, 1957; 8:54 a. m.]

# TITLE 21—FOOD AND DRUGS

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

### Subchapter B—Food and Food Products

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

GRATED AMERICAN CHEESE FOOD; ORDER STAYING EFFECTIVENESS OF ORDER ESTABLISHING DEFINITION AND STANDARD OF IDENTITY

In the matter of establishing a definition and standard of identity for grated Amercian cheese food:

In accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 70 Stat. 919; 21 U. S. C. 341, 371), the Commissioner of Food and Drugs, under authority delegated to him by the Secretary of Health, Education, and Welfare (22 F. R. 1045), promulgated an order on June 19, 1957 (22 F. R. 4323), establishing a definition and standard of identity for grated American cheese food (§ 19.790). A period of 30 days was permitted for the filing of objections to the order. Within that time the following objections were filed:

Kraft Foods Division of National Dairy Products Corporation, Chicago, Illinois, filed objections showing that they would be adversely affected and specifying the following six features of the standard to which they excepted: The name specified; the minimum limit for milk fat; the failure to list pasteurized process American cheese as a permitted optional ingredient; the failure to include dried whey as a permitted optional ingredient; the failure to provide for an acidifying agent; and the maximum limit specified for the permitted emulsifying ingredients. Grounds were stated for the objections specified and a hearing was requested.

Two firms interested in dried whey filed objections, asserting that they would be adversely affected and specifying their objections to the failure of the standard to list dried whey as a permitted optional ingredient. Grounds were stated for the objections and a hearing was requested. These firms were Western Condensing Company, Appleton, Wisconsin, and Foremost Dairies, San Francisco, California.

The objections filed are so extensive that it is not feasible to stay particular parts of the order to which objections were raised: *Therefore, it is ordered,* That the definition and standard of identity for grated American cheese food as published in the FEDERAL REGISTER of June 19, 1957 (22 F. R. 4323) be stayed in its entirety.

In accordance with the provisions of section 701 of the Federal Food, Drug, and Cosmetic Act, the Commissioner will, as soon as practicable, announce a public hearing for the purpose of receiving evidence relevant and material to the issues raised by the objections filed.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 401, 52 Stat. 1046; 21 U. S. C. 341)

Dated: September 25, 1957.

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

[F. R. Doc. 57–8076; Filed, Oct. 1, 1957; 8:50 a. m.]

# TITLE 32A—NATIONAL DEFENSE, APPENDIX

## Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M–107, Amdt. 2 of September 27, 1957]

M–107—TITANIUM MILL PRODUCTS

LEAD TIME FOR REQUIRED ACCEPTANCE OF RATED ORDERS

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amendment supersedes and revokes Amendment 1 of December 6, 1955, to BDSA Order M–107.

This amendment affects BDSA Order M–107, as amended by Amendment 1 of December 6, 1955, by further reducing the required acceptance of rated orders by producers of titanium mill products from 90 percent of their scheduled monthly production to 75 percent.

Section 4 of BDSA Order M–107 is hereby amended to read as follows:

SEC. 4. *Limitations on required acceptance of rated orders.* (a) Unless specifically directed by BDSA, no producer of titanium mill products shall be required to accept rated orders calling for delivery during any calendar month, commencing with the month of October 1957, of an aggregate quantity of titanium mill products by weight which exceeds 75 percent of his scheduled production of such products for that calendar month: *Provided, however,* That no producer shall cancel or postpone delivery of any rated orders already accepted because such orders exceed 75 percent of his scheduled production for that month.

(b) Unless specifically directed by BDSA, a producer of titanium mill products need not accept a rated order which he receives less than 3 months prior to the first day of the month in which delivery is requested.

(Sec. 704, 64 Stat. 816, as amended, sec. 1, Pub. Law 632, 84th Cong., 70 Stat. 408; 50 U. S. C. App. 2154)

This amendment shall take effect September 27, 1957.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. MCCOY,
*Administrator.*

[F. R. Doc. 57–8050; Filed, Oct. 1, 1957; 8:45 a. m.]

# TITLE 43—PUBLIC LANDS: INTERIOR

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

### Appendix—Public Land Orders

[Public Land Order 1512]

[Misc. 1282713]

[Oregon 04669]

OREGON

RESERVING PUBLIC LANDS AS AN ADDITION TO THE UPPER KLAMATH NATIONAL WILDLIFE REFUGE

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

Subject to valid existing rights, the following-described public lands in Oregon are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws, and reserved as an addition to the Upper Klamath National Wildlife Refuge, established by Executive Order No. 4851 of April 3, 1928, as the Upper Klamath Wildlife Refuge, the name of which was changed by Proclamation No. 2416 of July 25, 1940:

WILLAMETTE MERIDIAN

T. 35 S., R. 7½ E.,
Sec. 9, unsurveyed small island in Agency Lake in the SE¼ approximately 15 chains east of lots 3 and 4;
Sec. 10, unsurveyed small island in Agency Lake in the SE¼ approximately 20 chains southeast of lot 7.

The areas described aggregate 6 acres.

HATFIELD CHILSON,
*Under Secretary of the Interior.*

SEPTEMBER 25, 1957.

[F. R. Doc. 57-8056; Filed, Oct. 1, 1957; 8:46 a. m.]

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[Public Land Order 1513]

[Fairbanks 013070]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, AS AN ADMINISTRATIVE SITE AND RECREATION AREA; PARTIALLY REVOKING PUBLIC LAND ORDER NO. 808 OF FEBRUARY 27, 1952, WHICH WITHDREW LANDS FOR TOWNSITE PURPOSES

By virtue of the authority vested in the President by section 2380 of the Revised Statutes (43 U. S. C. 711), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Bureau of Land Management, Department of the Interior, as an administrative site and recreational area:

FAIRBANKS MERIDIAN

T. 10 S., R. 10 E.,
Sec. 14, lot 1.

The area described contains 18.23 acres.

Public Land Order No. 808 of February 27, 1952, which withdrew lands for townsite purposes, is hereby revoked so far as it affects the above-described lands.

ROGER ERNST,
*Assistant Secretary of the Interior.*

SEPTEMBER 25, 1957.

[F. R. Doc. 57-8057; Filed, Oct. 1, 1957; 8:46 a. m.]

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[Public Land Order 1514]

[Idaho 06741 et al.]

IDAHO

RESERVING PUBLIC LANDS WITHIN NATIONAL FORESTS FOR USE OF THE FOREST SERVICE AS ADMINISTRATIVE SITES, CAMP GROUNDS, AND RECREATION AREAS

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

Subject to valid existing rights, the following-described public lands within the national forests hereafter named are hereby withdrawn from all forms of appropriation under the public land laws including the mining but not the mineral leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites, camp grounds, and recreation areas:

[Idaho 06741]

BOISE NATIONAL FOREST

TINCUP CREEK CAMPGROUND RECREATION AREA

T. 5 N., R. 7 E.,
Sec. 1, lots 12 and 13;
Sec. 2, lot 9.
The areas described aggregate 106.41 acres.

NORTH FORK BOISE RIVER CAMPGROUND NO. 2 RECREATION AREA

T. 5 N., R. 7 E.,
Sec. 2, lot 15.
The area described contains 24.84 acres.

NORTH FORK BOISE RIVER CAMPGROUND RECREATION AREA

T. 5 N., R. 7 E.,
Sec. 2, lot 11.
The area described contains 43.18 acres.

RABBIT CREEK CAMPGROUND RECREATION AREA

T. 5 N., R. 7 E.,
Sec. 3, lot 13;
Sec. 10, lot 2.
The areas described aggregate 64.51 acres.

RABBIT CREEK RECREATION AREA

T. 5 N., R. 7 E.,
Sec. 3, lot 14;
Sec. 10, lot 1.
The areas described aggregate 45.50 acres.

SIX-MILE CAMPGROUND RECREATION AREA

T. 11 N., R. 5 E.,
Sec. 9, W½W½SW¼SE¼ and E½E½SE¼SW¼.
The areas described aggregate 20.00 acres.

TARGHEE NATIONAL FOREST

BOOTH CANYON RECREATION AREA

T. 1 S., R. 45 E.,
Sec. 25, E½.
The area described contains 320.00 acres.

SHERIDAN CREEK PUBLIC SERVICE SITE

T. 14 N., R. 41 E.,
Sec. 31, SW¼SE¼.
T. 13 N., R. 41 E.,
Sec. 6, lots 3, 4, 5, 6, 7, SE¼NW¼, and E½SW¼.
The areas described aggregate 437.19 acres.

[Idaho 07267]

COEUR D'ALENE NATIONAL FOREST—BOISE MERIDIAN, IDAHO

BUMBLEBEE CAMPGROUND

T. 50 N., R. 1 E.,
Sec. 35, lot 1;
Sec. 36, lot 4.
The areas described aggregate 77.83 acres.

FREEZEOUT CAMPGROUND

T. 54 N., R. 1 E.,
Sec. 15, NE¼SE¼NE¼.
The area described contains 10 acres.

LONGPOOL CAMPGROUND

T. 51 N., R. 3 E.,
Sec. 3, lot 9;
Sec. 10, lots 2 and 3.
The areas described aggregate 64.62 acres.

SISSONS CAMPGROUND

T. 51 N., R. 3 E.,
Sec. 25, lots 8 and 9.
T. 51 N., R. 4 E.,
Sec. 30, W½ lot 5.
The areas described aggregate 45.28 acres.

SENATOR CREEK CAMPGROUND

T. 52 N., R. 3 E.,
Sec. 6, S½ lot 7;
Sec. 7, N½ lot 1.
The areas described aggregate 35.03 acres.

AVERY CREEK CAMPGROUND

T. 50 N., R. 4 E.,
Sec. 10, S½ lot 10;
Sec. 15, lot 1.
The areas described aggregate 43.40 acres.

SHOSHONE PARK CAMPGROUND

T. 48 N., R. 6 E.,
Sec. 32, NW¼NW¼SW¼.
The area described contains 10 acres.

MULLAN PARK CAMPGROUND

T. 49 N., R. 1 W.,
Sec. 6, S½ lot 6, N½ lot 7, and E½SW¼.
The areas described aggregate 120.11 acres.

FOURTH OF JULY CAMPGROUND

T. 49 N., R. 1 W.,
Sec. 21, SE¼SE¼NE¼, and NE¼NE¼SE¼.
The areas described aggregate 20 acres.

NICHOLAS CREEK CAMPGROUND

T. 51 N., R. 1 W.,
Sec. 6, SW¼NE¼.
The area described contains 40 acres.

IRON CREEK CAMPGROUND

T. 52 N., R. 1 W.,
Sec. 21, lot 1.
The area described contains 32.44 acres.

SAGE CREEK CAMPGROUND

T. 52 N., R. 2 W.,
Sec. 10, NE¼SE¼SW¼.
The area described contains 10 acres.

BEAUTY BAY CAMPGROUND

T. 49 N., R. 3 W.,
Sec. 12, lot 2.
The area described contains 21.49 acres.

MT. COEUR D'ALENE CAMPGROUND

T. 49 N., R. 3 W.,
Sec. 14, SE¼SW¼.
The area described contains 40 acres.

[Idaho 07268]

KANISKU NATIONAL FOREST—BOISE MERIDIAN, IDAHO

T. 56 N., R. 1 W.,
Sec. 31, lots 2 and 3.
The areas described aggregate 45.85 acres.

[Idaho 07319]

PAYETTE NATIONAL FOREST—BOISE MERIDIAN, IDAHO

MC COY RANCH ADMINISTRATIVE SITE

T. 19 N., R 11 E. (unsurveyed),
Sec. 4, N½NE¼NW¼, SW¼NE¼NW¼, NW¼SE¼NW¼, SW¼NW¼, S½NW¼NW¼, NE¼NW¼NW¼, and NW¼NW¼SW¼;
Sec. 5, SE¼SE¼NE¼, and NE¼SE¼.
T. 20 N., R. 11 E. (unsurveyed),
Sec. 33, SE¼SW¼.
The areas described aggregate approximately 210.00 acres.

The public lands withdrawn by this order aggregate a total of approximately 1,887.68 acres.

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

ROGER ERNST,
*Assistant Secretary of the Interior.*

SEPTEMBER 25, 1957.

[F. R. Doc. 57-8058; Filed, Oct. 1, 1957; 8:46 a. m.]

# TITLE 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 11877; FCC 57-1049]

[Rules Amdt. 3-95]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATION; TABLE OF ASSIGNMENTS, VANCOUVER, WASH.

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Vancouver, Washington).

1. The Commission has before it for consideration the conflicting proposals set out in its notice of proposed rule making (FCC 56-1184), released November 29, 1956, and in subsequent notices of further proposed rule making released January 4, 1957 (FCC 57-12) and June 10, 1957 (FCC 57-608) in this proceeding, to assign Channel 2 to Vancouver, Washington, Longview, Washington, or Portland, Oregon, respectively, in response to petitions filed by KVAN, Inc., permittee of Station KVAN-TV on Channel 21 at Vancouver; W. Gordon Allen and John B. Truhan, d/b as Altru Broadcasting Company, applicant for Channel 33 at Longview, and Tribune Publishing Company, licensee of Station KTNT-TV on Channel 11 at Tacoma, Washington. In addition to these proposals for the employment of Channel 2, conflicting counterproposals were submitted by Grays Harbor Television, Inc., applicant for Channel 58 at Aberdeen, Washington, for the assignment of Channel 2 to both Aberdeen and the Condon, Oregon area, and by Storer Broadcasting Company, former licensee of Station KPTV on Channel 27 at Portland, for the assignment of Channel 2 to any one of four communities, i. e., Longview, Washington, Aberdeen, Washington, Astoria, Oregon or The Dalles, Oregon.

2. Comments were filed by the parties named above in support of their proposals and in opposition to alternative proposals for the use of Channel 2. Comments opposing the proposal to assign Channel 2 to Portland were also filed by C. H. Fisher, d/b as Salem Television Company, applicant for a new station on Channel 3 at Salem;[1] Mount Hood Radio & Television Corporation, licensee of Station KOIN-TV on Channel 6 at Portland; Pioneer Broadcasting Company, licensee of Station KGW-TV on Channel 8 at Portland; and Oregon Television Inc., licensee of Station KPTV (formerly KLOR) on Channel 12 at Portland. A number of letters were also filed urging the assignment of Channel 2 to Longview.

3. Portland, the 21st ranking metropolitan area in the country with a 1950 metropolitan area population of 512,643 and a 1950 city population of 373,628, is by far the largest community involved in the various proposals herein for the employment of Channel 2. Portland has been assigned Channels 6, 8, *10, 12, 21 and 27, with Channel 10 reserved for educational use. Stations are in operation on Channels 6, 8, and 12.[2] Vancouver, with a 1950 popuation of 41,664, is located immediately north of Portland across the Oregon-Washington boundary line. No television channels are assigned to Vancouver in the Table of Assignments, § 3.606 of the Rules, however, a construction permit has been granted to KVAN, Inc., for a new station at Vancouver on Channel 21 in accordance with the fifteen mile rule, § 3.607. Longview, Washington, with a 1950 population of 20,339, is located about 40 miles north of Portland and has been allocated Channel 33, for which an application by Altru Broadcasting Company is on file. Aberdeen, with a 1950 population of 19,653, is located approximately 109 miles northwest of Portland and is assigned Channel 58 for which an application has been filed by Grays Harbor Television, Inc. Astoria, with a 1950 population of 12,331, is located about 72 miles northwest of Portland and has been assigned Channel 30, for which no applications are pending. The Dalles, with a 1950 population of 7,676, is located 72 miles east of Portland and has been assigned Channel 32, for which no applications are on file. Condon, a community of 968 persons, is located about 122 miles to the southeast of Portland and has been assigned no television channels. Salem, a community of 43,140 persons, is located about 47 miles south of Portland and has been assigned Channel 3, *18, 24, and 46, with Channel 18 reserved for educational use. Oregon Radio, Inc., has held a construction permit for Channel 3 at Salem since September 30, 1953 and an application for extension of completion date is on file (BMPCT-4564).

4. In support of its request that Channel 2 be assigned to Vancouver, KVAN, Inc., urges that the assignment can be accomplished in conformance with separation and coverage requirements of the Rules by selection of a site as close as 10 miles north of Vancouver; that Vancouver is the fourth largest city in the State of Washington and is of sufficient population and trading importance to warrant its own television facility; and that in light of the VHF stations in nearby Portland which serve Vancouver, and the rugged terrain, UHF operation in Vancouver would not be possible and a VHF Channel is necessary to provide Vancouver with a local outlet of its own. KVAN urges that its proposal conforms to the objectives outlined in the Commission's June 26, 1956 Report and Order in Docket No. 11532, in that it would foster the growth of competitive television facilities in the area and enable Vancouver to have its own television station. Petitioner urges that Channel 21 can be assigned to another area where its use would be technically feasible and requests that the Commission order it to show cause why its outstanding authorization should not be modified to specify operation on Channel 2 in lieu of Channel 21 at Vancouver.

5. In support of its request that Channel 2 be assigned to Longview, Altru Broadcasting Company urges that Longview is an important trading and industrial center; that it has no local television service; that the terrain is generally hilly and irregular and unsuited for UHF operation, and that there are few UHF receivers in the area. Petitioner submits that Channel 2 may be allocated to Longview in full compliance with the rules; that it would provide the first local outlet to that city and the first dependable service to areas west and north of Longview which now receive no service, except for limited service in some cities from community antenna installations. Altru opposes the conflicting assignment of Channel 2 to Vancouver, contending that a Channel 2 station at Vancouver would make no significant addition of local service to Vancouver whose needs are now being met by the multiple VHF stations in Portland, and that it would serve no new areas, whereas Channel 2 at Longview would provide a first local service in Longview and service to a large white area, thus better meeting the mandate of section 307 (b) of the Communications Act. Altru further urges that since Channel 2 at Longview would be at a greater distance from adjacent Channel 3 at Salem (KSLM-TV) than if it were assigned to

[1] On June 27, 1957, the Commission dismissed the application filed by Salem Television Company for a construction permit to construct a new station on Channel 3 at Salem and denied its request for a hearing on its application in light of the outstanding construction permit held by Oregon Radio, Inc., for KSLM-TV on Channel 3 at Salem.

[2] Station KPTV operated on Channel 27 from September 20, 1952 to April 30, 1957. Storer Broadcasting Company's construction permit for KPTV was deleted, pursuant to its request, on May 1, 1957.

Vancouver, the assignment of Channel 2 to Longview would be more efficient. In addition, Altru submits that there are over 356,442 UHF equipped receivers in the Portland-Vancouver area due to the pioneering efforts of Station KPTV on Channel 27 and that the terrain in the Vancouver area is such that UHF can adequately serve the Vancouver market.

6. Grays Harbor Television, Inc. proposes that Channel 2 be assigned to Aberdeen, Washington, and in the area of Condon, Oregon. Grays submits that a Channel 2 transmitter can be located south of Aberdeen and also in the vicinity of Condon in compliance with all separation requirements. It urges that Aberdeen is an important population and trading area; that the Aberdeen market spreads over a large area, roughly 90 miles along the coast of Washington and 45 miles from the Pacific Ocean to the Thurston-Grays Harbor County line; that UHF is not feasible in the area due to the rough terrain and the need for wide-area coverage, and that the use of Channel 2 at Aberdeen would serve a "white area" of 5,198 square miles and its dual use in the Condon area would serve more than 13,000 square miles of "white area". Grays submits that only community antenna television service is now received in Aberdeen; that all sets in the area are equipped to receive only VHF stations; that there is no television station nor VHF allocation closer than 65 miles from Aberdeen, whereas Portland has three commercial VHF television stations and one educational reservation; Vancouver receives city-grade service from the Portland stations; and Longview receives one city-grade, one Grade A and one Grade B signal from the Portland stations.

7. Storer Broadcasting Company urges that the assignment of Channel 2 to Longview or to Aberdeen, as Altru and Grays Harbor propose, or to Astoria or The Dalles, Oregon, would achieve a more fair and equitable distribution of facilities than would its assignment to Vancouver since location of the channel in any of these four cities would be technically feasible and would provide a first local station and dependable service, as well as provide service to substantial areas which do not now receive service.[3] It submits that the area which would receive a first television service if the channel were assigned to Longview would be about 4,514 square miles; if assigned to Aberdeen, about 5,198 square miles, if assigned to Astoria, about 4,683 square miles; and if assigned to The Dalles, about 13,233 square miles. While UHF assignments have been made to these communities, Storer contends that the rough terrain in this sector makes UHF operation impractical and that in light of the fact that Vancouver already receives city-grade service from the 3 VHF Portland stations, and that the assignment of Channel 2 to Vancouver would conflict with maximum use of Channel 3 at Salem, its proposal for the assignment of Channel 2 to any one of these four communities better fulfills the requirements of section 307 (b) of the act and the priorities of the Sixth Report and Order.[4]

8. In opposition to the proposal to assign Channel 2 to Longview and the alternative proposals of Storer, KVAN urges that Longview is less than half the size of Vancouver and has a trade area of approximately 80,000, whereas Vancouver is the center of a trading area numbering over 191,054; that the distinct character of Vancouver and its needs under section 307 (b) of the act were determined by the Commission in the proceeding leading up to its grant for Station KVAN-TV, on Channel 21 in Vancouver, and that there is no support for Altru's claim that Vancouver, lying in the shadow of three VHF stations in Portland and with rough terrain in its environs, it suitable for UHF while Longview is not. It submits that the argument that assignment of Channel 2 to Longview would permit better service on Channel 2 and Channel 3 at Salem than if Channel 2 were assigned to Vancouver is irrelevant since its Vancouver proposal meets the requirements for adjacent channel separation; that a VHF station in the smaller community and market of Longview would be incapable of survival because of domination by Portland stations; and that a Vancouver station would provide principal-city coverage to Longview; serve substantially more people than a Channel 2 drop-in at Kelso-Longview, and serve Astoria as well as from any feasible Longview location. KVAN states that assignment of Channel 2 to the small communities of The Dalles or Astoria would not assure use of the channel or survival of a station and would sanction use of the channel for a fraction of its potential. KVAN also questions the representations regarding the extent of "white area" which would be served by the Longview or alternative proposals of Storer, claiming, for example, that theoretical coverage is shown for The Dalles whereas actual measurements for the Channel 6 Portland Station (KOIN-TV), with greater antenna height, show much less coverage than predicted; that relatively smooth terrain was assumed whereas it is exceedingly rough in the area, and that the UHF stations in operation at Yakima, and Pasco were not taken into consideration.

9. In support of its proposal for the assignment of Channel 2 to Portland, the Tribune Publishing Company urges that its proposal to add a fourth commercial VHF channel to a major market such as Portland better comports with the Commission's allocation policy and the public interest than would its assignment to any of the smaller communities favored by other parties in this proceeding. Tribune claims that Channel 2 at Portland would provide a greater number of people with service than would its employment at Vancouver, Longview or Aberdeen; that a Channel 2 Portland station would provide city-grade service to Portland and Vancouver, as well as Grade B or better service to the densely populated surrounding area, including Longview, whereas a Vancouver station might not reach all of Portland and location of Channel 2 at either Aberdeen or Longview would provide service to a fraction of the viewers which would be served by a Channel 2 station at Portland. Petitioner submits that the television needs of a city of 373,000 persons in an urbanized area of more than half a million people can never be fully served with only three commercial television stations; that with the recent demise of Portland's UHF Station KPTV, Portland is no longer assured of at least four commercial outlets to meet its need for outlets for the three national networks and for a non-network outlet for local television programs, particularly during the prime viewing hours; that the four-year experiment with UHF in Portland demonstrates that a UHF station cannot survive in the face of VHF competition in the Portland market, and that an independent outlet in Portland must be operated on VHF to be feasible as a fourth competitive facility. It urges that assignment of the channel to Portland would assure maximum utilization of the frequency since it alone of all the communities under consideration is of sufficient size and importance to support a fulltime commercial television operation at maximum power; that experience indicates that wide-area VHF stations must be located in population centers of substantial size where they can draw on substantial advertising revenue and extensive program sources, and that no showing has been made that Vancouver, Aberdeen or Longview could support such a fulltime, maximum facility VHF station. As against the need of Portland

[3] Storer Broadcasting also urged that the assignment of Channel 2 to any of these four cities would be technically consistent with its then pending proposals for Channel 3 operation at Salem, Oregon, whereas the KVAN proposal to utilize Channel 2 at Vancouver would not, since a 60 mile separation between its proposed Channel 3 site and Channel 2 at Vancouver could not be met by a Channel 2 station and still provide city-grade coverage to Vancouver. However, the arguments advanced in this connection have been rendered moot by the Commission's dismissal and return of the tendered application for assignment of Station KSLM-TV on Channel 3 at Salem from Oregon Radio, Inc., to Storer Broadcasting and the application for modification of the construction permit of Station KSLM-TV to specify, inter alia, a new transmitter site closer to Portland, pursuant to request, on May 10, 1957. The presently authorized site of KSLM-TV and that proposed in a pending application (BMPCT-4687), filed May 14, 1957, would not preclude the assignment of Channel 2 to Vancouver or to any of the other cities involved in the various proposals herein.

[4] On April 18, 1957, KVAN, Inc., requested that all comments filed by Storer Broadcasting herein be stricken. As grounds therefor, KVAN asserts that Storer's interest in opposing the assignment of Channel 2 to Vancouver and advancing alternative proposals was predicated upon its interest in acquiring Channel 3 at Salem and locating the Salem station at a site incompatible with the use of Channel 2 at Vancouver and possibly its ownership of UHF Station KPTV at Portland, and that in view of subsequent events, it is evident that Storer has withdrawn from the Salem-Portland television situation and is no longer an interested party. This request is denied, and Storer's comments are being considered.

for an independent TV station to replace the service lost by the demise of KPTV, Tribune states that no such similar need has been shown for Channel 2 in the smaller communities to which its assignment is alternatively proposed; that the UHF channels available in these communities have not been used to date; and that there is no indication that the parties interested in assignment of the channel to Vancouver, Aberdeen or Longview contemplate putting it to maximum use. Tribune states that if Channel 2 is assigned to Portland, it plans to file an application for fulltime operation at maximum facilities. Tribune further contends that if Channel 2 were assigned to Vancouver, a Vancouver station would never be fully competitive, from an advertising and commercial point of view, with the existing Portland stations which also serve Vancouver.

10. Salem Television Company, Mount Hood Radio and Television Broadcasting Corporation, KVAN, Inc., Oregon Television, Inc., Pioneer Broadcasting Company, and Grays Harbor Television, Inc., oppose Tribune's proposal for Portland. In main, these opponents argue that there is no need for a fourth VHF station in Portland to provide local service programs; that the assignment of Channel 2 to Vancouver or one of the other smaller communities proposed would better satisfy the requirements of 307 (b) of the Communications Act; and that in order to meet minimum spacing requirements, a Channel 3 station would have to be located south of Salem to utilize Channel 2 at Portland in close proximity to other Portland VHF stations. KVAN agrees that it would be wasteful to assign Channel 2 to such small communities as Aberdeen or Condon but urges that a Vancouver Channel 2 operation, located north of Vancouver, would represent a much more efficient utilization of the channel than a Channel 2 Portland operation since it would provide a first local facility for Vancouver with more reliable coverage of the Longview-Kelso area and of extensive "white areas" to the north, northwest, and northeast of Vancouver, as well as city-grade service to Portland. In addition, it claims that a Channel 2 Portland station would suffer more interference from a Salem Channel 3 facility and would not achieve comparable coverage down the Willamette Valley with the other Portland VHF stations.

11. We are here presented with conflicting requests for the allocation of Channel 2 as a fourth VHF commercial assignment to the large and important city of Portland, or, alternatively, as a first VHF assignment to the much smaller communities of Vancouver, Longview, Aberdeen, Astoria, The Dalles, or Condon. The channel may be assigned to any one of these communities (except Aberdeen) in conformance with spacing and coverage requirements and without any other changes in the Table of Assignments, as well as jointly in the Astoria and Condon area. The assignment of Channel 2 to Portland would require that the transmitter site be located about 16 miles northeast of Portland, and if assigned to Vancouver, about 9 miles northeast of Vancouver, in order to meet the required 60-mile spacing from the presently authorized transmitter site of the adjacent channel 3 station (KSLM–TV) at Salem, Oregon. However, the change in transmitter site proposed for Station KSLM–TV in a pending application (BMPCT–4687) would permit the use of Channel 2 transmitter sites directly in Portland or Vancouver. While the assignment of Channel 2 to Aberdeen would conform to the required domestic 190-mile co-channel separation from the Channel 2 station in Vancouver, British Columbia (CBUT), the Canadian authorities have advised that they would approve the assignment of Channel 2 in the general area of Southwestern Washington only if a co-channel separation of at least 200 miles from Station CBUT is maintained. This would require locating the transmitter site of a Channel 2 station at Aberdeen some 42 miles south of the city, and from such a distance it would not be possible to provide the required city-grade signal over all of Aberdeen.

12. We have examined the various proposals for the allocation of Channel 2 in the light of the comments submitted by the parties and our objective of improving the competitive television situation among a greater number of stations in as many communities and areas as possible pending completion of our study of the long-range program to improve the overall television allocation structure.[5] In our view, the merits of employing Channel 2 in the Portland (and Vancouver) area outweigh those to be gained by using Channel 2 to provide a first local VHF outlet in Longview or any of the other smaller communtiies involved. The establishment of competitive television services would not be enhanced by the assignment of the channel to any of these communities, and a Channel 2 facility at Longview would be at a competitive disadvantage with the three Portland VHF stations which provide satisfactory television service to this community. Moreover, no need or demand for an assignment has been shown for the much smaller communities of Astoria, The Dalles, or Condon, nor that communities of such small size could make effective use of this channel.

13. Utilization of Channel 2 in the Portland and Vancouver area, however, will serve the needs of this highly populous area for an additional local facility which, as evident from the experience of UHF in Portland and other markets, apparently cannot be met by use of the UHF channels available under present conditions. It would permit comparable and more effective and healthy competition among a greater number of stations in the area while, at the same time, it would provide still another television service to Longview and many other smaller communities in the area.

14. While we are convinced that the assignment of this frequency to the Portland and Vancouver area will best serve the public interest, the requirements of section 307 (b) of the Communications Act, and our television objectives by creating a more favorable climate for effective utilization of the channel and for improvement in the competitive television situation in this area, these considerations are not so easily resolved insofar as a choice between Portland or Vancouver for the use of the frequency is concerned. However, we need not make such a choice at this time, since by allocating Channel 2 to Portland, the major city in the area, in accordance with our general policy of allocating frequencies to the large metropolitan center rather than the smaller community in the same area, as we have consistently done in the Portland-Vancouver and other areas, all considerations affecting the conflicting demand between Portland and Vancouver for the use of the frequency can be satisfactorily resolved upon comparative consideration of any applications which may be filed for use of the channel in these communities.[6] We therefore believe that Channel 2 should be assigned to Portland.

15. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f), (r) and 307 (b) of the Communications Act, as amended.

16. In view of the foregoing, *it is ordered*, That effective October 31, 1957, the table of assignments, contained in § 3.606 of the Commission's rules and regulations, is amended, insofar as the community named is concerned, as follows:

Amend to read:

| *City* | *Channel No.* |
|---|---|
| Portland, Oreg. | 2, 6+, 8−, *10, 12, 21−, 27+ |

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307.)

Adopted: September 25, 1957.

Released: September 26, 1957.

FEDERAL COMMUNICATIONS COMMISSION,[7]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 57–8080; Filed, Oct. 1, 1957; 8:51 a. m.]

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[Docket No. 12034; FCC 57–1048]

[Rules Amdt. 3–94]

## PART 3—RADIO BROADCAST SERVICES

### TELEVISION BROADCAST STATION; TABLE OF ASSIGNMENTS, EUGENE-CORVALLIS, WASH.

In the matter of amendment of § 3.606 *Table of assignments*, Rules Governing Television Broadcast Stations, (Eugene-Corvallis, Oregon).

1. The Commission has before it for consideration the proposal set out in its notice of proposed rule making (FCC

[5] See Report and Order, FCC 56–587, released June 26, 1956, in the general allocation proceeding in Docket No. 11532.

[6] Since Vancouver is less than 15 miles from Portland and is not listed in the Table of Assignments, pursuant to the provisions of § 3.607 (b) of the rules, applications may be filed for a station in Vancouver if Channel 2 is assigned to Portland.

[7] Commissioner Ford abstaining from voting.

57-544) released in this proceeding on May 27, 1957, in response to a petition filed by Liberty Television, Inc. for rule making to amend the Table of Assignments contained in § 3.606 of the rules and regulations to make Channel 9, the non-commercial educational reservation in Eugene, Oregon, available for commercial operation and to reassign Channel 7, the non-commercial educational reservation in Corvallis, Oregon, to Eugene-Corvallis for non-commercial educational use. Interested parties have been afforded an opportunity to submit comments directed to the proposal, and we are now in a position to issue our Report.

2. Comments favoring the proposal were filed by petitioner. In addition, the Commission has received letters, copies of resolutions, petitions and other communications signed by 673 persons in the Eugene area in support of the proposal. Comments opposing the proposal were filed by the Oregon State Board of Higher Education, the District 405-C School Board of Lane County, Oregon, Senator Richard L. Neuberger and the Joint Council on Educational Television. Correspondence was also received from individuals in the Eugene area opposing the proposal.

3. In support of the proposed amendment petitioner alleges that Eugene constitutes the second largest market in Oregon and ranks fifth in the Pacific Northwest; that Eugene has a population of about 45,000 and Lane County, in which it is located, a population approaching 150,000; that Corvallis, which is approximately 35 miles from Eugene, has a population of 16,207; that Eugene and Corvallis are in adjacent counties and form an integral farming and trading area; that there is only one commercial television station in operation in the entire area, Station KVAL-TV on Channel 13 in Eugene; that no other VHF channels have been allocated to the area for commercial use, although Channels 7 and 9 have been reserved for non-commercial educational use in Corvallis and Eugene, respectively; that although a construction permit was recently issued for an educational station on Channel 7 in Corvallis, no application has been filed and none is seriously contemplated for Channel 9 in Eugene; that the closest authorized commercial television stations are at Salem and Roseburg, Oregon, some 60 miles from Eugene; [1] that no applications have been filed for the UHF channels allocated to either Eugene or Corvallis and that the construction and operation of a UHF station in this area of VHF-only sets does not appear likely or feasible in the foreseeable future; that since public announcement was made of petitioner's proposal, very substantial support has arisen from local organizations and from the general public in the Eugene area; and that if the proposed amendment is adopted and if petitioner is successful in obtaining a construction permit for Channel 9, it plans to construct a television station at a site on Mary's Peak with the maximum allowable power and antenna height, which station would provide a Grade A service to approximately 398,000 persons, including about 83,000 persons who would receive their first Grade A service, and a Grade B signal to about 620,000 persons in the Eugene-Corvallis area.

4. Petitioner argues that the assignment of Channel 9 to Eugene and Channel 7 to Corvallis for non-commercial educational use was predicated upon the support thereof by the University of Oregon at Eugene and by Oregon State Agricultural College at Corvallis; that this reservation of two of the only three VHF channels allocated to the entire area results in an artificially maintained single station monopoly situation under which the residents of this area are limited to but one signal and are deprived of a choice of services; that five years after the adoption of this allocation, the educational interests in the area will have joined forces to make use of one of the educational reservations; that Station KOAC-TV on Channel 7 in Corvallis will, on the basis of its application, provide a non-commercial educational service to all of the Eugene-Corvallis area; that optimum use is not planned for Station KOAC-TV, and ample opportunity exists for the broadcast of any programs which can be provided by educational entities in the area not now connected with the educational permittee; and that since engineering considerations prohibit the assignment of another VHF channel to the area, the only possible method of fulfilling the need for a second local service in the area is to delete the educational reservation on one of the two presently reserved channels. Petitioner states that if its proposal is adopted and if it obtains a construction permit for Channel 9, it will make its facilities freely available to the educational interests and will further the aims and objectives of these interests by providing an opportunity for supplementary coverage of educational television programs.

5. In its opposition to the instant proposal, the State Board of Higher Education of the State of Oregon asserts that since 1951 it has been developing a comprehensive educational television program for the entire state; that the construction and operation of Station KOAC-TV at Corvallis on Channel 7 is only the first step in a plan that contemplates the utilization of both of the other two VHF educational reservations in Oregon, Channel 9 at Eugene and Channel 10 at Portland; that the State Legislature in 1955 and again in 1957, appropriated funds for planning experimental programming; that until Station KOAC-TV is in actual operation on Channel 7 at Corvallis, there is no assurance that adequate coverage and service will be available to the University of Oregon at Eugene; and that it would be prejudicial to the interests of the University of Oregon and to other educational organizations in the Eugene area to delete Channel 9 as an educational reservation at Eugene. The Board argues that there is no genuine need for a second commercial VHF service in the Eugene market in view of the pending application (File No. BMPCT-4687) for site approval of Station KSLM-TV on Channel 3 at Salem, Oregon, which station, if its application is granted, will provide primary service to the entire Eugene market.

6. District No. 504-C, Lane County, Eugene School Board asserts that Channel 9 may be needed as a supplement to the instructional program of the Eugene Public Schools and for the training of television station personnel at the Eugene Vocational School; that the Eugene Public Schools are not now served by an educational television station and cannot be adequately served by Station KOAC-TV on Channel 7 at Corvallis due to the distance and terrain and to the fact that KOAC-TV will be primarily an outlet for the Oregon State System of Higher Education, with programs directed toward higher education and adult education and not toward the public schools; that Eugene and Corvallis are in separate trading areas; that the Central Curriculum Committee of the School Board has begun a study of the uses which may be made of Channel 9 in conjunction with the instructional program of the District's schools; and that more time is needed to complete this study.

7. The Joint Council on Educational Television argues that since 1952, educational interests have made great strides in using television for education; that 24 communities now have educational television stations in operation, serving more than 43,000,000 people; and that 13 other communities have educational stations under construction which will be in operation soon. The JCET urges that Channel 9 should continue to be reserved for educational use in Eugene because the educational leaders in that city and in the State of Oregon have evidenced a bona fide intention to use the channel.

8. Senator Richard L. Neuberger asserts that Eugene constitutes one of the key educational centers in Oregon; and that Channel 9 should continue to be reserved for education "until the Oregon State System of Higher Education and the two major Eugene area school boards see how the other two channels reserved for education serve educational needs in Oregon".

9. In reply to the aforementioned oppositions, petitioner alleges that no need for a second non-commercial educational station in the Eugene-Corvallis area has been shown by any of the educational interests who filed oppositions to the subject proposal; that no specific plans for the use of Channel 9 either by Oregon State authorities or by the local Eugene School Board has been demonstrated; that it is clear that such possible use in the foreseeable future is most unlikely; and that the educational television needs of the area will be fulfilled through the operation of Station KOAC-TV on Channel 7 in Corvallis.

10. In the Sixth Report and Order we recognized that educational interests faced difficulties in using television for educational purposes not encountered by commercial interests. We therefore reserved the educational channels to give local educational interests adequate time to prepare for television. However, we

[1] Station KPIC operates on Channel 4 in Roseburg. Station WSLM-TV, authorized to operate on Channel 3 at Salem, has not commenced operation.

expected that local educational interests would, within a reasonable time, undertake to formulate concrete plans for the utilization of the reserved channels and begin promptly to take affirmative action looking toward the fulfillment of these plans. In the absence of substantial evidence that the educational interests in a locality have made constructive efforts to fulfill these expectations, we cannot justify the continued reservation of available spectrum space for educational purposes, particularly where there is evidence of a demand for the reserved channel for a commercial station which would provide needed television service to a substantial number of persons. The record in this proceeding is devoid of any showing that the educational interests in the State of Oregon and/or in the Eugene community have made any concrete plans or taken affirmative action looking toward the use of Channel 9 other than recently inaugurated studies of the advisability of possible use of the channel in some manner in the distant future. We believe that the showing made by the educational interests is inadequate to justify continued retention of Channel 9 for an unspecified and as yet undetermined future use in the face of the amply demonstrated immediate need for a second VHF service in the Eugene-Corvallis area. In making this determination we have taken into consideration these facts of record: only three VHF channels are allocated to the Eugene-Corvallis area; UHF service in the area is unlikely and would probably not prove economically feasible in the immediate future because only VHF service has been provided to the region for the past three years and since virtually none of the television sets in the area are equipped for UHF reception; no commercial television station other than KVAL–TV now provides a Grade B or stronger signal to Eugene; the pending application (File No. BMPCT–4687) for modification of construction permit of Station KSLM–TV, Salem, Oregon, would not, if granted, place a city grade signal over Eugene and would not place a Grade A signal over all of the city; and a construction permit has already been issued for a non-commercial educational television station on Channel 7 in Corvallis, only about 35 miles from Eugene. In sum, the Commission concludes that a greater showing has been made of present need for a second commercial television service as against the possible and as yet undetermined future need for a second educational service in the Eugene-Corvallis area. We are therefore amending the Table of Television Assignments to make Channel 9 available for commercial use in Eugene.

11. We do not believe that any useful purpose would be served by further amending the assignment table by reassigning Channel 7, the non-commercial educational reservation in Corvallis, Oregon, to Eugene-Corvallis, Oregon, for non-commercial educational use. As stated above, a construction permit has already been issued for an educational station (KOAC–TV) on this channel in Corvallis.

12. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (g) and (r) and 307 (b) of the Communications Act of 1934, as amended.

13. In view of the foregoing, *It is ordered*, That effective October 31, 1957, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations, is amended, insofar as the community named is concerned, as follows:

Amend to read:

| *City* | *Channel No.* |
|---|---|
| Eugene, Oreg | 9+, 13, 20+, 26 |

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: September 25, 1957.

Released: September 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 57–8081; Filed, Oct. 1, 1957; 8:51 a. m.]

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[Rules Amdt. 10–16; FCC 57–1075]

## PART 10—PUBLIC SAFETY RADIO SERVICES

### ADDITION AND DELETION OF CERTAIN FREQUENCY BANDS

In the matter of amendment of §§ 10.255, 10.305, 10.355, 10.405, and 10.462 of the rules governing the Public Safety Radio Services to add the frequency band 10500–10550 Mc and delete the frequency band 9800–9900 Mc.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of September 1957;

It appearing that the Commission by Order of April 25, 1956, in Docket Number 11550, amended its Table of Frequency Allocations which appears in Part 2 of its Rules so as to make the frequency band 10500–10550 Mc available for use by government and non-government radiolocation stations, limited to the use of continuous wave (cw) emission and deleted from the frequencies available for use by non-government stations the frequency band 9800–9900 Mc;

It further appearing that the Commission's rules governing the Public Safety Radio Services should be amended in order to reflect the aforementioned changes to the Table of Frequency Allocations; and

It further appearing, that the amendment of §§ 10.255 (g) and (h), 10.305 (f) and (g), 10.355 (d) and (e), 10.405 (e) and (f), and 10.462 (e) and (f) in order to bring these sections into conformity with the "Table of Frequency Allocations" imposes no new requirement and cannot adversely affect any interested party and, therefore, notice pursuant to section 4 (a) of the Administrative Procedures Act is unnecessary;

*It is ordered*, Pursuant to the authority contained in sections 303 (c) and (r) of the Communications Act of 1934, as amended, that effective September 25, 1957, §§ 10.255 (g) and (h), 10.305 (f) and (g), 10.355 (d) and (e), 10.405 (e) and (f), and 10.462 (e) and (f) are amended as set forth below.

(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)

Released: September 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

Amend Part 10 in the following particulars:

1. Amend § 10.255 (g) by deleting the entry for 9800–9900 Mc and by adding, in numerical order, the following entry:

| Frequency or band (Mc) | Class of station(s) | Limitations |
|---|---|---|
| 10500 to 10550 | Radiolocation | 1, 18. |

2. Amend § 10.255 (h) by adding subparagraph (18) to read as follows:

(18) Continuous wave (cw) emission only may be employed.

3. Amend § 10.305 (f) by deleting the entry for 9800–9900 Mc and by adding, in numerical order, the following entry:

| Frequency or band (Mc) | Class of station(s) | Limitations |
|---|---|---|
| 10500 to 10550 | Radiolocation | 1, 9. |

4. Amend § 10.305 (g) by adding subparagraph (9) to read as follows:

(9) Continuous wave (cw) emission only may be employed.

5. Amend § 10.355 (d) by deleting the entry for 9800–9900 Mc and by adding, in numerical order, the following entry:

| Frequency or band (Mc) | Class of station(s) | Limitations |
|---|---|---|
| 10500 to 10550 | Radiolocation | 1, 16. |

6. Amend § 10.355 (e) by adding subparagraph (16) to read as follows:

(16) Continuous wave (cw) emission only may be employed.

7. Amend § 10.405 (e) by deleting the entry for 9800–9900 Mc and by adding, in numerical order, the following entry:

| Frequency or band (Mc) | Class of station(s) | Limitations |
|---|---|---|
| 10500 to 10550 | Radiolocation | 1, 10. |

8. Amend § 10.405 (f) by adding subparagraph (10) to read as follows:

(10) Continuous wave (cw) emission only may be employed.

9. Amend § 10.462 (e) by deleting the entry for 9800–9900 Mc and by adding, in numerical order, the following entry:

[2] Commissioners Bartley and Mack dissenting; Commissioner Ford abstaining from voting.

| Frequency or band (Mc) | Class of station(s) | Limitations |
|---|---|---|
| 10500 to 10550 | Radiolocation | 1, 13. |

10. Amend § 10.462 (f) by adding subparagraph (13) to read as follows:

(13) Continuous wave (cw) emission only may be employed.

[F. R. Doc. 57-8082; Filed, Oct. 1, 1957; 8:51 a. m.]

## TITLE 50—WILDLIFE

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

PART 17—LIST OF AREAS

NATIONAL WILDLIFE REFUGES

CROSS REFERENCE: For order reserving public lands as an addition to the Upper Klamath National Wildlife Refuge (§ 17.3) see Public Land Order 1512 in the Appendix to Title 43, Chapter I, *supra*.

# PROPOSED RULE MAKING

## DEPARTMENT OF THE INTERIOR

### Bureau of Mines

### [ 30 CFR Parts 18, 45 ]

TESTS FOR PERMISSIBILITY

ELIMINATION OF REQUIREMENT FOR GROUNDING FACILITIES ON ELECTRIC FACE EQUIPMENT AND CORRECTION OF STATEMENT OF AUTHORITY

Notice is hereby given that pursuant to the authority in sec. 5, 36 Stat. 370, as amended, 30 U. S. C. 7; and sec. 1, 66 Stat. 709, 30 U. S. C. 482 (a), it is proposed to amend Part 18 of Title 30, Code of Federal Regulations, as follows:

1 Amend the citation of the "Authority" for Part 18 to read as follows:

AUTHORITY: §§ 18.0 to 18.60 issued under sec. 5, 36 Stat. 370, as amended, 30 U. S. C. 7; and sec. 1, 66 Stat. 709, 30 U. S. C. 482 (a). Interpret or apply secs 2, 3, 36 Stat. 370, as amended, 30 U. S. C. 3, 5; and sec. 1, 66 Stat. 692, 30 U. S. C. 471 (a) (9), 479 (f) (1) (2).

2. Amend § 18.18 by the deletion of paragraph (b) which reads as follows:

(b) All machines which receive power from an external source and which cannot be considered as being in intimate electrical contact with earth shall be provided with means for maintaining their frames at ground potential, or with a device, enclosed in an explosion-proof compartment, that will disconnect power from the equipment in event of a ground fault.

Should the proposed amendment of § 18.18 be adopted, it is intended to add to Part 45 of Title 30, Code of Federal Regulations, the following correlative new section:

§ 45.44-5 Grounding facilities or devices for disconnecting power from equipment in the event of a ground fault are not required by the regulations in Part 18 of this chapter as an element of permissibility of electric face equipment. However, the lack of grounding facility or disconnecting device may be considered in connection with the application of sec. 203 (a) of the act with respect to imminent danger.

Interested persons may submit written data, views, or arguments in regard to the proposed amendment of said Part 18 to the Director, Bureau of Mines, Department of the Interior, Washington 25, D. C. All communications shall be in triplicate. All relevant material received not later than 30 days after the publication of this notice in the FEDERAL REGISTER will be considered in connection with the issuance of the proposed amendment.

MARLING J. ANKENY,
*Director,*
*Bureau of Mines.*

Approved: September 26, 1957.

FRED A. SEATON,
*Secretary of the Interior.*

[F. R. Doc. 57-8060; Filed, Oct. 1, 1957; 8:47 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 946 ]

[Docket No. AO-123-A20]

MILK IN LOUISVILLE, KY., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Louisville, Kentucky, on April 17-18, 1957, pursuant to notice thereof issued on April 2, 1957 (22 F. R. 2272).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on August 19, 1957 (22 F. R. 6782) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

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

1. Changes in the method of paying producers for milk, including the elimination of partial payments;

2. Changes in the method of classifying producer milk transferred or diverted to nonpool plants and in the classification of unaccounted for milk;

3. Combining Class II and Class III milk into one class and reducing the price to handlers for such milk;

4. Changing the definition of "City plant", "Country plant", "Pool plant", "Producer", and "Producer milk"; and

5. Changing the rate of payment on Class I milk disposed of in the marketing area from a nonpool plant.

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

1. The order should provide for handlers to pay to a cooperative association the proceeds for milk delivered to them by producer-members of such association and minor changes should be made in the computation of the uniform price.

The Falls Cities Cooperative Milk Producers Association proposed that handlers make payment for milk received from all producers to the market administrator at the class prices and he in turn would pay the cooperative for its members milk and each nonmember producer for his milk at the marketwide uniform price. Under present provisions of the order, handlers make payment directly to all producers from whom they received milk at the rate of the marketwide uniform price and any difference in the amount of these payments and the individual handlers' utilization value for producer milk are equalized through the producer-settlement fund.

The Falls Cities Cooperative Association is the only producers association in the Louisville market and has as its members over 90 percent of all producers who supply the market. The association's membership contract authorizes the association to market the milk of its members and receive payment for such milk. It is the responsibility of the cooperative to its members, and to the best interest of the market, for the cooperative to market all of its members' milk in the most remunerative outlet available. A rapid expansion of bulk-tank milk in this market has contributed to increased production and added greater flexibility in the movement of milk and increased responsibility for the cooperative to actively engage in handling the milk of its members. Recently, the cooperative association has assumed more responsibility in the disposition of reserve milk supplies and has diverted milk for its own account to nonpool plants, thus becoming a handler under the order. With the upward trend in producer receipts, it is quite likely that the cooperative association may be called upon to move additional quantities of reserve milk to other markets and to manufacturing outlets. The cooperative may realize a gain or loss on the milk for which it is the handler, depending upon whether the price received, less the costs involved in diverting or transferring such milk, is higher or lower than the order price for the particular utilization. Any such gain or loss should be distributed over all milk of producer-members rather than only the milk for which the cooperative becomes a handler. This will be facilitated by providing for the cooperative to receive

payment for the milk of its producer-members which is supplied to other regulated handlers. The cooperative association then can pool or reblend the proceeds from the sales of all of its members' milk and make payment to each producer-member on the basis of this blended price.

Proprietary handlers should make payment directly to the cooperative association, upon written request from such association, for the milk of its producer-members and should continue to make payment directly to producers who are not members of a cooperative association.

The payment provisions should be redrafted to specify under what conditions the handler will be required to pay the association for member milk and provision made for reimbursement of the handler in case of error or improper claim on the part of a cooperative association.

The record evidence fails to show any specific need for channeling the money due the cooperative association or due individual producers through the market administrator in this market. This method of payment would of necessity involve some additional costs and delay slightly the payment of producers. It would be necessary for the market administrator to assume an additional responsibility which handlers are presently discharging. Handlers made no objection to the recommended method of making payments to the cooperative but they indicated their preference for continuing the payments to producers who are not members of a cooperative association.

Producers in their exceptions objected to the fact that no provision had been made to channel all payments for milk through the market administrator and objected to the requirements imposed on cooperatives to receive payment for their member-producers and for marketing service deductions. The requirement that a cooperative association furnish the handler a list of the producers from whom payment is to be received and a written promise to reimburse the handler for any actual loss incurred by him because of an improper claim on the part of the association is reasonable and necessary in carrying out the intent of the order.

With respect to the proposal to channel all producer payments through the market administrator, the exceptions raised no points which were not fully considered in formulating the findings set forth above.

It was previously recommended that payments to producers of the money set aside under the "Louisville Plan" during the flush production season be included with the pool value of milk for the computation of the uniform price. At present, payments from this fund are made by the market administrator directly to the cooperative association and to individual nonmember producers. The issuance of a separate check for the fall incentive payments is not essential to the success of the plan. The success of any plan in encouraging a seasonal pattern of production more in line with market requirements depends to a large degree upon the publicity and educational programs which accompany such plans. The number of checks required to pay producers could be reduced by eliminating the requirement for a separate check. However, because of mechanical difficulties which would be encountered in other provisions of the order, i. e., determination of the compensatory payments and the rate of equalization to the producer-settlement fund, it is concluded that no change should be made in the method of computing the uniform price. Payments from the fall incentive fund should be made by the market administrator directly to cooperative associations for member-producers and to handlers for nonmember producers. Such payments to handlers for nonmembers should be designated as an obligation of the handler under payments to producers in addition to the value of milk computed at the uniform price.

The payment provisions included in the recommended decision, furthermore, should be clarified with respect to the handling of deductions and the requirements imposed upon handlers in supplying information to the cooperative association in conjunction with the payment for milk of its member-producers. Under this method of payment, it is not necessary for the handler to report to the cooperative association all of the information on prices that is required to be furnished directly to individual producers. It is necessary, however, for the handler to furnish the cooperative association the total hundredweight and the average butterfat test of the milk received from each producer-member each month and the deductions for supplies which have been furnished the producer by the handler. If the cooperative association is to assume the responsibility of paying producers, it is more logical and reasonable for it to handle other deductions authorized by the association or its individual member-producers.

In calculating the monthly uniform price of producer milk, not less than four cents nor more than five cents per hundredweight is retained in the producer-settlement fund. This reserve is to facilitate the monthly clearing of checks for payments into and out of the producer-settlement fund as well as to provide funds for prompt payment of audit adjustments. At present, payments due the producer-settlement fund from handlers are required not later than the 15th day of the month and payments out of the producer-settlement fund from the market administrator are required by the 16th day of the month. Experience has indicated that not all payments for deposit in the producer-settlement fund are received by the market administrator in time to insure full payments to producers as prescribed. In the past, the present arrangement has been adequate largely because a large proportion of the funds due the producer-settlement fund was from a very few handlers and payments have been received a few days in advance of the required day. Recently, utilization patterns of individual handlers have changed so that 10 to 12 handlers now make payment to the producer-settlement fund and it is impractical for the market administrator to be assured of advance payment. Accordingly, the order should be changed to insure the needed reserves in the producer-settlement fund by carrying over one-half of the cash balance in this fund from one month to the next. In this manner, the schedule for reports, price announcements and payments as required by the present order will not need to be changed. Since the producer-settlement fund is in the nature of a revolving fund, returns to producers over a period of time will not be affected.

Handlers proposed that provision for partial payments to producers on milk received during the first 15 days of the month be eliminated. One handler testified that a number of his producers objected to receiving partial payments. The cooperative association testified that nearly all of their member-producers favor the continuation of partial payments. The provision for partial payments was adopted, effective November 1, 1956. The findings and conclusions set forth in the Secretary's decision of September 26, 1956 (21 F. R. 7379) with respect to this provision are equally applicable in the present situation and are adopted as a part of this decision. The proposal should be denied.

Provision should be made for payment of interest on overdue accounts. The lending of money, whether it be voluntary or involuntary, is an economic service for which the lender should be appropriately compensated, more particularly, when the service rendered is involuntary. Furthermore, the requirement that interest be paid on overdue accounts will encourage prompt payments, thereby making for more efficient transactions under the order. Dates on which accounts are due under the order allows adequate time for payment of the principal, without an interest charge. It is concluded that one-half of one percent of any unpaid obligation under the order, compounded monthly, is an appropriate and economically sound payment for each month or fraction thereof that the account is overdue. Under this provision, any unpaid portion of an account would be increased one-half of one percent the first day after it is due. On the same day of each following month, any unpaid portion of the principal and of the interest would be increased one-half of one percent until they both are paid. A similar provision is in a number of other Federal milk marketing orders.

The marketing service deduction should not be changed at this time. Producers proposed that the maximum deduction allowed under the order to the market administrator for performing the marketing services for nonmember-producers be increased from the present five cents per hundredweight of milk received from nonmember producers to eight cents per hundredweight. A balance sheet of the marketing service fund administered by the market administrator for producers who are not members of a cooperative association shows the present rate of deduction to be adequate for providing the marketing services to such nonmember-producers. Therefore, the proposal should be denied. However, the order language should be changed to incorporate conforming and clarifying

changes necessitated by the recommended change in the method of paying producers.

The proposal by producers to limit the administrative assessment on producer milk handled by a cooperative association to that milk classified as Class I milk should be denied. Under the present provisions of the order, all handlers are required to pay the administrative assessment on all of their producer receipts. Producers supported the proposed change on the basis that the cooperative association renders a market-wide service by handling reserve milk. Handlers opposed the proposal and contended that all handlers should be assessed on the same basis. The record fails to support the limitation of administrative assessments to Class I milk or special treatment of cooperatives as handlers for assessment of administrative expenses.

2. The provisions with respect to the classification of milk transferred or diverted from pool plants to nonpool plants should be modified.

Producers proposed that the area in which milk may be moved to nonpool plants and classified for manufacturing uses be extended from a distance of 185 miles from Louisville to a distance of 250 miles. They also proposed to change the method of classifying milk disposed of to nonpool plants within this area so that producer milk from Louisville pool plants would receive its proportionate share of any Class I and Class II utilization at the nonpool plant along with transfers of milk subject to another Federal order, after first crediting such classifications to the Grade A milk supplied by producers constituting the regular source of supply for the nonpool plant.

Under the present provisions, transfers or diversions of skim milk or butterfat in the form of milk or skim milk in bulk to a nonpool plant within the "185-mile manufacturing area" and transfers in the form of fluid cream to a nonpool plant, regardless of its location, are classified as claimed by the handler provided such nonpool plant has records from which the classification can be verified by the market administrator and the plant has an equivalent amount of skim milk and butterfat used in the claimed utilization.

It is concluded that the area of manufacturing milk disposal should be expanded to 250 airline miles from the City Hall in Louisville, Kentucky. To provide a classification scheme which is administratively workable, it is necessary to limit the distance which milk or cream may be transferred to a nonpool plant and classified other than as Class I milk. Within the past several months, outlets at more favorable prices have become available for disposal of reserve supplies of producer milk at distances more than 185 miles from Louisville. Effective April 11, 1957, the present 185-mile limitation on which milk may be disposed of and classed as Class III milk was suspended at the request of both producers and handlers so that producer milk could be moved to these available outlets with a consequent increase in returns for reserve milk. The 250-mile distance recommended herein will provide an area in which there are numerous manufacturing outlets for reserve supplies of producer milk. The recommended plan will promote more orderly marketing of the reserve supplies of producer milk for this market. It will afford an administratively feasible plan. Under prevailing conditions, movements of milk or cream beyond the recommended 250-mile limitation will be for the purpose of supplying milk for fluid disposition and should be classified as Class I milk.

There are some plants in the recommended area of "manufacturing milk disposal" to which transfers or diversions from the Louisville market may be made which distribute fluid milk products. Some of these plants frequently depend upon the Louisville market as a source of supplemental supplies. The transfer provisions should provide that milk transferred to these plants be classified according to its use insofar as it is administratively feasible.

The present transfer provisions leave the way open for milk transferred from the Louisville market to a nonpool plant to be used in a Class I product and accounted for in a lower priced class so long as an equivalent amount of milk is used by the plant in the lower class. Some of the nonpool plants are combination plants wherein both Grade A and ungraded milk is received and processed. Such lower class utilization in the nonpool plant, therefore, may come from ungraded milk while the Grade A milk from the Louisville market is actually used for fluid disposition. Producer milk so accounted for returns to producers less than its classified value and at the same time gives operators of nonpool plants a competitive advantage over regulated handlers in common sales areas.

It is concluded, therefore, that the Class I sales, determined pursuant to the classification provisions of the order applied to the nonpool plant, which are in excess of the receipts of milk from those dairy farmers who hold permits to supply Grade A milk and are regular sources of supply for such plant, should be credited to milk transferred to such plant from the regulated market. However, the "net" Class I sales (the amount over and above the receipts of skim milk and butterfat in Grade A milk received directly from dairy farmers at such plant) should not be used as a basis for duplicating the Class I classification of milk transferred to such plant from other plants regulated by this and other Federal orders. It is reasonable that the amount of milk transferred to such plant and classified as Class I milk for any one regulated market be not less than the market's pro rata share of the "net" Class I sales in such nonpool plant. It is concluded, therefore, that milk which is transferred or diverted from Louisville pool plants to a nonpool plant should be classified as Class I milk to the extent of the "net" Class I disposition of such plant less receipts of milk at such plant classified as Class I milk during the month pursuant to another order issued under the Act; but in no event should the amount of such milk classified as Class I milk for all pool plants under the Louisville order be less than their total pro rata share of such "net" Class I sales at the plant. The pro rata share should be based on the total receipts of milk at such nonpool plant during the month from all plants subject to the pricing and payment provisions of an order issued pursuant to the Act. The adoption of this method of classification will not conflict with the transfer provision of any other orders presently involved.

Although producers proposed that separate methods be employed in classifying milk disposed of to those nonpool plants which have and those which do not have fluid milk disposition, this is unnecessary. The recommended provisions are equally appropriate and applicable to all nonpool plants regardless of the type of operation conducted.

All milk disposed of from pool plants to nonpool plants which is not classified as Class I milk should be classified as Class II or Class III milk depending on the utilization and allocation of receipts of milk at such nonpool plant. In the case of Class II milk, receipts from local dairy farmers at the nonpool plant should be assigned the Class II utilization prior to the assignment of milk transferred to such plant. This procedure will prevent the displacement of the milk of local dairy farmers in these preferred manufacturing uses and will contribute to the orderly marketing of reserve supplies to nonpool plants.

The recommended method of classifying transfers and diversions of milk from pool plants to nonpool plants provides for equality of treatment of handlers both within the Louisville market and with other regulated markets in the classification of milk transferred to a common nonpool plant. It provides that the dairy farmers regularly supplying graded milk to a nonpool plant will be first credited with the Class I sales at such plant. The proposed method of classification will safeguard the primary functions of the transfer provisions of the order in promoting orderly disposal of reserve supplies and at the same time assure that transfers of milk to nonpool plants will be classified in accordance with the utilization of the milk. It will provide a degree of protection to the market during periods of short supplies which might be caused by withdrawals of milk. The proposed changes will remove any undue price incentive for pool plants to dump reserve supplies of milk on other markets for fluid disposition at less than the order Class I prices.

The producer's proposal to classify that portion of unaccounted for skim milk and butterfat, which is in excess of allowable shrinkage, in the highest class of utilization in which the handler disposed of producer milk during the month should be denied. The present order provides for a Class I classification of unaccounted for milk in excess of allowable shrinkage. The proposal would make it possible for handlers to dispose of milk in Class I uses, but receive a Class II or Class III classification merely by failing to report receipts. Furthermore, the record shows the present shrinkage allowances to be adequate. A shrinkage of five percent of receipts of skim milk

and butterfat during the months of April through July and two percent during other months is allowed on skim milk. A shrinkage of two percent of receipts of skim milk and butterfat is allowed each month on butterfat. Allowable shrinkage is classified in Class III.

3. Handlers' proposal that milk which would be classified and priced as Class II and Class III milk under the present provisions of the order be classified in a single class and priced at the average of the prices announced for milk by seven local manufacturing plants should be denied.

Under the present order, Class II is milk used to produce cottage cheese, ice cream, ice cream mix, eggnog, frozen desserts, aerated cream mixtures and milk contained in inventories of fluid milk products. Class III is milk used to produce such manufactured products as dry skim milk, condensed and evaporated milk, butter and cheese and milk disposed of to commercial food manufacturing establishments.

The price for Class II milk is the highest price resulting from a butter-spray process skim milk formula, a butter-cheese formula and the average of prices reported paid for milk by 13 midwest condenseries.

During each of the months of January through August, the Class III price is the higher of a butter-roller process dry skim milk formula or the average of prices reported by seven specified, local manufacturing plants. During each of the months of September through December, the Class III price is the higher of a butter-dry skim milk formula (spray and roller process) or the seven local manufacturing plants.

The present method of classifying and pricing Class II and Class III milk under the Louisville order became effective October 1, 1956. Immediately prior to this amendment, milk used to produce the products in Class II and Class III milk was priced in the single class and on the same basis as the present Class III price. The Class II price provided by the amended order (had it been in effect during the entire 12 months immediately preceding the hearing) would have averaged 36 cents per hundredweight higher than the Class III price for the months of January through August and eight cents higher for the period of September through December. During the same periods, the Class II price would have averaged 54 and 53 cents, respectively, higher than the average of the basic or field prices reported by seven local manufacturing plants.

The changes provided by the 1956 amendment were intended to increase the returns to the marketwide pool for the necessary reserve supplies of producer milk; to reflect recent changes in the health regulations which were adopted to require cottage cheese and aerated cream disposed of in the marketing area to be made from Grade A milk; and reflect a long term pricing plan for reserve milk which is consistent with the marketwide pooling program in this market.

The reasons for the present method of pricing milk used to produce the Class II and Class III products were set forth in the Secretary's decision on September 24, 1956 (F. R. Doc. 56-7796; 21 F. R. 7377). The detailed findings and conclusions set forth in that decision with respect to the pricing of Class II milk and Class III milk are equally applicable under present conditions and are adopted as the findings and conclusions of this decision.

Handlers' proposal for pricing reserve supplies of milk would reduce returns to producers and would classify and price in a common class milk which, on the basis of economic considerations, should be classified and priced separately. Furthermore, the price for the common class would be at a level lower than is warranted for milk used to produce the lowest valued products in this proposed common class.

One handler testified that due to the relationship of Class II prices under the order and the price of ungraded milk in surrounding areas, he was unable to compete effectively for cottage cheese sales outside the marketing area with cottage cheese produced from producer milk. The Louisville Health Department permits handlers to use their Grade A cottage cheese manufacturing facilities to process ungraded milk into cottage cheese for disposition outside the marketing area. A large proportion of this cottage cheese in the Louisville market is made in a single plant which also is engaged in fluid milk operations. The operator of this plant has already replaced part of the producer milk formerly used, with ungraded milk for production of cottage cheese for distribution outside the area. It was stated that additional producer milk would be displaced unless the price of producer milk for such uses is brought in close alignment with the price for ungraded milk. The testimony showed that the present basis of pricing Class II milk is reasonable for cottage cheese disposed of inside the marketing area. Such sales of cottage cheese have shown an upward trend. There would be no gain to the marketwide pool and no justifiable reason, over the longer term, to price Grade A milk used in cottage cheese at manufacturing milk price levels in order to encourage handlers to use Grade A producer milk to compete for sales which just as well may be supplied from ungraded milk. The testimony presented fails to show that the Class II price, in conjunction with the Class II butterfat differential, is too high for pricing producer milk used in ice cream.

The present method of pricing Class III milk, as heretofore described, is designed to reflect not less than the competitive value of manufacturing milk for such uses in the local area and to reflect changes in central market prices of manufactured products. Although the Class III prices were approximately 45 cents higher than the prices reported by the seven local manufacturing plants for the September-December period and 18 cents higher during the January-August period of the past year, this spread does not reflect the true difference in the actual prices paid for milk. All of the seven local manufacturing plants pay premiums to dairy farmers who have facilities for cooling milk on the farm. These premiums are in addition to the basic or field prices announced by these plants and used under the order in determining the average price. The so-called "cooler bonus" is 15 cents per hundredweight at most plants and 20 cents at others. In addition, some of these plants pay a premium of 10 cents per hundredweight to dairy farmers who deliver an average of more than 200 pounds of milk per day. Nearly all producers under the Louisville order would qualify for both of these premiums. Such premiums should be reflected in the minimum order prices. Otherwise, regulated handlers would be procuring Grade A milk for manufacturing purposes at less than the manufacturing plants' pay price for ungraded milk.

The present method of using alternative formulas based on the reported prices of the local manufacturing plants and central market prices of manufactured dairy products is the most reasonable and administratively feasible method of reflecting the actual value of Class III milk under the order. The proportion of dairy farmers receiving premiums at the seven manufacturing plants cannot be determined from the record. It would be necessary to have reports on volumes of milk at manufacturing plants each month if a weighted average price were to be used. This would delay the determination of class prices and would require prior agreement with the plants to supply the necessary information.

Two handlers introduced summaries to show losses on the handling of Class III milk used in a butter and dry skim milk operation for the period January 1956 through February 1957 and in an American type cheese operation for the period of April 1956 through March 1957. In computing these losses bulk tank premiums of 15 cents per hundredweight paid by handlers above the order blend price were included in the cost of the Class III milk. Handlers are not required by the order to pay premiums for bulk tank milk. Furthermore, handlers testified that the manufacturing operations conducted in their fluid milk plants were less efficient than larger scale manufacturing operations and this may also help to explain any losses which occurred.

The fact of profit or loss from Class III handling operations as shown by the accounting records of individual handlers is not, in any case, determinative of the appropriateness of the Class III price level. The purpose of the Class III price is to achieve the orderly disposal in manufacturing outlets of that portion of the reserve supply for the market not utilized in the higher valued outlets. The reserve supplies have been disposed of in an orderly manner in this market and, so far as the record discloses, they will continue to be so disposed of in the future. Hence, no change should be made in the pricing of Class III milk at this time.

4. The definitions of "city plant", "country plant", "pool plant", "handler", "producer", and "producer milk" should be revised. The definitions of producer and producer milk should be revised to incorporate changes with respect to health department approval and to clar-

ify the language with respect to transferred and diverted milk. The present order specifies that a producer must produce milk under a dairy farm inspection permit issued by the appropriate health authority having jurisdiction in the marketing area. The responsibility for inspection of individual farms and the issuance of permits may rest with a local health authority in the area where the farms are located and the milk may be approved by a reciprocal arrangement between the health department having jurisdiction in the marketing area and the health department issuing the permits, particularly in the case of producers shipping to the more distant country plants. Reference is made to approval in the Order to distinguish between producers of graded milk and producers of ungraded milk. The fact that the health department having jurisdiction in the marketing area permits the milk to be sold as Grade "A" in the marketing area is sufficient basis for distinguishing producers of such milk from producers of ungraded milk, if the dairy farmers are approved by a duly constituted health authority for the production of milk for fluid disposition.

Producers contended in their brief that the proposed definition would permit the temporary pooling of milk not needed for fluid consumption which would adversely affect the blend price to producers who are regularly furnishing a year-round supply of Grade A milk to meet the needs of the market.

The proposed changes in the producer definition facilitate changes in the pool plant definition in accordance with the evidence showing the need for eliminating the requirement that dairy farmers supplying such plants must hold permits issued by a health authority having jurisdiction in the marketing area. However, it would be unreasonable, as contended by producers, to pool the milk of dairy farmers which is furnished to a pool plant on an incidental or temporary emergency approval by the health authorities. It is concluded, therefore, that provision should be made for excluding, as a producer, any dairy farmer whose milk is permitted by a health authority in the marketing area to be labeled and disposed of as Grade A milk in the marketing area only on a temporary or emergency approval basis.

The present order permits a proprietary handler to divert a producer's milk from the farm to a nonpool plant and retain the producer as a producer under the order with the provision that during any of the months of October through February, the milk is not diverted more than one-half of the days of the month. In view of the fact that considerable milk is now diverted to nonpool plants in December as a result of the holidays and some slump in Class I sales, December should no longer be a month in which diversions by proprietary handlers to nonpool plants are limited. Also, in view of the bulk tank method of delivering milk in the Louisville market, the limitation on diversions should be defined in terms of "days of delivery" rather than "days of the month". The producer's proposal to define the limitation on deliveries in terms of "total milk delivered during the month" and the handlers' proposal to permit proprietary handlers unlimited diversion during all months of the year should be denied. The producers' proposal would introduce an unnecessary and undesirable element of uncertainty in the diversion operations of handlers. The handlers' proposal may tend to encourage the pooling of milk primarily for manufacturing purposes and there is no economic justification for such a condition.

The language in the definition of producer and producer milk should be clarified so that it states specifically that a cooperative association is permitted unlimited diversion with respect to producer milk diverted for its account.

In order to clearly establish which handler is responsible for accounting for and paying for producer milk and at the same time to facilitate interhandler movements of milk, the definition of producer milk should specify that when milk is received at more than one pool plant from the same load of milk delivered by farm tank pick-up truck, the entire load shall be deemed to have been received at the first pool plant where any of the milk was withdrawn, if the individual reports of the withdrawing handlers fail to constitute a proper accounting for the entire load of milk. No special reports will be necessary to comply with this provision. Reports of physical receipts may be made in the usual reports to the market administrator of receipts and utilization.

A city plant should be defined in terms of its marketing functions to eliminate the interdependence with the term producer milk, to incorporate the reference to approved milk referred to in the definition of producer and producer milk and to facilitate following a pattern in writing this definition which is consistent with the pattern used in writing the definition of a country plant with respect to pool plant requirements. A city plant should include any milk plant where milk is processed or packaged and from which distribution of fluid milk products which are labeled as Grade A in accordance with the requirements of the health regulations of the health department having jurisdiction in the marketing area are disposed of to retail and wholesale outlets, other than to other milk plants in the marketing area. There appears to be no reason to stipulate that a city plant includes the buildings and facilities or any portion thereof which is used during the month in the processing of milk for any use. The present application of the order applies to the entire plant where Grade A milk is received and processed, even though part of these facilities might be used in receiving and processing ungraded milk. The reporting and other provisions of the order with respect to accounting for producer milk are intended to apply to total receipts and total plant operations within a given building.

The definition of a country plant should be changed so that it parallels the definition of a city plant with respect to health department approval and conforms to the recommended producer and producer milk definitions. A country plant should be a milk plant which is approved by a health authority having jurisdiction in the marketing area to supply milk, skim milk, or cream to a city plant for disposition as Grade A in the marketing area and at which Grade A milk is received during the month.

The definition of a pool plant should be revised to distinguish between city plants and country plants which may be subject to partial and full regulation. The pool plant definition is intended to include all plants which are to be subject to full regulation. In addition to the present requirement that 10 percent or more of the milk which is received by a city plant from approved dairy farmers must be distributed as Class I milk on routes in the marketing area, provision should be made that such plant dispose of at least 30 percent of such receipts as Class I milk, either inside or outside the marketing area. This is a reasonable and essential requirement. A city plant should dispose of at least 30 percent of its milk as Class I if it is to participate in the marketwide pool. City plants with a lower percentage of Class I milk are primarily engaged in manufacturing operations and only secondarily concerned with the distribution of fluid milk. The utilization percentage requirements should be based on total receipts of approved milk directly from dairy farmers or from country plants and on total Class I sales, except sales to other city pool plants. The receipts are so specified to facilitate the handling of reserve supplies in city plants without impairing such plants' pool plant status by the use of transfers of approved milk from other city plants which are pool plants. In order that operators of plants may determine in advance whether or not their plants are eligible for pooling, the 30 percent determination should be based on the average of the receipts and dispositions during the two immediately preceding months. The use of an average of two months will also tend to minimize the possibility of eliminating plants from the pool or including plants in the pool as a result of chance events. In the case of a new plant for which the utilization percentages for the two immediately preceding months cannot be ascertained by the market administrator, the 30 percent requirement should apply to receipts and sales during the current month. All plants currently pooled will meet the 30 percent requirement.

The proposal to increase the Class I sales requirement in the marketing area for a city plant to become a pool plant and the proposal to increase shipping requirements for a country plant to become a pool plant should be denied. The present requirement that a city plant sell at least 10 percent of its approved milk receipts in the marketing area before it becomes a pool plant is an appropriate standard for exempting those plants from full regulation which may make only incidental sales in the marketing area. Shipping requirements of the present order for country plants to become pool plants are appropriate standards for measuring the degree of association of country plants with the

Louisville market. Furthermore, except for the country plant operated by the cooperative association, there are no country plants presently shipping milk to the Louisville marketing area.

As a result of changes in the city and pool plant definitions § 946.61 should be redrafted to incorporate conforming changes and to clarify its application with respect to city plants which are nonpool plants and which may receive all or a part of their milk requirements from a pool plant(s). Provisions should be made to exempt from compensatory payments and administrative assessments milk disposed of by a nonpool plant which is classified as Class I milk at a pool plant and which is transferred to such nonpool plant. Such milk is priced under the order as Class I milk and administrative assessments are paid on such milk by the pool plant first receiving the milk. The same provision should be made with respect to administrative assessments on Class II and Class III milk originating as a pool plant.

The definition of a handler should be modified to include any person who operates either a city plant or a country plant. Operators of city plants and country plants which are not pool plants should be designated as handlers so that they may file the necessary reports to establish their status as nonpool plants under the order and to supply the necessary information for administrative assessments and equalization payments required of city plants which dispose of some Class I milk in the marketing area, but fail to meet the pool plant requirements.

5. The rate of payment on Class I milk disposed of in the marketing area from a nonpool plant should not be changed. Handlers proposed that the rate of "compensatory payment" be changed to the difference between the Class I price under the order and the average price paid by the seven local manufacturing plants. The present order provides for a compensatory payments rate of the difference between the Class I and Class III prices during the months of January through September and a rate of the difference between the Class I and uniform prices during the months of October through December. The handler's proposal would result in a considerably higher rate of compensatory payments. Proponents testified that the purpose of their proposal is to attach a greater penalty to the sale of Class I milk in the marketing area by nonpool plants. It is not the purpose of compensatory payments to establish barriers to the sale of Class I milk in the marketing area. Such payments are to assure that the cost of milk for fluid disposition for partially regulated handlers is not less than for fully regulated handlers. There is no evidence in the record which shows the present rate is not achieving this purpose. Therefore, the proposal should be denied.

*Rulings on proposed findings and conclusions.* Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

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

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

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

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Louisville, Kentucky, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Louisville, Kentucky, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

*Determination of representative period.* The month of August 1957 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Louisville, Kentucky, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D. C., this 27th day of September 1957.

[SEAL] DON PAARLBERG,
*Assistant Secretary.*

*Order[1] Amending the Order Regulating the Handling of Milk in the Louisville, Kentucky, Marketing Area*

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Louisville, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

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

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Louisville, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

1. Delete §§ 946.7 through 946.13 and substitute therefor the following:

§ 946.7 *City plant.* "City plant" means a plant or other facilities, where milk is processed or packaged and from which a fluid milk product(s) which is permitted to be labeled as "Grade A" by health authority having jurisdiction in the marketing area is disposed of through a route(s).

§ 946.8 *Country plant.* "Country plant" means a milk plant, other than a city plant, which is approved by the appropriate health authority in the marketing area to supply milk, skim milk or cream to a city plant(s) for disposition as "Grade A" milk in the marketing area and at which milk is received from persons described in § 946.12 (a) during the month.

§ 946.9 *Pool plant.* "Pool plant" means:

(a) A city plant, other than a plant operated by a producer-handler, from which not less than 30 percent of the milk received from persons described in § 946.12 (a) either directly from such persons or from country plants during the two immediately preceding months is disposed of as Class I milk to outlets other than pool plants and not less than 10 percent of such receipts during the current month are distributed through routes in the marketing area: *Provided,* That in case of a plant for which such utilization percentage for the two immediately preceding months cannot be ascertained by the market administrator, the 30 percent requirement shall apply to receipts and Class I sales during the current month;

(b) A country plant during any of the months of October through March in which not less than 10 percent of the receipts of milk at such plant from persons described in § 946.12 (a) are delivered to a city plant in the form of milk, skim milk or cream;

(c) A country plant during the months of April through September from which more than 50 percent of the combined receipts of milk from persons described in § 946.12 (a) during the preceding period of October through February were delivered to a city plant(s) in the form of milk, skim milk or cream, unless the operator of such plant notifies the market administrator in writing on or before March 15 of withdrawal of the plant from the pool for the months of April through September next following; and

(d) A country plant which is operated by a cooperative association and (1) 75 percent or more of the milk from persons described in § 946.12 (a) who are members of such association is delivered during the month directly to the pool plant(s) of other handlers or transferred by such association to the pool plant(s) of other handlers or (2) such plant qualified as a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding consecutive months of October through February.

§ 946.10 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 946.11 *Handler.* "Handler" means (a) any person who operates a city plant or a country plant, and (b) any cooperative association with respect to milk diverted by it in accordance with the conditions set forth in § 946.13.

§ 946.12 *Producer.* "Producer" means any person, except a producer-handler, who produces milk which is:

(a) Approved by a duly constituted health authority for the production of milk for fluid disposition and which milk is permitted by the appropriate health authority in the marketing area to be labeled and disposed of as Grade A milk in the marketing area (this definition shall include approval of milk by the authority to administer the regulations governing the quality of milk acceptable to agencies of the U. S. Government for fluid consumption in its institutions or bases located in the marketing area during any month in which such milk is disposed of to such institutions or bases): *Provided,* That this definition shall not include any person whose milk is permitted on a temporary or emergency basis by such health authority in the marketing area to be labeled and disposed of as Grade A milk; and

(b) Received at a pool plant or diverted in accordance with the conditions set forth in paragraph (b) or (c) of § 946.13.

§ 946.13 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk from producers which is:

(a) Received directly from producers at a pool plant: *Provided,* That when withdrawals of milk are made at more than one pool plant from the same load delivered by farm tank pick-up truck and in the absence of agreement between the operators of such pool plants as to the reporting of and payment for such milk, the entire load shall be deemed to have been received at the first pool plant at which any of such milk was withdrawn;

(b) Diverted from a pool plant to another pool plant or to a nonpool plant: *Provided,* That such milk so diverted shall be deemed to have been received at the pool plant from which it is diverted: *Provided further,* That this definition shall not include the milk of any person during any of the months of October, November, January, and February in which the milk of such person is diverted by a handler, except a cooperative association, to a nonpool plant for more than one-half of the days of delivery during the month; or

(c) Diverted by a cooperative association to a nonpool plant for the account of the cooperative association: *Provided,* That any milk so diverted shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant from which it is diverted.

2. Delete § 946.31 and substitute therefor the following:

§ 946.31 *Payroll reports.* On or before the 20th day after the end of each month, each handler shall submit to the market administrator his producer payroll for deliveries during the month which shall show (a) the total pounds of milk received from each producer and cooperative association and the average butterfat content of such milk, (b) the prices paid and the amount of payment to each producer and cooperative association, and (c) the nature and amount of any credits, deductions, or charges involved in such payments.

3. In § 946.32 (b), replace the reference "§ 946.12 (b)" with "§ 946.13 (b)".

4. Delete § 946.44 and substitute therefor the following:

§ 946.44 *Transfers.* Skim milk or butterfat disposed of by a handler from a pool plant either by transfer or diversion shall be classified as follows:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product to a pool plant of another handler, unless utilization in another class is mutually indicated in the reports submitted to the market administrator by both handlers pursuant to § 946,30 on or before the 7th day after the end of the month: *Provided,* That if upon inspection of the records of the transferee-handler it is found that an equivalent amount of skim milk or butterfat, respectively, was not actually used in such indicated use, the remaining quantity shall be classified as Class I milk: *And provided further,* That if either or both handlers received other source milk the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the highest-priced possible class utilization to the producer milk of both handlers;

(b) As Class I milk if transferred or diverted to a producer-handler in the form of a fluid milk product;

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream in bulk to a nonpool plant located less than 250 airline miles from the City Hall in Louisville, Kentucky, unless:

(1) The handler claims classification in another class in his report submitted to the market administrator pursuant to § 946.30;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for verification;

(3) An amount of skim milk and butterfat, respectively, of not less than that so claimed by the handler was used in products included in Class II and Class III milk;

(4) The classification reported by the handler results in an amount of skim milk and butterfat in Class I and Class II milk claimed by all handlers transferring or diverting milk to such nonpool plant of not less than the amount of assignable Class I milk and Class II milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant and classified as Class I milk and used to produce products in Class II milk, pursuant to the classification provisions of this order applied to such nonpool plant, subtract, in series beginning with Class I

milk, the skim milk and butterfat received at such plant directly from dairy farmers who hold permits to supply "Grade A" milk and who the market administrator determines constitute the regular source of supply for such nonpool plant;

(ii) From the remaining amount of Class I milk, subtract the skim milk and butterfat, respectively, in fluid milk products received from another market and which is classified and priced as Class I milk pursuant to another order issued pursuant to the act: *Provided,* That the amount subtracted pursuant to this subdivision shall be limited to such markets' pro rata share of such remainder based on the total receipts of skim milk and butterfat, respectively, at such nonpool plant which are subject to the pricing provisions of an order issued pursuant to the act;

(5) If the skim milk and butterfat, respectively, transferred by all handlers to such a nonpool plant and reported as Class I milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class I milk, pursuant to subparagraph (4) of this paragraph, an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the total of the lower priced classifications reported by each of such handlers;

(6) If the skim milk and butterfat, transferred by all handlers to such nonpool plant and reported as Class II milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class II milk pursuant to subparagraph (4) of this paragraph, less the amount of skim milk and butterfat received directly from "ungraded" dairy farmers at such nonpool plant, respectively, an equivalent amount of skim milk and butterfat shall be reclassified as Class II milk pro rata in accordance with the claimed Class III classification reported by each of such handlers;

(d) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream in bulk to a nonpool plant located 250 airline miles or more from the City Hall in Louisville, Kentucky.

5. Delete § 946.61 and insert therefor the following:

§ 946.61 *Handlers operating nonpool plants.* Sections 946.30 through 946.32, 946.50 through 946.53, 946.70, 946.71, 946.80 through 946.85, 946.87, and 946.88 shall not apply to a handler in his capacity as the operator of a nonpool plant which is a city plant, except that such handler shall:

(a) On or before the 7th day after the end of the month, make reports to the market administrator in such manner as he may request with respect to such handler's total receipts and utilization of skim milk and butterfat;

(b) Subject to the proviso in paragraph (c) of this section, on or before the 15th day after the end of each month, pay to the market administrator for deposit in the producer-settlement fund an amount of money computed by multiplying the quantity of Class I milk disposed of on a route(s) in the marketing area by the price arrived at by subtracting from the Class I price adjusted by the Class I butterfat and transportation differentials:

(1) For the months of January through September, the Class III price adjusted by the Class III butterfat differential; or

(2) For the months of October through December, the uniform price computed pursuant to § 946.71 adjusted by the Class I transportation differential and by a butterfat differential calculated by multiplying the total volume of producer butterfat in each class during the month by the butterfat differential for each class, dividing the resulting figure by the total butterfat in producer milk and rounding the resultant figure to the nearest one-tenth cent: *Provided,* That no payments shall be required pursuant to this paragraph on a quantity of milk equivalent to that received from a pool plant and classified as Class I milk during the month.

(c) On or before the 15th day after the end of the month, pay to the market administrator, as such handler's pro rata share of the expense of administration of this part, 3.0 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all Class I milk and all milk, skim milk, and cream used to produce Class II and Class III products disposed of during the month on a route(s) in the marketing area: *Provided,* That no payments shall be required pursuant to this paragraph on a quantity of milk equivalent to that received from a pool plant during the month.

6. In § 946.71 delete paragraph (e) and substitute therefor the following:

(e) Add an amount representing one-half of the cash balance on hand in the producer-settlement fund after deducting the total amount of contingent obligations to handlers pursuant to § 946.85 (a) and the balance held pursuant to paragraph (d) of this section for payment pursuant to § 946.85 (b);

7. Delete § 946.80 and substitute therefor the following:

§ 946.80 *Time and method of payment for producer milk.* Except as provided in paragraph (c) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the last day of each month for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler, at not less than the Class III price for 3.8 percent milk for the preceding month without deduction for hauling;

(b) On or before the 17th day after the end of each month for milk received from such producer during such month, an amount computed at not less than the uniform price per hundredweight plus the per hundredweight payment provided by § 946.85 (b) for the month, subject to the butterfat differential computed pursuant to § 946.81, and, plus or minus, adjustments for errors made in previous payments to such producer; and less (1) the payment made pursuant to paragraph (a) of this section, (2) the location differential pursuant to § 946.82, (3) marketing service deductions pursuant to § 946.87 and (4) proper deductions authorized by such producer which, in the case of a deduction for hauling, shall be in writing and signed by such producer or, in the case of members of a cooperative association which is marketing the producer's milk, by such association;

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incured by him because of any improper claim on the part of the cooperative association in lieu of payments pursuant to paragraphs (a) and (b) of this section, each handler shall pay to the cooperative association on or before the second day prior to the dates specified in paragraphs (a) and (b), respectively, of this section, an amount equal to the sum of the individual payments otherwise payable to such producers without the deductions provided by paragraph (b) (3) and (4) of this section: *Provided,* That deductions for supplies authorized by such producer may be made. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making the payments to producers pursuant to paragraph (b) of this section, each handler shall furnish each producer a supporting statement which shall show for each month the following:

(1) The identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(e) In making payments to a cooperative association pursuant to paragraph (c) of this section, each handler shall furnish to such cooperative association a statement which shall show: (1) the identity of the handler and of the producer, (2) the total pounds and the average butterfat content of milk received from such producer, and (3) the amount of deductions claimed by such handler.

8. Delete § 946.85 (b) and substitute therefor the following:

(b) On or before the 16th day after the end of each of the months of September, October, November and December, the market administrator shall pay out of the producer-settlement fund to (1) each handler on all milk for which payment is to be made to producers pursuant to § 946.80 (b) for such month, and (2) to each cooperative association on all producer milk for which such association is receiving payments pursuant to § 946.80 (c) for such month at the following rate per hundredweight: Divide one-fourth of the aggregate amount set aside in the producer-settlement fund pursuant to § 946.71 (d) during the immediately preceding period of April through July by the hundredweight of producer milk received by all handlers during the month (computed to the nearest cent per hundredweight).

9. In § 946.86 designate the paragraph beginning with "Whenever" and ending with "disclosure", "(a)" and insert the following paragraph immediately after paragraph (a):

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 946.80, 946.84, 946.85, 946.86 (a), 946.87 or 946.88 shall be increased one-half of one percent each month or fraction thereof, compounded monthly, until such obligation is paid.

10. In § 946.87 (a) change the reference "§ 946.80" to "§ 946.80 (b)".

11. Delete § 946.87 (b) and substitute therefor the following:

(b) Each cooperative association which is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for whom such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unterminated membership contract with each producer. In making payments to producers for milk received during the month, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, deductions in accordance with the association's claim and shall pay the amount deducted to the association within 15 days after the end of the month.

[F. R. Doc. 57-8053; Filed, Oct. 1, 1957; 8:45 a. m.]

## [ 7 CFR Part 961 ]

[Docket No. AO-160-A18]

### MILK IN PHILADELPHIA, PA., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision, with respect to the proposed amendments to the tentative marketing agreement and order, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area which was issued August 23, 1957 (22 F. R. 6920) is hereby further extended to October 7, 1957.

Dated: September 27, 1957.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 57-8052; Filed, Oct. 1, 1957; 8:45 a. m.]

# CIVIL AERONAUTICS BOARD

## [ 14 CFR Part 42 ]

[Draft Release No. 57-21]

### FLIGHT NAVIGATOR AND FLIGHT RADIO OPERATOR REQUIREMENTS FOR IRREGULAR AIR CARRIER OPERATIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board amendments to Part 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by Dec. 2, 1957. Copies of such communications will be available after Dec. 4, 1957, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The provisions of Part 42 of the Civil Air Regulations concerning the use of flight navigators and flight radio operators require the Administrator of Civil Aeronautics to determine areas where either celestial navigation or radio telegraphy is necessary. The practical effect of this regulation is that the Administrator is required to make an individual determination for each international route to establish whether or not the services of a flight navigator or radio operator are required in the interest of safety. The Administrator has advised the Bureau that because of the tremendous increase in international irregular operations, including military contract operations and other contract flights operating off the normal or recognized routes, serious difficulties have arisen in properly administering those provisions. Accordingly, the CAA has recommended to the Bureau that Part 42 be amended to require the air carriers, rather than the Administrator, to determine the necessity of having a navigator or radio operator aboard the aircraft during flight for each particular route or area in which they propose to operate outside the continental limits of the United States. However, the Administrator would retain the authority to require these crew members in any particular instance where he determines that they are necessary for the safe conduct of the flight. Such proposal of the CAA seems to have merit.

This proposed regulation would not change the basic standards to be applied in making the determination as to the necessity for using a flight navigator or radio operator. However, under this proposal the Administrator may authorize air carriers to operate for periods of one hour or less over areas where accurate navigation cannot be accomplished from the pilot station without the use of a flight navigator if he finds that safety will not be adversely affected.

In view of the foregoing, notice is hereby given that the Bureau proposes to recommend to the Board that paragraphs (a), (d), and (f) of § 42.41 of Part 42 of the Civil Air Regulations be amended to read as follows:

§ 42.41 *Composition of flight crew.* (a) No air carrier shall operate an aircraft with less than the minimum flight crew required for the particular operation and the type of aircraft as prescribed in this section or as required by the Administrator when he determines the minimum flight crew necessary for the type of operations being conducted.

* * * * *

(d) *Flight radio operator.* An airman holding a flight radio operator certificate shall be required for flight over any area outside the continental limits of the United States where radiotelephone communications cannot be accomplished with the appropriate ground stations under normal operating conditions.

* * * * *

(f) *Flight navigator.* An airman holding a flight navigator certificate shall be required for flight over any area outside the continental limits of the United States where accurate navigation cannot be achieved from the pilot station under normal operating conditions by means of visual or nonvisual navigational ground aids; *Provided,* That in areas where accurate navigation cannot be accomplished from the pilot station for a period of one hour or less, the Administrator may authorize an air carrier to conduct its operations without the use of a flight navigator if he finds that safety will not be adversely affected after taking into consideration such factors as weather, terrain, air traffic control,

traffic congestion, size of land at destination and fuel requirements, amount of fuel carried in relation to point of departure and alternate, if any, and other factors he considers necessary to the safety of the flight.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended, and may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., September 25, 1957.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE, *Director.*

[F. R. Doc. 57-8099; Filed, Oct. 1, 1957; 8:54 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Part 4 ]

[Docket No. 12182; FCC 57-1050]

CONELRAD PLAN FOR EXPERIMENTAL, AUXILIARY AND SPECIAL BROADCAST SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment to Part 4 of the Commission's rules and regulations to effectuate the Commission's CONELRAD Plan for the Experimental, Auxiliary and Special Broadcast Services.

1. The Commission has before it the approved CONELRAD Plan for the Experimental, Auxiliary and Special Broadcast Services. This Plan was developed in cooperation with the Department of Defense, the Office of Defense Mobilization and other government agencies. In order to put this plan into effect it is necessary to amend Part 4 of the Commission's rules and regulations as set forth below.

2. This proposed amendment is promulgated by authority of sections 303 (r) and 606 (c) of the Communications Act of 1934, as amended, and Executive Order No. 10312 signed by the President December 10, 1951.

3. 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 on or before November 4, 1957, 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 original comments may be filed within one week from the last day for filing said original comments or briefs. 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. The Commission will consider all such comments that are submitted before taking action in this matter and, if any comments appear to warrant the holding of a hearing or oral argument, a notice of the time and place of such hearing or oral argument will be given.

4. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: September 25, 1957.

Released: September 26, 1957.

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

SUBPART J—CONELRAD

§ 4.1001 *Scope and objective.* (a) This subpart applies to all radio stations in the Experimental, Auxiliary and Special Broadcast Services located within the Continental United States and is for the purpose of providing for the alerting and operation of radio stations in these services during the periods of enemy air attack or imminent threat thereof.

(b) The objective of these CONELRAD rules is to minimize the navigational aid that an enemy might obtain for the electromagnetic radiations from radio stations in the Experimental, Auxiliary, and Special Broadcast Services, while simultaneously providing for a continued radio service under controlled conditions when such operation is essential to the public welfare.

§ 4.1002 *Alerting.* (a) All radio stations in the Experimental, Auxiliary, and Special Broadcast Services are responsible for making provisions to receive the CONELRAD Radio Alert and the CONELRAD Radio All Clear as initiated by the Commanding Officer of the Air Division (Defense) or higher military authority.

(b) The CONELRAD Radio Alert for the Experimental, Auxiliary, and Special Broadcast Services shall be received by one or more of the following methods:

(1) By monitoring any standard, FM or TV broadcast station to receive the CONELRAD Radio Alert message.

(2) By reception of the CONELRAD Radio Alert by telephone or other means from a point that received the Radio Alert directly from a standard, FM or TV broadcast station.

(3) Radio stations in the services affected by this plan may be specifically authorized by the FCC to receive the CONELRAD Radio Alert by other means.

(c) When the radio station is not in operation it is not necessary to make provisions to receive the CONELRAD Radio Alert, however, before starting a radio transmission, caution must be used to insure that a CONELRAD Radio Alert is not in progress.

§ 4.1003 *Operation during a CONELRAD Radio Alert.* Stations in the Experimental, Auxiliary and Special Broadcast Services on receipt of a CONELRAD Radio Alert, will interrupt any communications in progress, may make a brief announcement, must then leave the air and maintain radio silence for the duration of the CONELRAD Radio Alert.

§ 4.1004 *Special conditions.* Certain stations in the Experimental, Auxiliary and Special Broadcast Services may be specifically authorized by the Federal Communications Commission to operate in a manner not provided in this subpart, if such operation is essential to the public welfare.

§ 4.1005 *Radio All Clear.* The Radio All Clear will be initiated only by the Air Division (Defense) Commander or higher military authority and will be disseminated over the same channels as the CONELRAD Radio Alert. Radio stations and systems licensed in the Experimental, Auxiliary and Special Broadcast Services may resume normal operation when the CONELRAD Radio All Clear message is received, unless otherwise restricted by order of the Federal Communications Commission.

§ 4.1006 *Tests.* Tests of the CONELRAD alerting and operating systems for the Experimental, Auxiliary and Special Broadcast Services may be conducted at appropriate intervals. Reports of the results of such tests may be required in a form to be prescribed by the Commission.

§ 4.1007 *Station records.* Appropriate entries of all CONELRAD tests, drills, and operations shall be made in the station records.

[F. R. Doc. 57-8083; Filed, Oct. 1, 1957; 8:51 a. m.]

### [ 47 CFR Part 9 ]

[Docket No. 10690; FCC 57-1074]

AVIATION SERVICES

FURTHER NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of part 9 of the Commission's rules governing Aviation Services.

1. Further notice is hereby given of proposed rule making in the above-entitled matter.

2. In the original notice of proposed rule making, it was proposed to amend § 9.118 (b) of Part 9 of the Commission's rules governing Aviation Services to require that an "aircraft radio station license shall be prominently displayed in the aircraft." The purpose of this proposal was to make possible the more expeditious inspection of aircraft radio stations. Final action in this proceeding was withheld at the request of Aeronautical Radio, Inc. (ARINC), and various air carriers, pending Commission consideration of, and action on, an ARINC petition for rule amendment to provide for fleet licensing of air carrier aircraft radio stations.

3. Fleet licensing of air carrier aircraft stations has since been implemented in accordance with the Commission's final action in Docket No. 10776, thus removing the basis for the previously mentioned objections by ARINC and the air carriers to completion of rule making relative to the posting of aircraft radio station licenses.

4. On February 4, 1957, ARINC filed a petition for amendment of Part 9 to

change the authorization posting requirements for ground stations. The existing rules require that when an authorization covers transmitters at several locations, such authorization be posted at one transmitter location and that a photographic copy thereof be posted at all other transmitter locations. Specifically, ARINC requested that the rules be changed to require only that the authorization be posted at the principal control point of the station, thereby eliminating, at many installations, the necessity of preparing and posting large numbers of photocopies.

5. Since both the ARINC petition and the outstanding rule making proceeding in Docket No. 10690 relate to station authorization posting requirements, the latter proceeding is being enlarged to encompass the issue presented by the ARINC petition.

6. In view of the foregoing, it is proposed to amend § 9.118 of Part 9, as shown below, for the purpose of making possible the more expeditious inspection of aircraft radio stations and simplifying the posting requirements applicable to ground stations at fixed locations.

7. The proposed amendment is issued under the authority of sections 303 (n) and (r) of the Communications Act of 1934, as amended.

8. Any interested person 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 November 1, 1957, written data, views, or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Rebuttal comments may be filed within 10 days from the last day for filing of 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. The Commission will consider all such comments 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.

9. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 25, 1957.

Released: September 27, 1957.

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

Delete paragraphs (a) and (b) of § 9.118 and substitute new paragraphs to read as follows:

(a) The current authorization for each station at a fixed location shall be prominently displayed at the principal control point of the transmitter or transmitters.

(b) The current authorization for an aircraft radio station shall be prominently displayed within the aircraft. In the case of air carriers licensed by means of a single instrument of authorization for the operation of all fleet aircraft, a photocopy of the original authorization shall be prominently displayed within the aircraft.

[F. R. Doc. 57-8084; Filed, Oct. 1, 1957; 8:51 a. m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Commodity Stabilization Service

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY ALABAMA AGRICULTURAL STABILIZATION AND CONSERVATION STATE COMMITTEE

The Allotment and Marketing Quota Regulations for Peanuts of the 1957 and subsequent crops (21 F. R. 9370, 9760; 22 F. R. 6659, 6741, 6987), issued pursuant to the allotment and marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1281-1393), provide that any authority delegated to the State Agricultural Stabilization and Conservation Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein redelegations of authority vested in the Agricultural Stabilization and Conservation State Committee by the regulations referred to above which have been made by the Alabama State Committee for the 1957 crop of peanuts. The following sets forth the sections of the regulations containing the authority being redelegated and the persons to whom the authority has been redelegated.

*Alabama.* Section 729.811 (p) (4) (5): To the ASC county committee of each peanut-producing county in Alabama.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361-368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, 90 as amended; 66 Stat. 27; secs. 106, 112, 377, 70 Stat. 191, 195, 206; 7 U. S. C. 1301, 1358, 1359, 1361-1368, 1372, 1373, 1374, 1376, 1377, 1388)

Issued at Washington, D. C., this 26th day of September, 1957.

[SEAL] WALTER C. BERGER,
*Administrator,*
*Commodity Stabilization Service.*

[F. R. Doc. 57-8055; Filed, Oct. 1, 1957; 8:46 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

NEVADA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 24, 1957.

The Bureau of Indian Affairs has filed an application, Serial No. Nevada 028710, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including mining and mineral leasing. The applicant desires the land in aid of legislation which would declare the public domain a part of the existing reservation for the benefit of a small band of Indians who are occupying the land.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1551, Reno, Nevada.

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

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

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 19 N., R. 29 E.,
Sec. 29: S½NW¼NW¼.

The area contains 20 acres.

E. R. GREENSLET,
*State Supervisor.*

[F. R. Doc. 57-8059; Filed, Oct. 1, 1957; 8:47 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Bar Order SA-3]

CERTAIN BULGARIAN, HUNGARIAN, AND RUMANIAN DEBTORS

ORDER FIXING BAR DATE FOR FILING DEBT CLAIMS

In accordance with section 208 (b) of the International Claims Settlement Act of 1949, as amended, and by virtue of the authority vested in the Attorney General by said Act and Executive Order No. 10644, January 2, 1958, is hereby fixed as the date after which the filing of debt claims shall be barred in respect of Bulgarian, Hungarian, and Rumanian debtors, any of whose property was first vested in or transferred to the Attorney General between January 1, 1957 and June 30, 1957, inclusive.

(Pub. Law 285, 84th Cong., 69 Stat. 252; E. O. 10644, Nov. 7, 1955, 20 F. R. 8363)

Executed at Washington, D. C., this 24th day of September 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 57-8079; Filed, Oct. 1, 1957; 8:50 a. m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

AMERICAN PRESIDENT LINES, LTD. ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

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

Agreement No. 8061-A, between American President Lines, Ltd., Isthmian Lines, Inc., and Lykes Bros. Steamship Co., Inc., supplements Agreement No. 8061, as amended, which covers an arrangement for the apportionment of rubber shipments from Siam (except Bangkok local rubber) to United States Atlantic and Gulf ports. The purpose of such supplementary agreement is to record the basis on which American President Lines, Ltd., and Isthmian Lines, Inc., shall share any undercarried portion of such cargo allocated to Lykes under Agreement No. 8061, as amended.

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

Dated: September 27, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
*Assistant Secretary.*

[F. R. Doc. 57-8070; Filed, Oct. 1, 1957; 8:49 a. m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-34]

WESTINGHOUSE ELECTRIC CORP.

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission proposes to issue a construction permit to Westinghouse Electric Corporation substantially in the form set forth in Annex "A" below unless within fifteen (15) days after filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is set forth below as Annex "B" a memorandum submitted by the Division of Civilian Application which summarizes the principal factors considered in reviewing the application for license. For further details see the application for a license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Notice is also hereby given that if the Commission issues the construction permit the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing possession and operation of the facility at the proposed site if it is found that the facility has been constructed in accordance with the specifications contained in the terms and conditions of the construction permit, and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission that the granting of such license would not be in accordance with the provisions of the act.

Dated at Washington, D. C., this 26th day of September 1957.

For the Atomic Energy Commission.

H. L. PRICE,
*Director,*
*Division of Civilian Application.*

ANNEX "A"

CONSTRUCTION PERMIT

Westinghouse Electric Corporation (hereinafter "Westinghouse") on July 29, 1957, filed its application for Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, to construct and operate a facility for the conduct of critical experiments related to the design of the Yankee Atomic Power Reactor. Amendments to the application were filed with the Commission on August 14 and 21, 1957. The original application and amendments are hereinafter referred to as "the application".

The Atomic Energy Commission (hereinafter "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. Westinghouse proposes to utilize the facility in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

C. Westinghouse is financially qualified to construct and operate the facility in accordance with the regulations contained in Title 10, Chapter I, CFR. No request for an allocation of special nuclear material has been made by Westinghouse and none is provided herein.

D. Westinghouse is technically qualified to design and construct the facility.

E. Westinghouse has submitted sufficient information to provide reasonable assurance that the facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to Westinghouse will not be inimical to the common defense and security or to the health and safety of the public.

Pursuant to the Atomic Energy Act of 1954, and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Atomic Energy Commission hereby issues a construction permit to Westinghouse to construct the facility as a utilization facility. 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 Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. The earliest date for the completion of the facility is October 16, 1957. The latest date for completion of the facility is December 31, 1957. 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.

B. The site proposed for the location of the facility is the site described in the application and located near the town of Waltz Mill, Westmoreland County, Pennsylvania.

C. The facility authorized for construction is a "zero power" thermal reactor having stainless steel clad slightly enriched uranium dioxide disc fuel elements moderated and reflected by light water.

Upon completion (as defined in Paragraph "A" above) of the construction of the facility in accordance with the terms and conditions of this permit, and upon finding that the facility authorized has been constructed in conformity with the application and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being 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 Westinghouse pursuant to section 104c of the act, which license shall expire eighteen (18) months after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

———— ————,
*Director,*
*Division of Civilian Application.*

ANNEX "B"

MEMORANDUM

*Part I—Location and Description.* The Westinghouse Electric Corporation has filed an application for a license to construct and operate a critical facility in the Westinghouse Reactor Evaluation Center (WREC), which is located on the Westinghouse Testing Reactor (WTR) Site near the town of Waltz Mill in Westmoreland County, Pennsylvania, about 29 miles southeast of Pittsburgh. The critical assembly is to be located on a 1,000-acre site which extends for about 2,000 feet in all directions from the facility over largely hilly terrain. The surrounding area has been extensively mined for coal, but it has been established that there has been no coal mining under the area upon which construction will take place. Mining rights to this area have been purchased by the applicant to prevent any future undermining. The area surrounding the facility is sparsely populated, with an estimated population of 350 people within a one-mile radius. Surface winds are most prevalent from a westerly direction and blow across the site to regions of lesser population.

The WREC building used to house the critical facility is a single-story industrial type building basically rectangular in shape, having overall dimensions of 106 feet by 42 feet. The Building provides a high-bay area of approximately 1,340 square feet which is to be used as the critical experiment room (CRX). The Building is of fireproof construction throughout. The walls and roof of the high-bay area have been designed to provide adequate radiation shielding and, in the event of a nuclear incident, blast and missile protection. The walls and roof are of re-enforced concrete. The front wall is 4½ feet thick to a height of 20 feet and 2 feet thick above that for another 29 feet. The side and rear walls are 2 feet thick to a

height of 20 feet and 1 foot thick above that. The roof is a 9-inch thick slab. There are five openings in the wall and roof of the CRX room. During normal operation, two of the openings which are doors will always be closed and, in the event of a scram, the remaining three ventilation openings are closed automatically by motor-driven steel dampers.

The first experiments planned by Westinghouse for this facility are a series of critical experiments in connection with the design of the Yankee Power Reactor. The experiments will be used to verify critical loading, fuel element worth, temperature coefficient, migration area, buckling, fast fission factors, thermal utilization, resonance escape probability, control rod worths, void coefficient, flux mapping and other allied experiments.

*Part II—Description of the Facility.* The Yankee critical assembly will be a "zero power" thermal reactor having stainless steel clad, slightly enriched uranium dioxide disc fuel elements moderated and reflected by light water.

*Fuel elements.* The fuel elements will be in the form of single rods with an active length of 48 inches, and each will contain 80 sintered uranium dioxide fuel discs. The uranium-235 content will be 2.7 percent by weight of the total uranium. The discs, each about 0.300 inches in diameter and about 0.6000 inches in height, will be stacked in type 304 stainless steel tubing having an inside diameter of about 0.306 inches and a wall thickness of between 0.015 and 0.018 inches. After fabrication losses are considered, 7,200 pounds of uranium dioxide will yield 5,835 fuel rods. The fuel rods will be held vertically in a square lattice configuration by means of core plates, one set for each water-to-metal ratio. A water-to-metal ratio of 3:1 will be used for all initial experiments. The bottom core plate will be supported by a platform in the core tank, while the top core plate will be supported from the bottom plate by a core barrel. The core barrel is pierced with holes to allow water circulation and visual observation.

*Core tank.* The core assembly will be mounted in a stainless steel core tank six feet in diameter, seven feet high and $\frac{3}{16}$ inch thick. This tank will have a bottom extension four feet in diameter and four feet deep to accommodate the following sections of the control rods. The core tank is supported in a steel I-beam structure which places the critical core about 9 feet above the floor and approximately in the center of the room. Demineralized water is centrifugally pumped into the core tank through a spray head. The maximum rate of water level increase is approximately $3\frac{1}{2}$ inches per minute, which corresponds to a positive reactivity addition rate of 0.069 percent Delta k per second. An air operated diaphragm valve in a 6-inch dump line is connected to the bottom of the core tank. The dump valve is designed to open on either air or electric failure and is capable of dropping the water level in the core to the bottom core support plate in 75 seconds. The water is drained into a dump tank, 8 feet in diameter by 6 feet high.

*Control rods.* Control of the core is provided by nine cruciform-shaped control rods. The poison material in the control rods is a silver cadmium alloy which is black to thermal neutrons. The total control rod worth, as determined by two independent methods by the applicant, was found to be about 11 percent Delta k.

*Instrumentation and interlocks.* Conventional instrumentation is to be used in the facility. Scram signals from any one of three instrument channels will be actuated by electric power failure, reactor power level (approximately 1100 watts), or for a period as short as three seconds. Any of the above scrams will cause the control rod holding magnets to be deenergized, thereby dropping the control rods into the core. There are also manual scrams located on the control console and in the critical assembly room. Instrumentation includes: a linear power-level channel, proportional counting channels, logarithmic gamma-flux channel, area monitor channel and a logarithmic neutron flux channel.

An interlock by pass has been included in order to allow the performance of certain control rod worth experiments. Before this bypass can be used, the core must first be drained of water. No nuclear incident can then occur since, with the low fuel enrichment and lack of moderator-reflector, it is impossible for the assembly to go critical without water in the core tank.

*Power level.* The critical assembly will normally be operated at fractions of a watt and occasionally with an upper power limit of 1,000 watts (for short intervals).

*Part III—Safety Evaluation.* For the critical experiments to be conducted, no unusual precautions appear necessary with regard to earthquake, storm or flood. The applicant has stated that, at maximum power level operation of 1,000 watts, the shielding is sufficient to prevent dose rates in excess of those prescribed by Federal regulations, hence no radiation hazards are expected to result from normal operations.

Several methods by which the applicant can introduce excess reactivity into the core are tabulated in Table 1 with the reactivity value associated with each as determined by the applicant. As can be seen from these values the rates of addition of reactivity are sufficiently low that no hazard can be anticipated from routine operation.

TABLE 1

| Means of introducing excess reactivity into the core: | *Percent Delta k/sec.* |
|---|---|
| Control rod withdrawal | 0.046 |
| Addition of water to core tank | .069 |
| Dilution of chemical poison (used in certain experiments) | .0055 |

The inherent reactivity coefficients associated with the Yankee Critical facility are tabulated in Table 2.

TABLE 2

| | |
|---|---|
| Moderator temperature coefficient (slow acting): | |
| No boron | $-5.5\times10^{-3}$%/° F. |
| With boron | $-4.4\times10^{-3}$%/° F. |
| Doppler coefficient (fast acting). | $-0.75\times10^{-3}$%/° F. |
| Void coefficient: | |
| No boron | −0.43% Delta k/volume % steam. |
| With boron | −0.33% Delta k/volume % steam. |

Since the Yankee critical experiments will be operated at low power levels, the negative moderator coefficient of reactivity will be relatively ineffective in reducing small reactivity excursions; however, it will be highly effective for large changes in reactivity in which the water absorbs sufficient energy to reach saturation temperature and boil. The Doppler coefficient is small, but its effect during all transient behavior is rapid since there is no time delay in its action.

The applicant described the maximum credible accident as one in which the CRX room is entered without setting off the core tank dump valve scram which normally drains off the moderator from the core when the CRX room door is opened. It is assumed that with the assembly in this condition, i. e., with the facility shut down by 2 percent Delta k and with the moderator in place, the central control rod (assumed to have a 4 percent reactivity worth) is manually withdrawn resulting in the insertion of 2 percent excess reactivity at a rate of 14 percent Delta k per second. It is believed possible, although highly unlikely, for the central control rod to be manually withdrawn by one person, since the control rod mechanism on the central rod may be disconnected. The nuclear excursion caused by this accident would release 1,190 megawatt-seconds of energy, which results in melting approximately 42 percent of the core. It was assumed by the applicant that all of the fission product inventory of the melted portion of the core was released into the CRX room atmosphere. The pressure buildup in the CRX room, caused by the heat generated during the maximum credible accident was assumed to go into the production of steam, resulting in a pressure of 8.2 psig. The integrated power release due to this accident is equivalent to the energy which would be released by 500 pounds of TNT. However, the rate at which energy is generated in this case is considerably less than that for the detonation of TNT, though conceivably some missiles may be produced. The pressure buildup of 8.2 psig would cause the steel ventilation system dampers to fail, allowing the pressure to be relieved and releasing a major portion of the CRX room atmospheric inventory through the approximately 15 square foot opening thus formed. If the energy release does create missiles, we believe that the heavy reinforced concrete construction of the CRX room can be expected to contain them and, hence, the missiles would not cause any additional breaches in the room. It should be pointed out that no credit was taken in the calculation of energy release during the maximum credible accident for void formation and radiolytic gas production. Such effects, in fact would reduce considerably the severity of the maximum credible accident.

In calculating the radiation doses which might result from the fission products released from the CRX room in the maximum credible accident, adverse meteorological conditions (strong inversion) were assumed. The dose calculations, with which we agree, are reported for a point 2,000 feet from the critical facility, which is the distance to the nearest site boundary. For a complete release of fission products, the total immersion gamma dose was 35.6 rem, the total lifetime integrated inhalation dose to the thyroid was approximately 10 rep, and the fallout 3-hour gamma dose was determined to be 33.6 rem. Although this dose is not a desirable one its symptoms, in even the most radiosensitive individuals, would be transient and disappear completely. Any chronic effects of the exposure would be expected to have the same implications as the maximum permissible occupational exposure under the Commission's regulation, 10 CFR 20, "Standards for Protection Against Radiation" for approximately a five year period.

In addition to the assumption that all fission products are released, it is further assumed that they all become airborne outside the building. We agree that the postulated accident is the maximum credible and note further that other conservative assumptions which tend to give an overestimation of the calculated radiation dose are:

(a) The center of the cloud is assumed to move along the surface of the ground rather than at some elevation as a hot cloud normally would.

(b) The cloud is assumed to be reflected giving a radiation dose double that from a normal Gaussian cloud.

(c) The center of the cloud is assumed to move in a straight line from the source through the point where the observer is standing.

(d) The velocity of the wind is assumed to be high (30 mph) in the external gamma radiation dose calculations and deposition dose calculations. The wind velocity is assumed low (5 mph) in the inhalation radiation dose calculations. In each of the cases, the velocity is chosen to give higher radiation doses.

Since the assumptions used in the calculations to obtain the above dosage values

are quite conservative, we are satisfied that the exclusion area provided is sufficient to give reasonable protection to the public, even in the unlikely situation in which a catastrophic accident would breach the container.

*Part IV—Technical Qualifications.* Under contract with the Atomic Energy Commission and the United States Navy, Westinghouse has developed, designed and built several full-scale nuclear power plants. The education, training, and experience of the personnel responsible for the design and operation of the facility are considered adequate to insure safe operation.

*Part V—Financial Qualifications.* The financial qualifications of Westinghouse were discussed in the memorandum accompanying the notice of proposed issuance of construction permit to Westinghouse published in the FEDERAL REGISTER on January 5, 1957, 22 F. R. 152.

*Part VI—Conclusions.* Based upon the above consideration, it is concluded that:

(a) There is sufficient information to provide reasonable assurance that the facility can be constructed and operated at the proposed site without undue risk to the health and safety of the public.

(b) The applicant is technically and financially qualified to engage in the proposed activities.

Dated: September 26, 1957.

For the Division of Civilian Application.

H. L. PRICE,
*Director.*

[F. R. Doc. 57-8078; Filed, Oct. 1, 1957; 8:50 a. m.]

## CIVIL AERONAUTICS BOARD

[Order E-11828; Docket No. 8984]

PACIFIC NORTHERN AIRLINES, INC.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE [1]

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of September 1957.

In the matter of the application of Pacific Northern Airlines, Inc. under section 401 (e) (5) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration; Docket No. 8984.

Pacific Northern Airlines, Inc., (Pacific Northern) on September 3, 1957, filed an application pursuant to section 401 (e) (5) of the Civil Aeronautics Act of 1938, as amended, (the act), requesting the Board to issue Pacific Northern a certificate of public convenience and necessity of indefinite duration for its route authorizing air transportation of persons, property and mail between points in the United States and points in the Territory of Alaska.

Section 401 (e) (5) of the act (effective August 26, 1957) provides:

(5) If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that, from January 1, 1957, until the effective date of this paragraph, it, or its predecessor in interest, was an air carrier furnishing service between points in the United States and points in the Territory of Alaska (including service to intermediate points in Canadian territory) authorized by certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board to render such service between such points, and that any portion of such service between any points or for any class of traffic was performed pursuant to a temporary certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board, the Board, upon proof of such fact only, shall, unless the service rendered by such applicant during such period was inadequate and inefficient, issue a certificate or certificates of unlimited duration, authorizing such applicant to engage in air transportation with respect to persons, property and mail between the terminal and intermediate points between which it or its predecessor was temporarily authorized to operate by such certificate or certificates as of the date of enactment of this paragraph.

Pacific Northern alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the act. Proof of this fact has been submitted by Pacific Northern in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Pacific Northern further alleges that from January 1, 1957, until the effective date of enactment of section 401 (e) (5) (August 26, 1957), it was an air carrier, furnishing service between points in the United States and points in the Territory of Alaska, and between points within the Territory of Alaska, authorized by certificate of public convenience and necessity issued by the Civil Aeronautics Board to render such service, and that all such service between all points and for all classes of traffic, i. e., persons, property and mail, was performed pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board. The various schedules and reports required to be filed with the Board by air carriers indicate that Pacific Northern so operated between January 1, 1957, and August 26, 1957.

Section 401 (e) (5) of the act requires in effect that the Board find as a prerequisite to the granting of a certificate of unlimited duration to Pacific Northern that the service rendered by Pacific Northern from January 1, 1957, until the effective date of enactment of section 401 (e) (5) has not been inadequate or inefficient. The Board is possessed of no information from which it could find that, considered as a whole, the service provided by this carrier during such period has been inadequate or inefficient within the meaning of section 401 (e) (5) of the act.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (5) of the act, of a certificate of unlimited duration authorizing the applicant to engage in air transportation between the terminal and intermediate points between which it was temporarily authorized to operate as of August 26, 1957. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Pacific Northern to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth below. After allowing interested persons a reasonable period within which to submit objections to the Board's order, Pacific Northern's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Pacific Northern and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objections to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

On the basis of the foregoing, the Board finds that:

1. Pacific Northern is a citizen of the United States of America as defined by section 1 (13) of the act.

2. From January 1, 1957, to August 26, 1957, Pacific Northern was an air carrier, furnishing service between points in the United States and points in the Territory of Alaska authorized by certificate of public convenience and necessity issued by the Civil Aeronautics Board to render such service, and that all such service between all points and for all classes of traffic, i. e., persons, property and mail, was performed pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board.

3. The service rendered by Pacific Northern during the period from January 1, 1957, to August 26, 1957, has been adequate and efficient within the meaning of section 401 (e) (5) of the Act.

*Therefore, it is ordered,* That:

1. Pacific Northern is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form set forth below;

2. Pacific Northern and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate, shall, within 15 days from the date of this order, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of the Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on Pacific Northern, the Mayor of each city authorized to be served by Pacific Northern on its States-Alaska route on August 26, 1957, and on every certificated air carrier serving a point authorized to

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

be served by Pacific Northern on such route on that date;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Pacific Northern Airlines, Inc., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules and regulations issued thereunder, to engage in overseas air transportation with respect to persons, property and mail, as follows:

Between the co-terminal points Portland, Oreg., and Seattle-Tacoma, Wash., the intermediate points Ketchikan, Juneau, Yakutat and Cordova, Alaska, and the terminal point Anchorage, Alaska.

The service herein authorized is subject to the following terms, conditions and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate and may continue to maintain regularly scheduled nonstop service between any two points not consecutively named herein if nonstop service was regularly scheduled by the holder between such points prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service herein expressly prescribed, regularly serve a point named herein through any airport convenient thereto, and may render scheduled nonstop service between any two points not consecutively named herein between which service is authorized hereby.

(3) The holder shall not engage in local air transportation between Ketchikan and Juneau.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board.

This certificate shall be effective on ------ ------, 1957: *Provided, however,* That prior to the date on which this certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of ----------, 1957 (Order No. E-----), insofar as such order authorizes the issuance of this certificate may by order or orders extend such effective date from time to time.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by its Chairman and the seal of the Board to be affixed hereto, attested by the Secretary of the Board, on the -- day of ----------, 1957.

[SEAL] ——— ———,
*Chairman.*

Attest:

——— ———,
*Secretary.*

[F. R. Doc. 57-8100; Filed, Oct. 1, 1957; 8:55 a. m.]

[Order E-11829; Docket No. 8977]

ALASKA AIRLINES, INC.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE [1]

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of September 1957.

In the matter of the application of Alaska Airlines, Inc. under section 401 (e) (5) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration; Docket No. 8977.

Alaska Airlines, Inc. (Alaska) on August 29, 1957, filed an application pursuant to section 401 (e) (5) of the Civil Aeronautics Act of 1938, as amended, (the act), requesting the Board to issue Alaska a certificate of public convenience and necessity of indefinite duration for its route authorizing air transportation of persons, property and mail between points in the United States and points in the Territory of Alaska.

Section 401 (e) (5) of the act (effective August 26, 1957) provides:

(5) If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that, from January 1, 1957, until the effective date of this paragraph, it, or its predecessor in interest, was an air carrier furnishing service between points in the United States and points in the Territory of Alaska (including service to intermediate points in Canadian territory) authorized by certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board to render such service between such points, and that any portion of such service between any points or for any class of traffic was performed pursuant to a temporary certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board, the Board, upon proof of such fact only, shall, unless the service rendered by such applicant during such period was inadequate and inefficient, issue a certificate or certificates of unlimited duration, authorizing such applicant to engage in air transportation with respect to persons, property and mail between the terminal and intermediate points between which it or its predecessor was temporarily authorized to operate by such certificate or certificates as of the date of enactment of this paragraph.

Alaska alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the act. Proof of this fact has been submitted by Alaska in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Alaska further alleges that from January 1, 1957, until the effective date of enactment of section 401 (e) (5) (August 26, 1957), it was an air carrier, furnishing service between points in the United States and points in the Territory of Alaska authorized by certificate of public convenience and necessity issued by the Civil Aeronautics Board to render such service, and that all such service between all points and for all classes of traffic, i. e., persons, property and mail, was performed pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board. The various schedules and reports required to be filed with the Board by air carriers indicate that Alaska so operated between January 1, 1957, and August 26, 1957.

Section 401 (e) (5) of the act requires in effect that the Board find as a prerequisite to the granting of a certificate of unlimited duration to Alaska that the service rendered by Alaska from January 1, 1957, until the effective date of enactment of section 401 (e) (5) has not been inadequate and inefficient. The Board is possessed of no information from which it could find that, considered as a whole, the service provided by this carrier during such period has been inadequate or inefficient within the meaning of section 401 (e) (5) of the act.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (5) of the act, of a certificate of unlimited duration authorizing the applicant to engage in air transportation between the terminal and intermediate points between which it was temporarily authorized to operate as of August 26, 1957. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Alaska to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth below. After allowing interested persons a reasonable period within which to submit objections to the Board's order, Alaska's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Alaska and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

On the basis of the foregoing, the Board finds that:

1. Alaska is a citizen of the United States of America as defined by section 1 (13) of the act.

2. From January 1, 1957, to August 26, 1957, Alaska was an air carrier, furnishing service between points in the United States and points in the Territory of Alaska authorized by certificate of public convenience and necessity issued by the Civil Aeronautics Board to render such service, and that all such service between all points and for all classes of traffic,

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

i. e., persons, property and mail, was performed pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board.

3. The service rendered by Alaska during the period from January 1, 1957, to August 26, 1957, has been adequate and efficient within the meaning of section 401 (e) (5) of the act.

*Therefore, it is ordered,* That:

1. Alaska is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form set forth below;

2. Alaska and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate, shall, within 15 days from the date of this order, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on Alaska, the Mayor of each city authorized to be served by Alaska on its States-Alaska route on August 26, 1957, and on every certificated air carrier serving a point authorized to be served by Alaska on such route on that date;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Alaska Airlines, Inc., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules and regulations issued thereunder to engage in overseas air transportation with respect to persons, property and mail, as follows:

Between the co-terminal points Portland, Oreg., and Seattle-Tacoma, Wash., and the terminal point Fairbanks, Alaska.

The service herein authorized is subject to the following terms, conditions and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service herein expressly prescribed regularly serve a point named herein through any airport convenient thereto.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board.

This certificate shall be effective on ----------, 1957: *Provided, however,* That prior to the date on which this certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of ----------, 1957 (Order No. E-----), insofar as such order authorizes the issuance of this certificate may by order or orders extend such effective date from time to time.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by its Chairman and the seal of the Board to be affixed hereto, attested by the Secretary of the Board, on the ------ day of ---------- 1957.

[SEAL] ———,
*Chairman.*

Attest:

———,
*Secretary.*

[F. R. Doc. 57-8101; Filed, Oct. 1, 1957; 8:55 a. m.]

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[Docket No. SR-2221]

ADMINISTRATOR OF CIVIL AERONAUTICS V. CHARLES A. HAZEN

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

James T. Pyle, Administrator of Civil Aeronautics, complainant, v. Charles A. Hazen, respondent; Docket No. SR-2221.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding now assigned to be held on October 10, 1957, is postponed to October 22, 1957, 10 a. m., e. d. s. t., Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 25, 1957.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 57-8102; Filed, Oct. 1, 1957; 8:55 a. m.]

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[Docket No. 9019]

QANTAS EMPIRE AIRWAYS LTD.; FOREIGN PERMIT CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on October 3, 1957, at 10:00 a. m., e. d. s. t., in Room 1510, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., September 27, 1957.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 57-8103; Filed, Oct. 1, 1957; 8:56 a. m.]

# FEDERAL POWER COMMISSION

[Docket No. G-13311]

REPUBLIC NATURAL GAS CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

SEPTEMBER 26, 1957.

Republic Natural Gas Co. et al. (Republic), on September 3, 1957 tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 4 to Republic's FPC Gas Rate Schedule No. 7.
Effective date: [1] October 4, 1957.

In support of the proposed increased rate, Republic cites the favored-nation provisions in the contract and the Phillips Petroleum Company triggering increase and states that the contract resulted from arm's-length bargaining. Republic further states that the increased price does not exceed the current market price and that it is necessary in order to allow it an adequate return and to compensate for increased costs of exploration and production.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's general rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Chapter 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.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 4, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Republic, if later.

expired, unless otherwise ordered by the Commission.

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8073; Filed, Oct. 1, 1957; 8:50 a. m.]

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[Docket No. G-13314]

CHARLES H. OSMOND ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

SEPTEMBER 26, 1957.

Charles H. Osmond, et al., (Osmond), on September 3, 1957 tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 26, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 6 to Osmond's FPC Gas Rate Schedule No. 1.
Effective date: [1] November 1, 1957.

In support of the proposed increased rate, Osmond states that the price is fair, just and reasonable, that the contract resulted from arm's-length bargaining, and to deny him the increased price would be discriminatory.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter 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.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8074; Filed, Oct. 1, 1957; 8:50 a. m.]

[1] The stated effective date is the first day after expiration of the required 30 days notice, or the effective date proposed by Osmond if later.

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[Docket No. G-13315]

SHELL OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

SEPTEMBER 26, 1957.

Shell Oil Company (Operator), (Shell), on September 3, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 29, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 17 to Shell's FPC Gas Rate Schedule No. 10.
Effective date: [1] October 4, 1957.

In support of the proposed increased rate, Shell states that the price increase provisions of the contract were an essential inducement to it to enter into the long-term contract and that the increased price is, in effect, the fair market price and was agreed to after arm's length negotiations.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter 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.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 4, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8075; Filed, Oct. 1, 1957; 8:50 a. m.]

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Shell if later.

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[Docket Nos. G-11797, G-12580]

EL PASO NATURAL GAS CO.

ORDER POSTPONING DATE FOR RESUMPTION OF HEARING

SEPTEMBER 26, 1957.

On September 6, 1957, the Commission staff counsel filed a motion requesting the Commission to postpone until further notice the date for resumption of the hearing in the above-entitled proceedings, which were recessed on July 17, 1957, by the presiding examiner to reconvene on September 23, 1957.

On September 13, 1957, El Paso filed its reply in opposition to the motion. Answers opposing staff counsel's motion were filed also by Pacific Gas and Electric Company, Southern California Edison Company, Southern California Gas Company and Southern Counties Gas Company of California, jointly, and the Public Utilities Commission of California.

Upon consideration of the motion to postpone the hearing in these proceedings, objections thereto, and arguments made in pleadings for and against the motion,

The Commission finds: Good cause exists, and it is appropriate in the public interest to postpone the date for resumption of the hearing in these consolidated proceedings to December 2, 1957.

The Commission orders: The date for resumption of the hearing in the above-docketed matters is postponed to December 2, 1957.

By the Commission.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 57-8063; Filed, Oct. 1, 1957; 8:48 a. m.]

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[Docket No. G-12211 etc.]

SUNRAY MID-CONTINENT OIL CO. ET AL.

NOTICE OF HEARING

SEPTEMBER 26, 1957.

In the matters of Sunray Mid-Continent Oil Company, Docket No. G-12211;

Buffalo Oil Company, Docket No. G-12214; Warren Petroleum Corporation, Docket No. G-12215; United Gas Pipe Line Company, Docket No. G-12270.

Applications for certificates of public convenience and necessity were filed by Sunray Mid-Continent Oil Company (Sunray), Buffalo Oil Company (Buffalo), Warren Petroleum Corporation (Warren) and United Gas Pipe Line Company (United) in the above-captioned consolidated proceeding pursuant to section 7 (c) of the Natural Gas Act.

Sunray, Buffalo and Warren propose to sell natural gas in interstate commerce from Ridge Field and Area, Lafayette Parish, Louisiana to United for resale. United proposes to construct and operate the natural gas facilities necessary to take such gas into its pipeline system.

Notice of the filing of these applications together with their consolidation for purposes of hearing was issued on September 3, 1957, and published in the FEDERAL REGISTER on September 6, 1957 (22 F. R. 7166). This notice fixed September 23, 1957 as the last day for filing protests or petitions to intervene in this proceeding.

These related matters 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 October 15, 1957, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications.

[SEAL] MICHAEL J. FARRELL,
*Acting Secretary.*

[F. R. Doc. 57-8064; Filed, Oct. 1, 1957; 8:48 a. m.]

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[Docket No. G-13312]

## E. J. HUDSON ET AL.

### ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

SEPTEMBER 26, 1957.

E. J. Hudson et al. (Hudson), on August 28, 1957, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 23, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 6 to Hudson's FPC Gas Rate Schedule No. 1.

Effective Date: [1] October 1, 1957.

In support of the proposed increased rate, Hudson states that the proposed rate is just and reasonable and represents the market value, and Hudson cites new sales to Texas Eastern Transmission Corporation at this price which have been authorized by the Commission.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter 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.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commision.

[SEAL] MICHAEL J. FARRELL,
*Acting Secretary.*

[F. R. Doc. 57-8065; Filed, Oct. 1, 1957; 8:48 a. m.]

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[Docket No. G-13316]

## SUN OIL CO.

### ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 26, 1957.

Sun Oil Company (Sun) on August 28, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 27, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 9 to Sun's FPC Gas Rate Schedule No. 23.

Effective Date: [1] November 1, 1957.

In support of the proposed periodic rate increase,[2] Sun states that the contract was negotiated at arm's length; the increase is an integral part of the consideration, and the proposed rate does not exceed the value of the gas in the area.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 9 to Sun's FPC Gas Rate Schedule No. 23 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Sun's FPC Gas Rate Schedule No. 23.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission.[3]

[SEAL] MICHAEL J. FARRELL,
*Acting Secretary.*

[F. R. Doc. 57-8066; Filed, Oct. 1, 1957; 8:48 a. m.]

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[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Hudson, if later.

[1] The stated effective date is the effective date proposed by Sun.

[2] The subject periodic increase results from a recent agreement whereby Sun exercised its option under a favored-nation clause of its original contract to adopt the price provisions of new contracts executed by the buyer, Texas Eastern Transmission Corporation.

[3] Commissioner Digby dissenting.

[Docket No. G-10533, etc.]

TOKLAN OIL CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 26, 1957.

In the matters of Toklan Oil Corporation et al.,[1] Docket No. G-10533; Toklan Oil Corporation,[2] Docket No. G-11044; Cities Service Oil Company, Docket No. G-11127; B. E. Talkington et al.,[3] Docket No. G-11374; Sohio Petroleum Company,[4] Docket No. G-11375; M. B. Armer, Docket No. G-11411; Cree Drilling Company, Inc.,[5] Docket No. G-11415; The Texas Company, Docket Nos. G-11478, G-12535, G-12570; Skelly Oil Company, Operator, et al.,[6] Docket No. G-11708; International Oil Corporation, Operator, et al.,[7] Docket No. G-11720; Milton F. Shaffer, Operator, et al.,[8] Docket No. G-11792; Producing Properties, Inc., Docket No. G-11798; The Carter Oil Company, Docket Nos. G-11836, G-12026; Monsanto Chemical Company, Docket No. G-11888; Meadows Oil Company, Docket No. G-11889; Huval & Dunigan, Operator, et al.,[9] Docket No. G-11890; Magnolia Petroleum Company, Docket Nos. G-11917, G-11984, G-12686; John W. Mecom, Operator, et al.,[10] Docket No. G-11966; American Natural Gas Company, Operator,[11] Docket No. G-11972; Christie, Mitchell and Mitchell Company et al.,[12] Docket No. G-11975; Tex-Penn Oil and Gas Corporation, Operator, et al.,[13] Docket No. G-11976; The Pure Oil Company, Docket No. G-12012; Herman Brown, Docket No. G-12015; Murphy Corporation, Docket No. G-12024; R. H. Siegfried, Inc., Operator, et al.,[14] Docket No. G-12027; Carter-Jones Drilling Company, Operator, et al.,[15] Docket No. G-12047; Alden E. Branine and F. G. Holl, Docket No. G-12300; Magnolia Petroleum Company, Operator, et al.,[16] Docket No. G-12323; Buhl Stanley et al.,[17] Docket No. G-12339; Delbert Goff et al.,[18] Docket No. G-12357; Atlantic Oil Corporation, Docket No. G-12433; Fairman Drilling Company,[19] Docket Nos. G-12497, G-12498; Columbian Fuel Corporation, Docket No. G-12508; The Texas Company, Operator, et al.,[20] Docket No. G-12568; Acco Oil & Gas Company, Operator, et al.,[21] Docket No. G-12573; Toklan Oil Corporation,[22] Docket No. G-12595; Robert Cargill, Docket Nos. G-12607, G-12608; Musgrove Petroleum Corporation, Inc., Docket No. G-12611; Carl Heckert Gas Co., by G. Miller, Agent, Docket No. G-12617; Philip Lemon et al.,[23] Docket No. G-12620; C. A. Scott Gas and Oil Company, Docket No. G-12621; Gregg Farm Gas Company, Docket No. G-12622; Morris Oil and Gas Company, Docket No. G-12623; R. Olsen,[24] Docket No. G-12630; R. Olsen, Operator, et al.,[25] Docket No. G-12631; R. Olsen,[26] Docket No. G-12632; Texam Oil Corporation et al.,[27] Docket No. G-12652; W. C. McBride, Inc.,[28] Docket No. G-12681; Fairman Drilling Company,[29] Docket No. G-12687; L. E. Smith and L. G. Cameron, Docket No. G-12689; Phillips Petroleum Company, Operator,[30] Docket No. G-12690; Fairman Drilling Company,[31] Docket No. G-12700; Aztec Oil and Gas Company, Docket No. G-12715; Seaboard Oil Company,[32] Docket No. G-12717; Magnolia Petroleum Company, Operator,[33] Docket No. G-12718; Sohio Petroleum Company, Docket No. G-12719; Claud E. Aikmen and F. M. Late, Docket No. G-12724; Frank Zickefoose et al.,[34] Docket No. G-12733; Northern Natural Gas Producing Company, Docket No. G-12742; C. W. Tomlinson, Operator, et al.,[35] Docket No. G-12744; Price Oil and Gas Company, Docket No. G-12745; Mary E. Thornbrough,[36] Docket No. G-12748; White Eagle Oil Company and/or Helmerich & Payne, Inc.,[37] Docket No. G-12750; The Superior Oil Company, Docket No. G-12761; Gail Nutter,[38] Docket No. G-12829; A. M. Cooper et al.,[39] Docket No. G-12830; Hurst Simmons Gas Company, Docket No. G-12831; Perry Gas Company et al.,[40] Docket No. G-12838; John E. Lydle et al.,[41] Docket Nos. G-12866, G-12911; Midstates Oil Corporation, Docket No. G-12879; Perry Gas Company et al.,[41] Docket No. G-12909; Jules G. Franks et al.,[42] Docket No. G-12912.

Each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications, which are on file with the Commission and open for public inspection.

Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below.

*Docket No. G-; Location of Field; and Buyer*

10533, 12015; Keyes Field, Cimarron County, Okla.; Colorado Interstate Gas Company.

11044; Camrick S. E. Pool, Texas County, Okla.; Natural Gas Pipe Line Company of America.

11127; S. E. Lea County Gas Fields, Lea County, N. Mex.; Permian Basin Pipeline Company.

11374, 11889; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Company.

11375; S. Deckers Prairie Field, Montgomery County Tex.; Tennessee Gas Transmission Company.

11411; Carver-Robbins Field, Pratt County, Kans.; Panhandle Eastern Pipe Line Company.

11415; West Panhandle Field, Moore County, Tex.; Phillips Petroleum Company.

11478; Alfred Field, Jim Wells County, Tex.; Alfred Production Company.

11708, 12607, 12608; Carthage Field, Panola County, Tex.; Arkansas Louisiana Gas Company.

11720; Yoward Field, Bee County Tex.; Texas Eastern Transmission Corporation.

11792; West Panhandle Field, Hutchinson County, Tex.; Producing Properties, Inc.

11798; West Panhandle Field, Hutchinson County, Tex.; Colorado Interstate Gas Company.

11836, 12595; Camrick Southeast Field, Beaver County, Okla.; Natural Gas Pipeline Company of America.

11888; Bond Field, Meade County, Kans.; Panhandle Eastern Pipe Line Company.

11890; Quinduno Field, Roberts County, Tex.; Natural Gas Pipeline Company of America.

11917; Russell-Atkinson Lease, Green Field, Karnes County, Tex.; United Gas Pipe Line Company.

11966; La Rose Field, La Fourche Parish, La.; Tennessee Gas Transmission Company.

11972; Pine Island Field, Caddo Parish, La.; Arkansas Louisiana Gas Company.

11975; South Weesatche Field, Goliad County, Tex.; Texas Eastern Transmission Corporation.

11976; Agua Dulce Field, Nueces County, Tex.; The Nueces Company.

11984; Jicarillo Area, Rio Arriba County, N. Mex.; Pacific Northwest Pipeline Corporation.

12012; Harper Ranch Field, Clark and Comanche Counties, Kans.; Northern Natural Gas Company.

12024; Greenwood-Waskom Field, Caddo Parish, La.; United Gas Pipe Line Company.

12026; Acreage in Beaver County, Okla.; Panhandle Eastern Pipe Line Company.

12027; Panhandle Field, Hutchinson County, Tex.; Shamrock Oil and Gas Corporation.

12047; Logansport Field, De Soto Parish, La.; Texas Eastern Transmission Corporation.

12300; Embry Field, Edwards County, Kans.; Northern Natural Gas Company.

12323; Panther Creek Field, Garvin County, Okla.; Lone Star Gas Company.

12339; Pullman Area, Union District, Ritchie County, W. Va.; Carnegie Natural Gas Company.

12357; Troy District, Gilmer County, W. Va.; Equitable Gas Company.

12433; Olivett Field, Lincoln County, Okla.; Cities Service Gas Company.

12497, 12687; Luthersburg-Deemer Field, Jefferson County, Pa.; New York State Natural Gas Corporation.

12498; Luthersburg Field, Clearfield County, Pa.; New York State Natural Gas Corporation.

12508; Acreage in Edwards County, Kans.; Northern Natural Gas Company.

12535; Camrick Southeast Field, Texas and Beaver Counties, Okla.; Natural Gas Pipeline Company of America.

12568; Camrick Southeast Field, Texas County, Okla.; Kansas-Nebraska Natural Gas Company, Inc.

12570; Guymon-Hugoton Field, Texas County, Okla.; Kansas-Nebraska Natural Gas Company, Inc.

12573; New Taiton, North Field, Wharton County, Tex.; Texas Eastern Transmission Corporation.

12611; Acreage in Texas County, Okla.; Panhandle Eastern Pipe Line Company.

12617; Sinking Creek Field, De Kalb District, Gilmer County, W. Va.; Hope Natural Gas Company.

12620, 12733; Acreage in Union District, Ritchie County, W. Va.; Hope Natural Gas Company.

12621; Acreage in Murphy District, Ritchie County, W. Va.; Hope Natural Gas Company.

12622; Acreage in Lafayette District, Pleasants County, W. Va.; Hope Natural Gas Company.

12623; Sycamore Area, Sherman District, Calhoun County, W. Va.; Hope Natural Gas Company.

12630, 12631, 12632; Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Company.

12652; South Tilden Area, McMullen County, Tex.; Transcontinental Gas Pipe Line Company.

12681; Carthage Field, Panola County, Tex.; Texas Eastern Transmission Corporation.

12686; East Bishop Field, Nueces County, Tex.; Texas Eastern Transmission Corporation.

12689; Bear Creek Field, Bienville Parish, La.; Southern Natural Gas Company.

12690; East Hansford Area, Hansford, Hutchinson and Ochiltree Counties, Tex.; Northern Natural Gas Company.

12700; Benezette Field, Gibson Township, Cameron County, Pa.; New York State Natural Gas Company.

Footnotes at end of document.

12715; Blanco-Mesa Verde Field, San Juan County, N. Mex.; El Paso Natural Gas Company.

12717; Christmas Field, De Witt County, Tex.; Texas Eastern Transmission Corporation.

12718; Perryton Field, Ochiltree County, Tex.; Northern Natural Gas Company.

12719, 12750; Mocane Field, Beaver County, Okla.; Colorado Interstate Gas Company.

12724; San Juan Basin, San Juan County, N. Mex.; El Paso Natural Gas Company.

12742; Hugoton Field, Stevens, Kearny, and Grant Counties, Kans.; Northern Natural Gas Company.

12744; Robberson Field, Garvin County, Okla.; Lone Star Gas Company.

12745; Millstone Creek Field, Lee District, Calhoun County, W. Va.; Hope Natural Gas Company.

12748; Hugoton Field, Kearny County, Kans.; Colorado Interstate Gas Company.

12761; Perryton West Field, Ochiltree County, Tex.; Northern Natural Gas Company.

12829, 12912; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Company.

12830; Lafayette District, Pleasants County, W. Va.; Hope Natural Gas Company.

12831; Smithfield District, Roane County, W. Va.; Hope Natural Gas Company.

12838, 12909; Buffalo Creek Field, Triadelphia District, Logan County, W. Va.; Hope Natural Gas Company.

12866; Sheridan District, Calhoun County, W. Va.; Hope Natural Gas Company.

12879; Northeast Waynoka Field, Woods County, Okla.; Cities Service Gas Company.

12911; Lee District, Calhoun County, W. Va.; Hope Natural Gas Company.

Said applications are on file with the Commission and open for public inspection.

These 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 October 28, 1957, 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 October 16, 1957. 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.

[SEAL] MICHAEL J. FARRELL,
*Acting Secretary.*

No. 191——5

[1] Toklan Oil Corporation and Aberdeen Petroleum Company, Nonoperators, are filing as individuals for the 25/473.16 interest which each owns in a 583.16-acre gas unit. Both are signatory seller parties to the gas sales contract dated April 23, 1956. Production is limited to horizons below the base of the Keyes Formation. Colorado Interstate, buyer and also operator of the subject well, commenced taking gas March 11, 1955.

[2] Toklan Oil Corporation, Nonoperator, is filing for its interest in the subject unit and is a signatory party to the ratification agreement (also signed by purchaser) dated July 18, 1956, to a basic contract between Carter Oil Company and Natural Gas Pipeline Company of America. Carter was authorized in Docket No. G-9765 to sell gas under the basic contract.

[3] B. E. Talkington is filing for himself and as Attorney-in-Fact for 21 additional members of a partnership. All are signatory seller parties to the gas sales contract dated October 10, 1956.

[4] Application covers the proposed sale of natural gas under a ratification agreement dated January 3, 1956, to a basic contract dated June 3, 1954, between R. E. Smith, et al., Sellers, and Tennessee Gas Transmission Company, Buyer. R. E. Smith, et al., was authorized in Docket No. G-7332 covering basic contract. Sohio Petroleum Company and purchaser have both signed the subject ratification agreement.

[5] Cree Drilling Company, Inc., is the only signatory seller party to the proposed gas sales contract dated October 22, 1956.

[6] Skelly Oil Company, Operator, is filing for itself and lists in the application the following owners of working interests: Skelly Oil Company, Operator, Hudson Gas & Oil Company, Tom Cook, Jr., Trustee, Bert Fields, A. R. Graves, G. J. Hollandsworth, Carter-Jones Drilling Company, Robert Cargill, Mrs. Pearl E. Jones, and Miss Kathryn N. Jones.

[7] International Oil Corporation, Operator, is filing for itself and on behalf of the following nonoperators: Geneva Liebman, Maudie Gibson, A. G. Calhoun, C. A. Holshouser, Morris Cannan, Jane Louise Wolf, and J. L. Wright, all of whom are signatory seller parties to the gas sales contract dated October 22, 1956.

[8] Milton F. Shaffer, Operator, and Adams & McGahey, a co-partnership composed of R. W. Adams, Fred McGahey, David E. McGahey, and Ruth McGahey, are filing as individuals and are all signatory seller parties to the gas sales contract dated November 27, 1956.

[9] Applicants, Huval & Dunigan (a partnership composed of I. J. Huval, E. J. Dunigan, Jr., and James B. Dunigan), Operator, and Lefors Petroleum Company, Inc., are filing individually and each owns 50 percent working interest in the subject leases. The parties comprising the partnership and Lefors Petroleum Company, Inc., are all signatory seller parties to the gas sales contract dated January 9, 1957.

[10] John W. Mecom, Operator, is filing for himself and on behalf of nonoperator Freeport Oil Company (Division of Freeport Sulphur Company). Both are signatory seller parties to the gas sales contract dated December 31, 1956.

[11] American Natural Gas Company, Operator, is a partnership consisting of Alvin Johnson, J. P. Baxter, D. C. Carnes, H. N. K. Brookings, Clay Johnson, and C. R. Wilkerson, which individuals are signatory seller parties to the gas sales contract dated January 25, 1957.

[12] Christie, Mitchell and Mitchell Company is filing for itself and as agent for Stephen C. Clark, Frio Drilling, Inc., Oil Drilling, Inc., Mrs. Ruth Pulaski, William Stix Wasserman, Investment Corporation of Philadelphia, Johnny Mitchell, Trustee, Louis Pulaski, R. E. Smith and Waterford Oil Company. All are signatory seller parties to the gas sales contract dated October 18, 1956.

[13] Tex-Penn Oil & Gas Corporation, Operator, is filing for itself and on behalf of nonoperator Moody-Texas Oil Corporation. Both are signatory seller parties to the gas sales contract dated January 29, 1957.

[14] R. H. Siegfried, Inc., Operator, is filing for itself and on behalf of co-owners as follows: R. H. Siegfried, Inc., Operator; L. F. Rooney; T. A. Hester; and M. W. Staples. All are signatory seller parties to the gas sales contract dated December 18, 1956.

[15] Carter-Jones Drilling Company, Operator, is filing for itself and on behalf of the following nonoperators: Smith P. Reynolds; Birdsong-Gabriel Oil Company, a partnership composed of Fred Birdsong and Carter Gabriel; The Ohio Oil Company; and Monsanto Chemical Company. All are signatory seller parties to the gas sales contract involved herein.

[16] Magnolia Petroleum Company, Operator, is filing for its 75 percent interest in the subject lease and lists the nonoperator, Southland Royalty Company, as owner of the remaining 25 percent working interest. Both are signatory seller parties to the gas sales contract dated January 10, 1957.

[17] J. M. L. Smith and Olin B. Wetzel, Attorneys-in-Fact, are filing for Buhl Stanley, et al., a partnership. The parties comprising "et al." are not indicated in the application or the rate schedule filings. J. M. L. Smith and Olin B. Wetzel are the only signatory seller parties to the gas sales contract dated February 5, 1957.

[18] Delbert Goff, the only signatory seller party to the gas sales contract dated February 2, 1957, is filing for himself and on behalf of 33 co-owners listed in the sales contract.

[19] Fairman Drilling Company, applicant, is a partnership composed of Hermes H. Fairman, Harry H. Fairman, Earl F. Fairman, Frank Fairman, Ernest E. Fairman, Milo M. Fairman, Roy R. Fairman and Hubert S. Griffiths. All of the above-named individuals are signatory seller parties to the gas sales contract dated April 2, 1957. In addition, John Kovats, assignee of ⅛ working interest, has attained signatory status.

[20] The Texas Company, operator of the O. M. McBride Unit, is filing for itself and on behalf of nonoperators as follows: The Texas Company; T. F. Volles, J. D. Volles, T. P. Metcalf and L. C. Brawner. In addition, The Texas Company, Nonoperator, is filing for its interest in the following gas units: Richards "B" Unit Well No. 2; Elliot Unit Well No. 2; State "A" Unit; Friesen Unit; Jolliffe Unit; and Neff "D" Unit Well No. 2. The Texas Company is the only signatory seller party to the gas sales contract dated December 7, 1956. Production is limited to horizons below Hugoton Formation or sea level, whichever is deeper, to the base of Mississippian or top of Ordivician, whichever is deeper.

[21] Acco Oil & Gas Company, Operator, is filing for its interest and on behalf of Drilling and Exploration Company, Inc.; Royal Gas Corporation; H. J. Chavanne, Trustee; and Joe A. Berry, nonoperators. All are signatory seller parties to the gas sales contract involved herein.

[22] Application involves a proposed sale under a ratification agreement dated December 17, 1956, of a basic contract dated November 7, 1955, between Carter Oil Company and Natural Gas Pipeline Company of America. Carter was authorized in Docket No. G-9765 covering basic contract. Applicant is a signatory party to the subject ratification agreement which has not been executed by buyer.

[23] Philip Lemon is filing for himself and as Attorney-in-Fact for Harry C. Tinney, Ada G. Califf, J. Paul Harr, Edward M. Bennett, Ralph M. Shahan, L. Kemp Steinbeck, Mrs. Elizabeth Collins, R. V. Collins, M. W. Boylam, Russell Harman, Donald Ford, Mrs. Paul E. Malone, Rev. Michael J. Hannon, Mrs. Ethel Harden, H. B. Layfield and J. O. Sharp. Philip Lemon is a signatory seller party to

and has signed as Attorney-in-Fact for the above-mentioned parties, the gas sales contract dated April 24, 1957.

[24] Applicant, R. Olsen, is successor to Olsen-Blount Drilling Company. R. Olsen, President of the Olsen-Blount Drilling Company, is the only signatory seller party to the gas contract dated February 19, 1952, as amended.

[25] R. Olsen, Operator, is filing for himself and on behalf of the following nonoperators: Gutman Lease—R. Olsen, Operator, and I. Rudman Estate; Eva Owen "D" Lease—R. Olsen; Humble Oil & Refining Company; Anderson-Prichard Oil Corporation; Harry Leonard; Skelly Oil Company. In addition, R. Olsen is filing for its 100 percent interest in the Dyer, Gutman "18", L. L. Gregory, R. O. Gregory, Hodge and Farnsworth Leases, and for its interest in the Woolworth "27" Lease. R. Olsen is the only signatory seller party to the gas sales contract dated March 19, 1951, as amended.

[26] Applicant, R. Olsen, is successor to Olsen-Blount Oil Company and is filing for its 100 percent interest in the Lodge, Legal and Call "A" Leases and its 95.3125 percent interest in the Jenkins Lease. R. Olsen, President of the Olsen-Blount Oil Company, is the only signatory seller party to the gas sales contract dated September 13, 1951, as amended.

[27] Texam Oil Corporation is filing for its interest and Henderson Coquat, John Hall Allen, and Cohu & Co., all of whom are signatory seller parties to the same sales contracts involved herein.

[28] Application covers the sale of the interest in three gas units attributable to W. C. McBride, Inc., Nonoperator, under a ratification agreement dated April 27, 1953, of a basic contract dated April 27, 1953, between Humble Oil & Refining Company, Operator, Seller, and Texas Eastern Transmission Corporation, Buyer. Humble authorized in Docket No. G–3081 to sell gas under the basic contract. Basic contract limits production to horizons to base of Travis Peak Formation.

[29] Hermes H. Fairman, Harry H. Fairman, Earl F. Fairman, Frank F. Fairman, Ernest E. Fairman, Milo M. Fairman, Roy R. Fairman and Hubert S. Griffiths, d. b. a. Fairman Drilling Company, are all signatory seller parties to the gas sales contract dated April 2, 1957. In addition, John Kovats, who has acquired by assignment a ⅛ working interest, has attained signatory seller party status to the above-mentioned gas sales contract.

[30] Phillips Petroleum Company is filing for its interest in numerous leases and is the only signatory seller party to the gas sales contract dated May 2, 1957.

[31] Hermes H. Fairman, Harry H. Fairman, Earl F. Fairman, Frank F. Fairman, Ernest E. Fairman, Milo M. Fairman, Roy R. Fairman and Hubert S. Griffiths, d. b. a. Fairman Drilling Company, are all signatory seller parties to the gas sales contract dated April 24, 1957. In addition, John Kovats and F. K. Fawcett are also signatory seller parties to the above-mentioned contract.

[32] Seaboard Oil Company is filing for its interest in the W. L. C. Poetter Lease. Applicant is a signatory seller party to a gas sales contract between Seaboard Oil Company, et al., Sellers, and Wilcox Trend Gathering System, Inc., Buyer, dated February 22, 1957.

[33] Magnolia Petroleum Company, Operator, filing for itself and as operator of the George Mounts Unit, lists the following owners of working interests: Magnolia Petroleum Company, Operator, and Pioneer Production Corporation. In addition, Magnolia is filing for its 100 percent interest in 640 acres presently nonproductive. Magnolia is the only signatory seller party to the gas sales contract dated February 25, 1957. Production is limited to horizons above the Mississippi Limestone Zone.

[34] Those parties comprising the et al. are not indicated in the application.

[35] C. W. Tomlinson, Operator, is filing for his interest in the subject lease and on behalf of nonoperators as follows: Gilmer Oil Company and Maude R. Tomlinson.

[36] Application covers ratification agreement dated April 19, 1956, which dedicates Applicant's 12.5 percent interest in subject gas unit to a basic contract dated May 11, 1953, between Albert A. Thornbrough and Colorado Interstate. Albert A. Thornbrough was authorized to sell gas under the basic contract in Docket No. G–3780. Applicant and Colorado Interstate are both signatory parties to the subject ratification agreement.

[37] Amendment filed September 4, 1957, requested that temporary authority, previously requested in filing on August 5, 1957, be extended to cover the interest of Sinclair Oil and Gas Company.

[38] Those parties comprising the et al. are not indicated in the certificate application or the rate schedule filing.

[39] Application filed by Russell Perry, partner in the Perry Gas Company, Applicant. Russell Perry, Claude A. Joyce, C. C. Chambers, C. B. Morris, Elmer McDonald and C. B. Pace, partners, are all signatory seller parties to a gas sales contract dated March 25, 1957.

[40] John E. Lydle is filing for himself and as agent for Bruce J. Lowe. Both are signatory seller parties to the gas sales contract dated April 10, 1957, Docket No. G–12866, and May 17, 1957, Docket No. G–12911.

[41] Application filed by Russell Perry, partner in the Perry Gas Company, Applicant. Russell Perry, Triad Company, Ralph Lamb and Muncy Drilling Company, partners, are all signatory seller parties to a gas sales contract dated May 29, 1957.

[42] Jules G. Franks and John H. Kelsay are filing for themselves and as Agents and Attorneys-in-Fact for 15 additional parties. Jules G. Franks and John J. Kelsay are the only signatory seller parties to the gas sales contract dated June 18, 1957.

[F. R. Doc. 57–8062; Filed, Oct. 1, 1957; 8:48 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[FCC 57–1076]

[Amdt. 0–33]

### STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY AND OTHER INFORMATION

### ESTABLISHMENT OF AN OFFICE OF NETWORK STUDY IN THE BROADCAST BUREAU

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of September 1957;

It appearing that the Network Study Group, under the direction of the Network Committee, has been conducting a special study of radio and television network operations; and

It further appearing that this special study is nearing completion; and

It further appearing that there is need for a more permanent organization, within the framework of the Commission's regular organizational structure, to assist the Commission in dealing with problems relating to radio and television networks,

*It is ordered,* Under the authority of the Communications Act of 1934, as amended, that:

A. There is hereby established in the Broadcast Bureau an Office of Network Study;

B. The Office of Network Study will be under the immediate supervision of a chief, who will report to and be supervised by the Chief of the Broadcast Bureau;

C. The Special Staff of the Network Study Group is hereby abolished, and its functions, personnel and records are transferred to the Broadcast Bureau;

*It is further ordered,* That the amendment to the Commission's Statement of Organization, Delegations of Authority and Other Information set forth below is adopted.

This order shall become effective on the 1st day of October 1957.

Released: September 27, 1957.

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

Amend Part 0, Statement of Organization, Delegations of Authority and Other Information, as follows:

1. Add the following to section 0.13.

(g) Office of Network Study

2. Add the following section.

SEC. 0.20 *Office of Network Study.* The Office of Network Study conducts studies and compiles data relating to radio and television network operations necessary for the Commission to develop and maintain an adequate regulatory program.

[F. R. Doc. 57–8096; Filed, Oct. 1, 1957; 8:53 a. m.]

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[Docket No. 12183; FCC 57–1061]

### WILEY J. DOBY

### ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Wiley J. Doby, Winston-Salem, North Carolina, Docket No. 12183, File No. 1819–C2–R–57; for the renewal of the license for the station KIE954, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 25th day of September 1957;

The Commission having under consideration the above-entitled application for renewal of the license for station KIE954, a two-way communication facility in the Domestic Public Land Mobile Radio Service at Winston-Salem, North Carolina; and

It appearing that there is a question whether a need exists for the public communication service offered for hire over station KIE954 at Winston-Salem, North Carolina; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised as to the reason why the application cannot be granted without a hearing and was given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled application, and the reply to the above-mentioned letter, the Commission is un-

able to find that a grant of the application would serve the public interest, convenience or necessity;

*It is ordered,* That, pursuant to the provisions of 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., at a date to be hereinafter determined and announced, upon the following issues:

1. To determine the nature and extent of public need for the Domestic Public Land Mobile Radio Service offered for hire over the facilities of station KIE954.

2. To determine the facts with respect to the past business activities of the licensee relating to the operation of station KIE954 and his efforts to make Domestic Public Land Mobile Radio Service available to the public.

3. To determine, in light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity, and whether the license renewal application should be granted or denied.

*It is further ordered,* That, the Chief, Common Carrier Bureau is made a party to the proceeding herein.

*It is further ordered,* That, the parties desiring to participate herein shall file their appearances in accordance with § 1.387 of the Commission's rules.

Released: September 27, 1957.

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

[F. R. Doc. 57-8085; Filed, Oct. 1, 1957; 8:52 a. m.]

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[Docket No. 12184; FCC 57-1062]

HARRIS CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of The Harris Company, Portland, Maine, Docket No. 12184, File No. 2223-C2-R-57, for the renewal of the license for the station KCB892, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 25th day of September 1957;

The Commission having under consideration the above-entitled application for renewal of the license for station KCB892, a two-way communication facility in the Domestic Public Land Mobile Radio Service at Portland, Maine; and

It appearing that there is a question whether a need exists for the public communication service offered for hire over station KCB892 at Portland, Maine; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above applicant was advised as to the reason why the application cannot be granted without a hearing and was given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled application and the reply to the above-mentioned letter, the Commission is unable to find that a grant of the application would serve the public interest, convenience or necessity;

*It is ordered,* That, pursuant to the provisions of 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., at a date to be hereinafter determined and announced, upon the following issues:

1. To determine the nature and extent of public need for the Domestic Public Land Mobile Radio Service offered for hire over the facilities of station KCB892.

2. To determine the facts with respect to the past business activities of the licensee relating to the operation of station KCB892 and its efforts to make Domestic Public Land Mobile Radio Service available to the public.

3. To determine, in light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity, and whether the license renewal application should be granted or denied.

*It is further ordered,* That, the Chief, Common Carrier Bureau is made a party to the proceeding herein.

*It is further ordered,* That, the parties desiring to participate herein shall file their appearances in accordance with § 1.387 of the Commission's rules.

Released: September 27, 1957.

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

[F. R. Doc. 57-8086; Filed, Oct. 1, 1957, 8:52 a. m.]

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[Docket No. 12185; FCC 57-1063]

JAMES G. PRESTWOOD, JR.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of James G. Prestwood, Jr., Augusta, Georgia, Docket No. 12185, File No. 1981-C2-R-57; for the renewal of the license for the station KIE960, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of September 1957;

The Commission having under consideration the above-entitled application for renewal of the license for station KIE960, a two-way communication facility in the Domestic Public Land Mobile Radio Service at Augusta, Georgia; and

It appearing that there is a question whether a need exists for the public communication service offered for hire over station KIE960 at Augusta, Georgia; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above applicant was advised as to the reason why the application cannot be granted without a hearing and was given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled application and the reply to the above-mentioned letter, the Commission is unable to find that a grant of the application would serve the public interest, convenience or necessity;

*It is ordered,* That, pursuant to the provisions of 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., at a date to be hereinafter determined and announced, upon the following issues:

1. To determine the nature and extent of public need for the Domestic Public Land Mobile Radio Service offered for hire over the facilities of station KIE960.

2. To determine the facts with respect to the past business activities of the licensee relating to the operation of station KIE960 and his efforts to make Domestic Public Land Mobile Radio Service available to the public.

3. To determine, in light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity, and whether the license renewal application should be granted or denied.

*It is further ordered,* That, the Chief, Common Carrier Bureau is made a party to the proceeding herein.

*It is further ordered,* That, the parties desiring to participate herein shall file their appearance in accordance with § 1.387 of the Commission's rules.

Released: September 27, 1957.

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

[F. R. Doc. 57-8087; Filed, Oct. 1, 1957; 8:52 a. m.]

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[Docket No. 12186; FCC 57-1064]

W. H. KELLEY

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of W. H. Kelley, Centralia, Illinois, Docket No. 12186, File No. 170-C2-R-57; for the renewal of the license for the station KSA620, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 25th day of September 1957;

The Commission having under consideration the above-entitled application for renewal of the license for station KSA620, a two-way communication facility in the Domestic Public Land Mobile Radio Service at Centralia, Illinois; and

It appearing that there is a question whether a need exists for the public communication service offered for hire over station KSA620 at Centralia, Illinois; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above applicant was advised as to the reason why the application cannot be granted without a hearing and was given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled application and the reply to the above-mentioned letter, the Commission is unable to find that a grant of the application would serve the public interest, convenience or necessity;

*It is ordered,* That, pursuant to the provisions of 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., at a date to be hereinafter determined and announced upon the following issues:

1. To determine the nature and extent of public need for the Domestic Public Land Mobile Radio Service offered for hire over the facilities of station KSA620.

2. To determine the facts with respect to the past business activities of the licensee relating to the operation of station KSA620 and his efforts to make Domestic Public Land Mobile Radio Service available to the public.

3. To determine, in light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity, and whether the license renewal application should be granted or denied.

*It is further ordered,* That, the Chief, Common Carrier Bureau is made a party to the proceeding herein.

*It is further ordered,* That, the parties desiring to participate herein shall file their appearances in accordance with § 1.387 of the Commission's rules.

Released: September 27, 1957.

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

[F. R. Doc. 57-8088; Filed, Oct. 1, 1957; 8:52 a. m.]

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[Docket No. 12187; FCC 57-1065]

M. & M. TRUCKING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of M & M Trucking Company, Akron, Ohio, Docket No. 12187, File No. 1180-C2-R-57; for the renewal of the license for the station KQC575, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 25th day of September 1957;

The Commission having under consideration the above-entitled application for renewal of the license for station KQC575, a two-way communication facility in the Domestic Public Land Mobile Radio Service at Akron, Ohio; and

It appearing that there is a question whether a need exists for the public communication service offered for hire over station KQC575 at Akron, Ohio; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above applicant was advised as to the reason why the application cannot be granted without a hearing and was given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled application and the reply to the above-mentioned letter, the Commission is unable to find that a grant of the application would serve the public interest, convenience or necessity;

*It is ordered,* That, pursuant to the provisions of 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., at a date to be hereinafter determined and announced, upon the following issues:

1. To determine the nature and extent of public need for the Domestic Public Land Mobile Radio Service offered for hire over the facilities of station KQC575.

2. To determine the facts with respect to the past business activities of the licensee relating to the operation of station KQC575 and its efforts to make Domestic Public Land Mobile Radio Service available to the public.

3. To determine, in light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity, and whether the license renewal application should be granted or denied.

*It is further ordered,* That, the Chief, Common Carrier Bureau is made a party to the proceeding herein.

*It is further ordered,* That, the parties desiring to participate herein shall file their appearances in accordance with § 1.387 of the Commission's rules.

Released: September 27, 1957.

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

[F. R. Doc. 57-8089; Filed, Oct. 1, 1957; 8:52 a. m.]

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[Docket No. 12188; FCC 57-1066]

MORGAN CLEANERS-FURRIERS, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Morgan Cleaners-Furriers, Inc., Mansfield, Ohio, Docket No. 12188, File No. 1355-C2-R-57; for the renewal of the license for the station KQC876, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 25th day of September 1957;

The Commission having under consideration the above entitled application for renewal of the license for station KQC876, a two-way communication facility in the Domestic Public Land Mobile Radio Service at Mansfied, Ohio; and

It appearing that there is a question whether a need exists for the public communication service offered for hire over station KQC876 at Mansfield, Ohio; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above applicant was advised as to the reason why the application cannot be granted without a hearing and was given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled application and the reply to the above-mentioned letter, the Commission is unable to find that a grant of the application would serve the public interest, convenience or necessity;

*It is ordered,* That, pursuant to the provisions of 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., at a date to be hereinafter determined and announced, upon the following issues:

1. To determine the nature and extent of public need for the Domestic Public Land Mobile Radio Service offered for hire over the facilities of station KQC876.

2. To determine the facts with respect to the past business activities of the licensee relating to the operation of station KQC876 and its efforts to make Domestic Public Land Mobile Radio Service available to the public.

3. To determine, in light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity, and whether the license renewal application should be granted or denied.

*It is further ordered,* That, the Chief, Common Carrier Bureau is made a party to the proceeding herein.

*It is further ordered,* That, the parties desiring to participate herein shall file their appearances in accordance with § 1.387 of the Commission's rules.

Released: September 27, 1957.

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

[F. R. Doc. 57-8090; Filed, Oct. 1, 1957; 8:52 a. m.]

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[Docket No. 12189; FCC 57-1067]

HARRY WILLIAM OVERHOLTZER

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Harry William Overholtzer, Pottstown, Pennsylvania, Docket No. 12189, File No. 953-C2-R-57; for the renewal of the license for the station KGB876, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in

Washington, D. C. on the 25th day of September 1957:

The Commission having under consideration the above entitled application for renewal of the license for station KGB876, a two-way communication facility in the Domestic Public Land Mobile Radio Service at Pottstown, Pennsylvania; and

It appearing that there is a question whether a need exists for the public communication service offered for hire over station KGB876 at Pottstown, Pennsylvania; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, amended, the above applicant was advised as to the reason why the application cannot be granted without a hearing and was given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled application and the reply to the abovementioned letter, the Commission is unable to find that a grant of the application would serve the public interest, convenience or necessity;

*It is ordered,* That, pursuant to the provisions of 309 (b) of the Communications Act of 1934, amended, the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., at a date to be hereinafter determined and announced upon the following issues:

1. To determine the nature and extent of public need for the Domestic Public Land Mobile Radio Service offered for hire over the facilities of station KGB876.

2. To determine the facts with respect to the past business activities of the licensee relating to the operation of station KGB876 and his efforts to make Domestic Public Land Mobile Radio Service available to the public.

3. To detemine, in light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity, and whether the license renewal application should be granted or denied.

*It is further ordered,* That, the Chief, Common Carrier Bureau is made a party to the proceeding herein.

*It is further ordered,* That, the parties desiring to participate herein shall file their appearances in accordance with § 1.387 of the Commission's rules.

Released: September 27, 1957.

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

[F. R. Doc. 57-8091; Filed, Oct. 1, 1957; 8:53 a. m.]

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[Docket No. 12190; FCC 57-1068]

RADIO BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Radio Broadcasting Company, Philadelphia, Pennsylvania, Docket No. 12190; File No. 1239-C2-R-57; for the renewal of the license for the station KGB874, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 25th day of September 1957;

The Commission having under consideration the above entitled application for renewal of the license for station KGB874, a two-way communication facility in the Domestic Public Land Mobile Radio Service at Philadelphia, Pennsylvania; and

It appearing that there is a question whether a need exists for the public communication service offered for hire over station KGB874 at Philadelphia, Pennsylvania; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above applicant was advised as to the reason why the application cannot be granted without a hearing and was given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled application and the reply to the above-mentioned letter, the Commission is unable to find that a grant of the application would serve the public interest, convenience or necessity;

*It is ordered,* That pursuant to the provisions of 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., at a date to be hereinafter determined and announced, upon the following issues:

1. To determine the nature and extent of public need for the Domestic Public Land Mobile Radio Service offered for hire over the facilities of station KGB874.

2. To determine the facts with respect to the past business activities of the licensee relating to the operation of station KGB874 and its efforts to make Domestic Public Land Mobile Radio Service available to the public.

3. To determine, in light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity, and whether the license renewal application should be granted or denied.

*It is further ordered,* That, the Chief, Common Carrier Bureau, is made a party to the proceeding herein.

*It is further ordered,* That, the parties desiring to participate herein shall file their appearances in accordance with § 1.387 of the Commission's rules.

Released: September 27, 1957.

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

[F. R. Doc. 57-8092; Filed, Oct. 1, 1957; 8:53 a. m.]

[Docket No. 12191; FCC 57-1069]

RADIO DISPATCH SERVICE

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Radio Dispatch Service, St. Louis, Missouri, Docket No. 12191, File No. 848-C2-R-57; for the renewal of the license for the station KAA888, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of September 1957;

The Commission having under consideration the above-entitled application for renewal of the license for station KAA888, a two-way communication facility in the Domestic Public Land Mobile Radio Service at St. Louis, Missouri; and

It appearing that there is a question whether a need exists for the public communication service offered for hire over station KAA888 at St. Louis, Missouri; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above applicant was advised as to the reason why the application cannot be granted without a hearing and was given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled application and the reply to the above-mentioned letter, the Commission is unable to find that a grant of the application would serve the public interest, convenience or necessity;

*It is ordered,* That, pursuant to the provisions of 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., at a date to be hereinafter determined and announced, upon the following issues:

1. To determine the nature and extent of public need for the Domestic Public Land Mobile Radio Service offered for hire over the facilities of station KAA888.

2. To determine the facts with respect to the past business activities of the licensee relating to the operation of station KAA888 and its efforts to make Domestic Public Land Mobile Radio Service available to the public.

3. To determine, in light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity, and whether the license renewal application should be granted or denied.

*It is further ordered,* That, the Chief, Common Carrier Bureau is made a party to the proceeding herein.

*It is further ordered,* That, the parties desiring to participate herein shall file

their appearances in accordance with § 1.387 of the Commission's rules.

Released: September 27, 1957.

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

[F. R. Doc. 57-8093; Filed, Oct. 1, 1957; 8:53 a.m.]

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[Docket No. 12192; FCC 57-1070]

H. B. SCHULTZ

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of H. B. Schultz, Fort Wayne, Indiana, Docket No. 12192, File No. 1584-C2-R-57; for the renewal of the license for the station KSC868, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of September 1957;

The Commission having under consideration the above entitled application for renewal of the license for station KSC868, a two-way communication facility in the Domestic Public Land Mobile Radio Service at Fort Wayne, Indiana; and

It appearing that there is a question whether a need exists for the public communication service offered for hire over station KSC868 at Fort Wayne, Indiana; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above applicant was advised as to the reason why the application cannot be granted without a hearing and was given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled application and the reply to the above-mentioned letter, the Commission is unable to find that a grant of the application would serve the public interest, convenience or necessity;

*It is ordered,* That, pursuant to the provisions of 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., at a date to be determined and announced, upon the following issues:

1. To determine the nature and extent of public need for the Domestic Public Land Mobile Radio Service offered for hire over the facilities of station KSC868.

2. To determine the facts with respect to the past business activities of the licensee relating to the operation of station KIE954 and his efforts to make Domestic Public Land Mobile Radio Service available to the public.

3. To determine, in light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity, and whether the license renewal application should be granted or denied.

*It is further ordered,* That, the Chief, Common Carrier Bureau is made a party to the proceeding herein.

*It is further ordered,* That, the parties desiring to participate herein shall file their appearances in accordance with § 1.387 of the Commission's rules.

Released: September 27, 1957.

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

[F. R. Doc. 57-8094; Filed, Oct. 1, 1957; 8:53 a. m.]

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[Docket No. 12193; FCC 57-1071]

MULTNOMAH COMMUNICATIONS SERVICE

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of the application of Virgil U. Tillery, d/b as Multnomah Communications Service, Docket No. 12193, File No. 1810-C2-P-57; for a construction permit to establish a new station for two-way communications in the Domestic Public Land Mobile Radio Service at Portland, Oregon (Station KOF919).

1. The Commission has before it for consideration (a) a protest timely filed on August 30, 1957, pursuant to section 309 (c) of the Communications Act of 1934, as amended, by John T. Raptor, d/b as Mobile Communication Service (hereinafter called Protestant), licensee of station KOA264, a two-way facility licensed in the Domestic Public Land Mobile Radio Service at Portland, Oregon, protesting the Commission's action of August 1, 1957, granting without hearing the above-entitled application of Virgil U. Tillery, d/b as Multnomah Communications Service (hereinafter called Applicant) for a construction permit to provide a two-way communications service in the Domestic Public Land Mobile Radio Service at Portland, Oregon; (b) an informal response to said protest timely filed by the Applicant on September 9, 1957.

PRELIMINARY STATEMENT

2. On March 1, 1957, Applicant applied for a construction permit for the two-way communication service mentioned in paragraph 1 above. A construction permit was issued on August 1, 1957, and public notice of this action was issued on August 5, 1957 (Report No. 385, Mimeograph No. 48517). Prior to the grant of the above-captioned application, the Protestant filed an informal opposition thereto on March 25, 1957. Upon grant of the application, a letter was sent to the Protestant advising him that, although consideration had been given to his objections, there was insufficient basis for denial of the said application on the grounds of economic injury to Protestant's like facility at Portland, Oregon in view of the significant size and importance of the area to be served. No problem of mutual electrical interference exists between Protestant's station and Applicant's proposed station, since each will use different frequencies.

THE PROTEST

3. In support of his protest, Protestant asserts that he is a party in interest, within the meaning of section 309 (c) of the Communications Act, since Protestant is the licensee of station KOA264, a two-way facility operating in the Domestic Public Land Mobile Radio Service at Portland, Oregon, the city in which Applicant has been authorized to construct a competing facility; that, in spite of Protestant's "diligent efforts and sound economic management", his station has been operating at a deficit, "even without making any allowances for the services of the owner"; that "Protestant's station serves now approximately 50 mobile units and has excess circuit capacity capable of accomodating nearly twice that number of mobile units, based on the present channel loading"; that the "additional competition so authorized by the Commission will most seriously and adversely affect the revenues and the growth potential of Protestant's station"; and that Protestant "is, as a matter of law, entitled to protection from ruinous competition such as will result from the proposed operation by Applicant".

4. Protestant requests that the Application be designated for hearing upon the following issues:

(a) To determine the nature and extent of service rendered by Protestant, including the rates, charges, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine the nature and extent of service proposed by Applicant, including the rates, charges, practices, classifications, regulations, and facilities pertaining thereto;

(c) To determine the area and population presently covered by the facilities authorized to Protestant;

(d) To determine the area and population proposed to be covered by Applicant's station;

(e) To determine the need for the proposed additional service in the area served by Protestant, and the nature and extent of any benefit to the public which would accrue because of Applicant's proposed service;

(f) To determine whether any disadvantages to the public would accrue because of Applicant's proposed service;

(g) To determine whether Applicant is financially qualified to construct and operate the proposed station; and

(h) To determine in light of the evidence adduced on the foregoing issues whether the public interest, convenience and necessity would be served by a grant of the above-captioned application.

5. In support of his protest, Protestant avers that Applicant's financial showing does not qualify him to construct and operate his proposed station because his cash on hand would exceed by only $400 the amount that would be expended for the acquisition of a base station transmitter and one mobile unit to be installed in Applicant's own car, and Protestant states that $400 would be insufficient capital to operate the station, including the purchase of such additional mobile units as may be necessary to provide service to the public. Protestant points out that, since Applicant's balance sheet shows

that the real estate and automobile are both encumbered, and the listed machinery and equipment appear to be essential for the Applicant's television and radio business, they would be unlikely subjects of liquidation for the purpose of raising necessary operating capital. Protestant further contends that the Applicant has not supplied the Commission with a reliable estimate of his operating expenses, because the anticipated annual revenue of $3,780 which will be used to cover monthly expenses of $170 is based on the expected servicing of 15 mobile units during the first year of operation, which is speculative.

6. Additionally, Protestant notes that the 15 mobile units alleged to be on hand in Applicant's inventory may require modification before they may be employed for use in the proposed service.

THE RESPONSE TO THE PROTEST

7. Applicant contends that the Protestant has not given a fair interpretation to the Applicant's financial showing. Applicant states that arrangements have been made to lease all of the necessary equipment for proper operation of his station. Applicant further states that Protestant's service has been notoriously poor and that an additional and better service is required.

DISPOSITION OF THE PROTEST

8. In the light of the fact that Protestant is the licensee of a two-way facility similar to that proposed by Applicant, and since there appears to be a very substantial area of overlap between the 37 dbu contours of the respective services, in which there will be economic competition between the parties, we are of the view that the Protestant is a party in interest, within the meaning of section 309 (c) of the act.

9. Because a grantee in this service is not entitled to protection outside the 37 dbu contour, which constitutes the basic service area of a station in this service, Protestant's issues (a) through (f) inclusive and issue (h) will be rewritten and limited in application to the respective 37 dbu contours of the parties (as defined in § 21.504 of our rules). Such contours will be determined in accordance with an FCC document identified as the "T. R. R. Report No. 4.3.8" and entitled "A Summary Of The Technical Factors Affecting The Allocation Of Land Mobile Frequencies In The 152 to 158 Megacycle Band". Protestant's issue (g), relative to Applicant's financial qualifications, will be adopted as proposed.

10. *Accordingly, it is ordered,* That, the effective date of the Commission's action of August 1, 1957, granting the above-captioned application is postponed pending a final decision by the Commission with respect to the evidentiary hearing hereinafter provided; and

11. *It is further ordered,* That, the above-entitled application is designated for hearing at the Commission's offices in Washington, D. C., at a time to be specified by a subsequent order, upon the following issues:

(a) To determine, on a comparative basis, the nature and extent of the service now provided by the Protestant, and the nature and extent of the service proposed by Applicant including, as to each party, rates, charges, practices, classifications, regulations, personnel and facilities pertaining thereto.

(b) To determine the 37 dbu contour covered by Protestant's station KOA264 at Portland, Oregon, in accordance with the engineering standards provided in T. R. R. Report No. 4.3.8 (see paragraph 9 above).

(c) To determine the 37 dbu contour covered by Applicant's station KOF919 at Portland, Oregon, in accordance with the engineering standards provided in T. R. R. Report No. 4.3.8. (see paragraph 9 above).

(d) To determine the need for the proposed service in the areas of overlap, as developed on issues (b) and (c) above, and the nature and extent of any benefits to the public which will accrue in the said overlap areas because of Applicant's proposed service.

(e) To determine whether any disadvantages to the public will accrue in such overlap areas because of Applicant's proposed service.

(f) To determine, with respect to Applicant's 37 dbu contour, calculated as aforesaid, the area outside the area of overlap in the 37 dbu contour of station KOA264 and the need for Applicant's service in such outside area.

(g) To determine whether there would be any benefit to the public by reason of the availability of Applicant's service as determined in issue (f) above, and whether such benefits, if any, together with any benefit shown under issue (d) above, outweighs any disadvantages which may be shown under issue (e) above.

(h) To determine whether Applicant is financially qualified to construct and operate the proposed station.

(i) To determine, in the light of the evidence adduced on all of the foregoing issues, whether the public interest, convenience or necessity will be served by a grant of the above-captioned application.

12. *It is further ordered,* That the burden of proof on issue (a), as to the matters relating to the respective parties, is with such party; the burden of proof on issues (c), (d), (f), (g), (h) and (i) is placed on the Applicant: and the burden of proof on issues (b) and (e) is placed on the protestant: and

13. *It is further ordered,* That the protestant and the Chief, Common Carrier Bureau, are made parties to the proceedings herein; and

14. *It is further ordered,* That the protest is allowed to the extent indicated herein; and

15. *It is further ordered,* That, the parties desiring to participate herein shall file their appearances in accordance with § 1.387 of the Commission's rules.

Adopted: September 25, 1957.

Released: September 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 57-8095; Filed, Oct. 1, 1957; 8:53 a. m.]

[1] Commissioner Ford abstaining from voting.

# HOUSING AND HOME FINANCE AGENCY

## Office of the Administrator

ACTING COMMUNITY DISPOSITION SUPERVISOR, RICHLAND, WASH.

AMENDMENT OF DESIGNATION

The designation of Acting Community Disposition Supervisor, Richland, Washington, effective as of August 2, 1957 (22 F. R. 6133, 6134, August 2, 1957), is hereby amended in the following respect:

In item numbered 1, by striking "Assistant Community Disposition Supervisor for Operations" and inserting in lieu thereof "Assistant to the Community Disposition Supervisor (Operations)".

Effective as of the 2d day of October 1957.

WALKER MASON,
*Acting Housing and Home Finance Administrator.*

[F. R. Doc. 57-8077; Filed, Oct. 1, 1957; 8:50 a. m.]

## Public Housing Administration

ASSISTANT COMMISSIONER FOR MANAGEMENT ET AL.

DELEGATION OF AUTHORITY

Section II *Delegations of final authority* is amended as follows:

Effective October 1, 1957, the third sentence in Paragraph B is amended to read as follows:

In the absence of both the Commissioner and the Deputy Commissioner, one of the following officials (but not anyone acting in his stead) shall serve as Acting Commissioner: *Provided,* That he shall so serve only in the absence of all the officials above him:

Assistant Commissioner for Management.
Assistant Commissioner for Development.
Assistant Commissioner for Administration.
General Counsel.

Date approved: September 23, 1957.

CHARLES E. SLUSSER,
*Commissioner.*

[F. R. Doc. 57-8067; Filed, Oct. 1, 1957; 8:49 a. m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 11]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 27, 1957.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commisssion 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 4991 (Deviation No. 1), MISSOURI-OKLAHOMA EXPRESS, INC., 512 South Sixth Street, St. Louis, Mo., filed September 18, 1957. Attorneys for said carrier, Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Tulsa, Okla., and Joplin, Mo., as follows: from Tulsa over various state roads and highways to the Will Roger's Turnpike, thence over the Will Roger's Turnpike to Joplin and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: between Ottawa, Kans., and Tulsa, Okla.: from Ottawa, Kans., over U. S. Highway 59 to junction U. S. Highway 169, thence over U. S. Highway 169 to junction Kansas Highway 47, thence over Kansas Highway 47 to Fredonia, Kans., and return over the same highway to Altoona, Kans., and thence over U. S. Highway 75 via Caney, Kans., and Bartlesville, Okla., to Tulsa; between Independence, Kans., and St. Louis, Mo., as follows: from Independence over U. S. Highway 160 to junction U. S. Highway 169, thence over U. S. Highway 169 to Coffeyville, Kans., and junction U. S. Highway 166, thence over U. S. Highway 166 via Joplin, Mo., to junction U. S. Highway 65, thence over U. S. Highway 65 to junction U. S. Highway 66, thence over U. S. Highway 66 to St. Louis, Mo.

No. MC 52709 (Deviation No. 1), RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo., filed September 19, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commoditites*, with certain exceptions, over a deviation route, between Los Angeles, Calif., and Kansas City, Mo., as follows: from Los Angeles over U. S. Highway 60 to junction Arizona Highway 71, thence over Arizona Highway 71 to junction U. S. Highway 89, thence over U. S. Highway 89 to junction U. S. Highway 66, thence over U. S. Highway 66 to junction New Mexico Highway 422 and U. S. Highway 85 (via Las Vegas), thence over New Mexico Highway 422 and U. S. Highway 85 to junction U. S. Highway 350, thence over U. S. Highway 350 to junction U. S. Highway 50, thence over U. S. Highway 50 to junction U. S. Highway 154, thence over U. S. Highway 154 to junction U. S. Highway 54, thence over U. S. Highway 54 to the Kansas Turnpike, thence over the Kansas Turnpike to Kansas City, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities, between Los Angeles, Calif., and Kansas City, Mo., over U. S. Highways 66 and 91, 50 and 6, 6, 77, 36, and 71, and Nebraska Highway 3.

No. MC 52986 (Deviation No. 1), NORTHWEST FREIGHT LINES, INC., 4300 State Avenue, P. O. Box 1695, Billings, Mont., filed September 23, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Miles City, Mont., and Minneapolis, Minn., as follows: from Miles City over U. S. Highway 12 via Aberdeen, S. Dak., and Willmar, Minn., to junction U. S. Highway 10, at Minneapolis and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Miles City, Mont., and Minneapolis, Minn., over U. S. Highway 10.

No. MC 57629 (Sub No. 1), (Deviation No. 1), THRU-WAY EXPRESS, INC., 64 Diamond Street, Plainville, Conn., filed September 20, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Junction New York Highways 23 and 9–H, and Fredonia, N. Y., as follows: from junction New York Highways 23 and 9–H over New York Highway 23 through Hudson to junction New York Highway 23 and New York State Thru-Way, thence over New York State Thru-Way to Fredonia and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Plainville, Conn., and Jamestown, N. Y., over the following pertinent route: from Plainville over Connecticut Highway 10 to Avon, Conn., thence over U. S. Highway 44 to junction U. S. Highway 7, thence over U. S. Highway 7 to junction Massachusetts Highway 23, thence over Massachusetts Highway 23 to the Massachusetts-New York State line, thence over New York Highway 23 to junction New York Highway 9–H, thence over New York Highway 9–H to junction U. S. Highway 9, thence over U. S. Highway 9 to Albany, thence over New York Highway 5 through Schenectady to Waterloo, thence over New York Highway 96 to Rochester, thence over New York Highway 33 to Buffalo, thence over New York Highway 5 to junction U. S. Highway 20, thence over U. S. Highway 20 to Fredonia, thence over New York Highway 60 to Jamestown (also from Schenectady over New York Highway 7 to Binghamton, thence over New York Highway 17 to Elmira, thence over New York Highway 17–E to Big Flats, thence over New York Highway 17 to Jamestown) and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-8071; Filed, Oct. 1, 1957; 8:49 a. m.]

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[Notice 184]

MOTOR CARRIER APPLICATIONS

SEPTEMBER 27, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

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

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 694 (Sub No. 3), filed September 9, 1957, CLETUS E. MUMMERT, East Berlin (Adams County), Pa. Applicant's attorney: Spencer R. Liverant, 141 East Market Street, P. O. Box 682, York, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Paper* and *paper products*, from Spring Grove (York County), Pa., to Berryville, Va. *Paper mill supplies and equipment*, and *returned, damaged or rejected shipments* of paper and paper products, on return. Applicant is authorized to transport similar commodities from and to specified points in Pennsylvania, Ohio, West Virginia, New Jersey, New York, Maryland, the District of Columbia and Virginia.

*HEARING:* November 4, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo A. Riegel.

No. MC 704 (Sub No. 20) (CORRECTION) published issue September 11, 1957, at page 7248, filed July 15, 1957, JESSE O. WILLETT, doing business as J. P. WILLETT, P. O. Box 2836, Monroe, La. Applicant's attorney: Carll V. Kretsinger, Suite 1014 Temple Building, Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pipe, pipeline material, machinery* and *equipment*, incidental to and used in the construction, repairing, or dismantling of pipelines, between points in all states of the United States, including the District of Columbia, except points in California. RESTRICTION: Applied-for authority to be limited to traffic moving to or from pipe-line rights-of-way and pipe-line construction projects.

NOTE: Applicant requests cancelation of any duplicating authority in MC 704 (Sub No. 17) concurrently with issuance of a certificate as sought herein. Applicant is

authorized to transport similar commodities in all states in the United States and the District of Columbia, except the State of California.

*HEARING:* Remains as assigned November 12, 1957, at the Mayo Hotel, Tulsa, Okla., before Examiner Allen W. Hagerty.

No. MC 1160 (Sub No. 4), filed August 15, 1957, WAGMAN TRANSFER CORPORATION, Myrtle Street and Fellsway, Medford, Mass. Applicant's attorney: Phil David Fine, 50 State Street, Boston 9, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Paper boxes* (knocked down), from Medford, Mass., to Paterson, N. J.; *Paraffin wax*, in drums, from Matawan, N. J., to Medford, Mass.; *Glassine paper*, in rolls, (a) from Milford, N. J., to Medford, Mass., and (b) from West Conshohocken, Pa., to Medford, Mass.; *Corrugated boxes*, from Maspeth, Long Island, N. Y., to Medford, Mass., and *Paper board*, from New Haven, Conn., to Medford, Mass. Applicant is authorized to transport similar commodities in Connecticut, Maryland, Massachusetts, and New Jersey.

*HEARING:* November 6, 1957, at the New Post Office and Court House Building, Boston, Mass., before Examiner Lacy W. Hinely.

No. MC 4405 (Sub No. 292), filed September 13, 1957, DEALERS TRANSIT, INC., 12601 Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, 1624 Eye Street NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Trucks*, in secondary movements, in driveaway service, from Union City, Ind., to points in Arizona, Nevada, Oregon and Vermont; (2) *Bodies*, (in interstate or foreign commerce), from Union City, Ind., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

*HEARING:* November 6, 1957, in Room 852 U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 14063 (Sub No. 11), filed August 5, 1957, HARLAND C. LAIRD, doing business as LAIRD'S MOVERS, 45 Nelson St., Fairport, N. Y. Applicant's representative: Samuel V. Gianniny, 25 Exchange Street, Rochester 14, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *New pianos*, unboxed, *piano parts, piano benches* and *piano box shooks*, from East Rochester, N. Y., to Philadelphia, Pa.; and *rejected pianos* and *pianos for repairs*, on return movements. Applicant is authorized to transport the commodities specified in Massachusetts, New Jersey and New York, and other commodities in the same states and in Connecticut, Maryland, Michigan, New Hampshire, Ohio, Pennsylvania, Vermont and West Virginia.

*HEARING:* November 22, 1957, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Isadore Freidson.

No. MC 22581 (Sub No. 4), filed August 14, 1957, OWEN CULLEN, doing business as CLANCY STORAGE CO., 2148 Westchester Avenue, Bronx 62, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between New York, N. Y., on the one hand, and on the other, points in Ohio, Indiana, Michigan and Illinois. Applicant is authorized to transport household goods between New York, N. Y. and points in New York, Pennsylvania, Rhode Island, Virginia, North and South Carolina, Georgia, Florida, Maine, New Hampshire, Vermont, and Washington, D. C.

*HEARING:* November 15, 1957, at 346 Broadway, New York City, New York, before Examiner Isadore Freidson.

No. MC 29886 (Sub No. 105), filed August 5, 1957, DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend 21, Ind. Applicant's attorney: Charles M. Pieroni, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in Alabama, Georgia, Tennessee, and Kentucky, to points in that part of Indiana and Ohio on and north of U. S. Highway 40, points in that part of Illinois on and north of U. S. Highway 30, and to those in the lower Peninsula of Michigan. Applicant is authorized to conduct operations throughout the United States.

*HEARING:* November 4, 1957, at Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Illinois, before Examiner Reece Harrison.

No. MC 29886 (Sub No. 106), filed August 12, 1957, DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend 21, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in Arkansas and Missouri to points in Indiana, points in Illinois and Ohio on and north of U. S. Highway 40, and points in the southern peninsula of Michigan. Applicant is authorized to transport primarily automobiles, trucks, busses, etc., throughout the United States; it is also authorized to transport lumber from and to specified points in Washington.

*HEARING:* November 4, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Illinois, before Examiner Reece Harrison.

No. MC 44639 (Sub No. 6), filed July 18, 1957, SAM MAITA, IRVING LEVIN AND ABE LEVIN, a partnership, doing business as L. & M. EXPRESS CO., 220 Ridge Road, Lyndhurst, N. J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wearing apparel*, and *materials and supplies* used in the manufacture of wearing apparel, between Newark, N. J., and New York, N. Y., on the one hand, and, on the other, Whiteford, Md. Applicant is authorized to conduct similar operations in New York, New Jersey and Virginia.

*HEARING:* November 5, 1957, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 45363 (Sub No. 7), filed July 23, 1957, STONE'S EXPRESS, INC., 144 Second Street, Cambridge, Mass. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between New York, N. Y. and Trenton, N. J., over U. S. Highway 1, serving the intermediate points of Newark, Irvington, Hillside, Elizabeth, Linden, Rahway and New Brunswick, N. J., and the off-route points of Carteret and Perth Amboy, N. J. Applicant is authorized to conduct operations in New York, Massachusetts, and Rhode Island.

*HEARING:* November 7, 1957, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 52657 (Sub No. 508), filed August 29, 1957, ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: (A) *Trailers*, other than those designed to be drawn by Passenger automobiles, in initial truckaway and driveaway service, from Cleveland and Cardington, Ohio to points in the United States; (B) *Tractors*, in secondary driveaway service, only when drawing trailers moving in initial driveaway service, as described above, from Cleveland and Cardington, Ohio to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia; (C) *Bodies and cabs without wheels*, and *hydraulic hoists*, from Cleveland, Ohio to points in Alabama, Arizona, California, Colorado, Florida, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nebraska (except Omaha, Nebr.), Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Vermont, Washington, and Wyoming; (D) *Bodies*, from Cardington, Ohio to points in the United States; and (E) *Bodies*, from St. Clair, Mo., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states it presently serves St. Clair, Mo., transporting Bodies in direct service to points in Illinois, Indiana, Iowa, Michigan, Ohio, Kentucky, Tennessee, West Virginia, and Wisconsin. By tacking through the gateways of Jerseyville, Ill., Indianapolis, Ind., Galion or Marion, Ohio, or Cedar Rapids, Iowa applicant can serve the balance of the United States. However, in certain instances, there would be a circuitous movement where such tacking is involved. Applicant further states that this portion of the application is made to eliminate operation via the said gateways.

*HEARING:* November 6, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 59759 (Sub No. 7), filed August 1, 1957, FOOD PRODUCTS TRUCKING CO., 235 Keats Avenue, Elizabeth, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Sugar*, in bags, boxes or containers, from New York, N. Y. to points in Fairfield County, Conn., and Dutchess and Westchester Counties, N. Y. Applicant is authorized to conduct operations in New York and New Jersey.

NOTE: Applicant's representative states that the above requested authority will be restricted to shipments moving to the retail outlets of Food Fair Stores, Inc. at points in the named counties.

*HEARING:* November 12, 1957, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 64932 (Sub No. 230), filed August 19, 1957, ROGERS CARTAGE CO., a Corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, from La Salle, Ill., and points within 10 airline miles thereof, to points in Indiana, Wisconsin, Minnesota, Iowa, Missouri, Kentucky, Michigan and Ohio. Applicant is authorized to conduct similar operations in Kentucky, Michigan, Ohio, Illinois, Indiana, Iowa, Minnesota, Missouri, Wisconsin, New Jersey, New York, Pennsylvania, West Virginia, Tennessee, Alabama, Arkansas, Louisiana, Kansas, Oklahoma, Texas, Nebraska, North and South Carolina, Florida and Georgia.

*HEARING:* November 7, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Illinois, before Examiner Reece Harrison.

No. MC 66900 (Sub No. 20), filed September 11, 1957, HOUFF TRANSFER, INCORPORATED, P. O. Box 61, Weyers Cave, Va. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) from Ellwood City, Johnstown, and Philadelphia, Pa., and Cumberland, Md., to points in Virginia; (2) from Baltimore and Sparrows Point, Md., to points in Virginia, except Staunton, Va., and points within 75 miles of Staunton; and (3) from Staunton, Va., to points in Greenbrier, Pocahontas, Pendleton, Grant, Hardy, Mineral, Hampshire, Morgan, Berkeley, and Jefferson Counties, W. Va., and those in Allegany and Garrett Counties, Md. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states that the purpose of the instant application is to clarify its present certificate. Applicant is now authorized to transport "Such merchandise as is dealt in by wholesale or retail hardware stores" over the above-described routes.

*HEARING:* November 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 66900 (Sub No. 21), filed September 13, 1957, HOUFF TRANSFER, INCORPORATED, P. O. Box 61, Weyers Cave, Va. Applicant's attorney: Glenn F. Morgan, 1006–1008 Warner Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from points in that part of Pennsylvania on and south of U. S. Highway 422 and on and east of U. S. Highway 111 to points in Virginia and to Beckley, Charleston, Clarksburg, Elkins, Hinton, Killarney, Logan, Martinsburg, Meadow Creek, Montgomery, Oak Hill, Wheeling, and Williamson, W. Va., and Salisbury, Md. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant now holds authority from the above-described Pennsylvania area to Staunton, Va., and points within 50 miles of Staunton; also between Staunton and points within 80 miles of Staunton, except Roanoke, Va.; also between Washington, D. C., and points within 50 miles thereof and all of Virginia, and the Maryland and West Virginia points named above. Applicant states the purpose of this application is to obtain a single authority in one direction, which will permit direct transportation in lieu of the need to observe certain gateways as now required; no additional points or territory are proposed to be served by the instant application.

*HEARING:* November 7, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 72744 (Sub No. 1), filed August 5, 1957, JOHN BREUER, Sunnyside Place (P. O. Box 276), Lake Peekskill, N. Y. Applicant's representative: William D. Traub, 60 East 42d Street, New York 17, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise*, as is dealt in by wholesale, retail, and chain grocery and food busines houses, and, in connection therewith, *equipment*, *materials*, and *supplies* used in the conduct of such business, between points within the territory bounded by a line beginning at Stoneco, N. Y., and extending in a northeasterly direction to Dover Plains, N. Y., thence east to Kent, Conn., thence south through Ridgefield and Georgetown to East Norwalk, Conn., thence across Long Island Sound to the Nassau-Suffolk County line, thence along the Nassau-Suffolk County line to the Atlantic Coast, thence along the Atlantic Coast to the southernmost point of Richmond County, N. Y., thence along the west boundary of Richmond County to the intersection of the Richmond County line with that of the Middlesex-Union, N. J., County lines at a point directly east of Carteret, N. J., thence along the boundary lines and including the Counties of Union, Essex, and Passaic, N. J., to the New Jersey-New York State line, thence in a northwesterly direction along the New York-New Jersey and the New York-Pennsylvania State lines to the intersection of the Orange County, N. Y., boundary line, thence in a northerly and easterly direction along the western and northern boundary line of Orange County, N. Y., and across the Hudson River to New Hamburg, N. Y., and thence north along the east bank of the Hudson River to Stoneco, and point of beginning, including points on the boundary lines described above. Applicant is authorized to conduct operations in Connecticut, New Jersey and New York.

NOTE: Applicant states that the purpose of the instant application is to include Rockland and Orange Counties, N. Y., to the territory authorized it in Permit No. MC 72744, dated July 6, 1943. Duplication with present authority to be eliminated.

*HEARING:* November 14, 1957, at the New York Public Service Commission, 199 Church Street, New York, N. Y., before Examiner Isadore Freidson.

No. MC 73381 (Sub No. 6), filed August 22, 1957, HARRIS TRUCK LINE, INCORPORATED, 330 South Alameda Street, Los Angeles, Calif. Applicant's attorney: J. O. Goldsmith, 901 Builders Exchange Building, 656 South Los Angeles Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products*, and *meat by-products, dairy products*, and *articles* distributed by meat packing houses, as described in sub-division A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, 272, and 61 M. C. C. 766, from points in the New York, N. Y., Commercial Zone to Las Vegas and Reno, Nev., Phoenix and Tucson, Ariz., and all points in California, Oregon and Washington. Applicant is authorized to conduct similar operations in Colorado, Illinois, Iowa and Nebraska.

*HEARING:* November 19, 1957, at 346 Broadway, New York City, New York, before Examiner Isadore Freidson.

No. MC 74262 (Sub No. 1), filed August 5, 1957, JOSEPH LEUNER, JR., INC., 817 East 140th Street, New York 54, N. Y. Applicant's representative: William D. Traub, 60 East 42d Street, New York 17, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise*, as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment*, *materials*, and *supplies* used in the conduct of such business, between points within the territory bounded by a line beginning at Stoneco, N. Y., and ex-

tending in a northeasterly direction to Dover Plains, N. Y., thence east to Kent, Conn., thence south through Ridgefield and Georgetown to East Norwalk, Conn., thence across Long Island Sound to the Nassau-Suffolk County line, thence along the Nassau-Suffolk County line to the Atlantic Coast, thence along the Atlantic Coast to the southernmost point of Richmond County, N. Y., thence along the west boundary of Richmond County to the intersection of the Richmond County line with that of the Middlesex-Union, N. J., County lines at a point directly east of Carteret, N. J., thence along the boundary lines and including the Counties of Union, Essex, and Passaic, N. J., to the New Jersey-New York State line, thence in a northwesterly direction along the New York-New Jersey and the New York-Pennsylvania State lines, to the intersection of the Orange County, N. Y., boundary line, thence in a northerly and easterly direction along the western and northern boundary line of Orange County, N. Y., and across the Hudson River to New Hamburg, N. Y., and thence north along the east bank of the Hudson River to Stoneco, and point of beginning, including points on the boundary lines described above. Applicant is authorized to conduct operations in Connecticut, New Jersey and New York.

NOTE: Applicant states that the purpose of the instant application is to include Rockland and Orange Counties, N. Y., to the territory authorized it in Permit No. MC 74262, dated October 19, 1949. Duplication with present authority to be eliminated.

*HEARING:* November 14, 1957, at the New York Public Service Commission, 199 Church Street, New York, N. Y., before Examiner Isadore Freidson.

No. MC 76570 (Sub No. 1), filed August 5, 1957, JOHN A. CAMPBELL, 861 East Lawn Drive, Teaneck, N. J. Applicant's representative: William D. Traub, 60 East 42d Street, New York 17, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise*, as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, between points within the territory bounded by a line beginning at Stoneco, N. Y., and extending in a northeasterly direction to Dover Plains, N. Y., thence east to Kent, Conn., thence south through Ridgefield and Georgetown to East Norwalk, Conn., thence across Long Island Sound to the Nassau-Suffolk County line, thence along the Nassau-Suffolk County line to the Atlantic Coast, thence along the Atlantic Coast to the southernmost point of Richmond County, N. Y., thence along the west boundary of Richmond County to the intersection of the Richmond County line with that of the Middlesex-Union, N. J., County lines at a point directly east of Carteret, N. J., thence along the boundary lines and including the Counties of Union, Essex, and Passaic, N. J., to the New Jersey-New York State line, thence in a northwesterly direction along the New York-New Jersey and the New York-Pennsylvania State lines to the intersection of the Orange County, N. Y., boundary line, thence in a northerly and easterly direction along the western and northern boundary line of Orange County, N. Y., and across the Hudson River to New Hamburg, N. Y., and thence north along the east bank of the Hudson River to Stoneco, and point of beginning, including points on the boundary lines described above. Applicant is authorized to conduct operations in Connecticut, New Jersey, and New York.

NOTE: Applicant states that the purpose of the instant application is to include Rockland and Orange Counties, N. Y., to the territory authorized him in Permit No. MC 76570, dated June 10, 1949. Duplication with present authority to be eliminated.

*HEARING:* November 14, 1957, at the New York Public Service Commission, 199 Church Street, New York, N. Y., before Examiner Isadore Freidson.

No. MC 78062 (Sub No. 28), filed September 16, 1957, BEATTY MOTOR EXPRESS INC., Jefferson Avenue Extension, P. O. Box 223, Washington, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Folding paper boxes*, knocked down flat, other than corrugated, and *paper board*, for National Folding Box Co., Div., Federal Paper Board Co., Inc., from points in South Strabane Township, Washington County, Pa., to points in Delaware, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Virginia and West Virginia, and *materials, supplies* and *equipment*, except bulk raw materials, used or useful in the production and sale of such products, *refused and rejected merchandise, empty containers or other such incidental facilities* (not specified) used in transporting the above commodities and *pallets* on return. Applicant is authorized to conduct operations in Pennsylvania, West Virginia, Ohio, New Jersey, Delaware, Maryland, Illinois, Indiana, Kentucky, New York, Virginia, Michigan and the District of Columbia.

*HEARING:* November 8, 1957, at the offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alton R. Smith.

No. MC 83539 (Sub No. 28), filed August 5, 1957, C & H TRANSPORTATION CO., INC., 1935 Commerce Street, P. O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *tractors* (other than truck tractors) *tractor tool bars* and *tractor attachments*; (2) *contractors' equipment* and *contractors' equipment attachments*; (3) *construction, machinery and equipment* as defined by the Commission in Appendix VIII to MC 45, 61 M. C. C. 286; (4) *internal combustion, radial, rocket, nuclear powered and jet propulsion engines*, and *accessories*, with or without electrical generators attached and *empty containers*; (5) *cranes, derricks, lift trucks* and *attachments*; (6) *motor vehicles* (other than conventional autos) inoperative and not loaded under their own power; (7) *logging and mining machinery, equipment and attachments*; (8) *conex, seal bins*, and *plastic or metal containers*, empty or fully loaded; (9) *heavy machinery* and *attachments*; (10) *commodities*, the loading, unloading or transportation of which, because of size, weight, or shape, require the use of special equipment, special rigging, or special handling; (11) *parts and accessories* of commodities described in Items 1 through 11 (inclusive) above, between points in Tennessee, Illinois, Indiana, Wisconsin, Ohio, Iowa, Minnesota, Michigan, and Pennsylvania, on the one hand, and, on the other, points in Washington, Oregon, Idaho, Arizona, California and Nevada. Applicant is authorized to conduct operations in Arkansas, Colorado, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Montana, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, Wyoming, Michigan, Washington, Oregon, Idaho, Arizona, Nevada, and Utah.

*HEARING:* November 12, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 85087 (Sub No. 1), filed July 23, 1957, LEO HOLT, JR., 7307 Asbury Avenue, Melrose Park, Pa. Applicant's attorney: Morris J. Winokur, Market Street National Bank Building, Juniper and Market Streets, Philadelphia 7, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Logs and pilings, including those which are creosoted*, between Philadelphia, Pa., and points in New Jersey, Delaware, Maryland and New York.

*HEARING:* November 1, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alton R. Smith.

No. MC 87730 (Sub No. 17), filed September 12, 1957, R. W. BOZEL TRANSFER, INC., 414 West Camden Street, Baltimore, Md. Applicant's attorney: Donald E. Cross, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 209 and 766, from Baltimore, Md., in pool car distribution service, to points in Cecil County, Md., and *damaged shipments* of the above commodities on return. Applicant is authorized to conduct operation in Maryland, Pennsylvania, Delaware, Virginia, West Virginia, South Carolina, Georgia, Louisiana and the District of Columbia.

*HEARING:* November 6, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 112.

No. MC 96098 (Sub No. 18), filed August 26, 1957, RANDOLPH L. FOLLMER, doing business as H. H. FOLLMER CONTRACT HAULING, INC., North Front Street, P. O. Box 389, Milton, Pa. Applicant's representative: A. E. Enoch, Broadhead Block, 556 Main Street, Bethlehem, Pa. For authority to operate as a *contract carrier*, over irregular routes,

transporting: *Tops* and *bottoms*, for cans or containers, (sheet iron or steel or tin), from Baltimore, Md., to Milton, Pa. *Empty containers or other such incidental facilities* used in transporting the commodities specified, on return. Applicant is authorized to conduct operations in Pennsylvania, New York, New Jersey, Maryland, Delaware, Ohio, Virginia, West Virginia, and the District of Columbia.

*HEARING:* November 4, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 96286 (Sub No. 4), filed July 15, 1957, ECKNOR, INC., 7 Oakcrest Drive, Huntington Station, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lime* and *limestone* and *empty containers* used in the transportation of lime and limestone, between Franklin, N. J., and points in the New York, N. Y., Commercial Zone as defined by the Commission in 53 M. C. C. 451, and points in Nassau, Suffolk and Westchester Counties, N. Y. Applicant is authorized to transport similar commodities in Pennsylvania, New Jersey and New York.

*HEARING:* November 4, 1957, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 100592 (Sub No. 11), filed August 26, 1957, JAMES STUFFO, INC., 3010 North 21st Street, Philadelphia 32, Pa. Applicant's attorney: M. Randall Marston, 515 East Wynnewood Road, Merion Station, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Metal windows, metal window sections*, and *metal doors*, glazed and unglazed, uncrated; *parts and fittings* incidental to the erection and installation of such metal windows, sections, and doors, uncrated; *aluminum extrusions*, uncrated, when moving with shipments of metal windows, metal window sections, metal doors, and parts and fittings for such windows, doors, and window sections, also uncrated; *sample metal windows, sample metal window sections*, and *sample metal doors*, crated, from Philadelphia, Pa., to points in Missouri, Iowa and Wisconsin; and *empty containers and pallets* used in transporting the commodities specified above, and *damaged, defective and returned shipments* of the same commodities, from points in Missouri, Iowa and Wisconsin to Philadelphia, Pa. Applicant is authorized to transport the commodities specified in Connecticut, Illinois, Indiana, Massachusetts, Michigan, New York, Ohio, Pennsylvania, Rhode Island, and West Virginia; and other commodities in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania and the District of Columbia.

*HEARING:* November 4, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alton R. Smith.

No. MC 103721 (Sub No. 5), filed August 14, 1957, ORVILLE W. SICKELS, R. F. D. No. 1, Palmerton, Pa. Applicant's attorney: James J. Cody, Jr., 26 Pemberton Square, Boston 9, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal*, from Lansford, Pa., to the site of the Sea View Hospital, Staten Island (Richmond County), N. Y. Applicant is authorized to transport coal from specified points in Pennsylvania to specified points in New Jersey and New York.

*HEARING:* November 18, 1957, at 346 Broadway, New York City, New York, before Examiner Isadore Freidson.

No. MC 103993 (Sub No. 94), filed September 3, 1957, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Aurora and Naperville, Ill., and points within 10 miles of Aurora and Naperville, Ill., to all points in the United States. Applicant is authorized to transport trailers throughout the United States.

*HEARING:* November 8, 1957, in Room 852 U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 106282 (Sub No. 5), filed August 28, 1957, SPEEDWAY TRANSPORTS, INC., 7933 Clayton Road, St. Louis 17, Mo. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks*, and *buses*, as defined in *Descriptions in Motor Carrier Certificates*, Ex Parte No. MC 45, in initial movements, via driveaway and truckaway methods, from Kenosha, Wis., to all points in Oklahoma and Texas, and *damaged, rejected or returned shipments* of the commodities specified in this application on return. *Parts* and *accessories* of the above-specified commodities transported at the same time and with the vehicle of which they are a part and on which they are to be installed, from Kenosha, Wis., to all points in Oklahoma and Texas, and return. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Kentucky, Missouri and Wisconsin.

*HEARING:* November 8, 1957, in Room 852 U. S. Custom House, 610 South Canal Street, Chicago, Illinois, before Examiner Reece Harrison.

No. MC 106398 (Sub No. 88), filed September 3, 1957, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Aurora and Naperville, Ill., and points within 10 miles of Aurora and Naperville, Ill., to all points in the United States. Applicant is authorized to transport trailers throughout the United States.

*HEARING:* November 8, 1957, in Room 852 U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 106965 (Sub No. 112), filed September 5, 1957, M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 817 Michigan Avenue NE., Washington, D. C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from Baltimore, Md., to Alexandria, Va., and points in Virginia within 20 miles thereof. Applicant is authorized to conduct operations in the District of Columbia, Maryland, West Virginia, Virginia, Pennsylvania, New Jersey, New York, Delaware, Ohio, North Carolina, Illinois, Indiana, Michigan, Minnesota, Missouri, Wisconsin, Tennessee, Alabama, Arkansas, Connecticut, Florida, Georgia, Iowa, Kentucky, Louisiana, Massachusetts, Maine, Mississippi, New Hampshire, South Carolina, and Vermont.

*HEARING:* November 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 109637 (Sub No. 55), filed September 12, 1957, GASOLINE TRANSPORT CO., 4107 Bells Lane, Louisville 11, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Chicago, Ill., and points within the Chicago, Ill., Commercial Zone, and Millsdale, Ill., and points within 5 miles thereof, to points in Alabama, Florida, Georgia, North Carolina and South Carolina. Applicant is authorized to conduct operations in Illinois, Tennessee, Kentucky, Indiana, and Ohio.

*HEARING:* November 7, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Illinois, before Examiner Reece Harrison.

No. MC 110525 (Sub No. 344), filed September 12, 1957, CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz and Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Di Cyandiamede* (dry), in bulk, in trailer vehicles, from ports of entry in New York on the International Boundary line between the United States and Canada along the Niagara River, on shipments originating in Canada, to Willow Island (Pleasants County), W. Va.; and (2) *Melamine*, (dry), in bulk, in trailer vehicles, from Willow Island, W. Va., to Wallingford, Conn. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

*HEARING:* November 7, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo A. Riegel.

No. MC 111472 (Sub No. 51), filed August 16, 1957, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Forage boxes* and *unloading equipment*, from Cedar Falls, Iowa, to points in Colorado, Illinois, Indiana, Kentucky, Florida, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, New York, South Dakota, Texas and Wisconsin. Applicant is authorized to transport various commodities in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming.

*HEARING:* November 5, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Illinois, before Examiner Reece Harrison.

No. MC 113313 (Sub No. 1), filed August 12, 1957, UNION TRUCKING CO., INC., 361 Monroe Avenue, Kenilworth, N. J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Plastic powder, granules, pellets, flakes, lumps or solid mass, rubber tires, tubes, flaps, treads* and *cement*, from East Rutherford, N. J. to New York, N. Y. and points in Nassau, Suffolk and Westchester Counties, N. Y. Applicant is authorized to conduct operations in New Jersey and New York.

*HEARING:* November 12, 1957, at 346 Broadway, New York City, New York, before Examiner Isadore Freidson.

No. MC 113436 (Sub No. 2), filed September 16, 1957, AUTOMOBILE CARRIERS, INC., 3401 North Dort Highway, Flint, Mich. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, (except trailers), in initial movements, by truckaway and driveaway service, from Flint, Mich., to points in Washington, Oregon, California, Wyoming, Nevada, Idaho, Utah, Arizona, New Mexico, Colorado, and Montana. Applicant is authorized to conduct operations in Alabama, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin.

*HEARING:* November 14, 1957, in Room 852 U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 114015 (Sub No. 7), filed September 3, 1957, HUSS, INCORPORATED, Chase City, Va. Applicant's attorney: John C. Godding, State-Planters Bank Building, Richmond 19, Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Shooks* and *excelsior*, from Chase City and Keysville, Va., to the site of the Ford Motor Company Plant at or near Delair, Pennsauken, N. J., and *refused and damaged shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in New Jersey, New York, Ohio, Pennsylvania, Virginia and West Virginia.

*HEARING:* November 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo A. Riegel.

No. MC 115056 (Sub No. 5), filed September 9, 1957, CLAUDE BUNDY, doing business as BUNDY TRUCK LINE, Gatesville, N. C. Applicant's attorney: Jno. C. Goddin, State-Planters Bank Building., Richmond 19, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pickles*, in brine, *cucumbers*, in brine and *pickles* in bottles and cans, from Ahoskie, N. C. to New York, N. Y., and points in the New York, N. Y. Commercial Zone, points in Nassau County, N. Y. and Bridgeport, Conn., and *damaged shipments* of the above commodities on return. Applicant is authorized to conduct operations in North Carolina, Virginia, Maryland, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Ohio, West Virginia and the District of Columbia.

*HEARING:* November 6, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo A. Riegel.

No. MC 115913 (Sub No. 1), filed September 13, 1957, FRANK J. PAAR, doing business as PAAR TRUCKING COMPANY, Box 103, West Main Street, Mt. Jewett, Pa. Applicant's attorney: Arthur J. Diskin, 810 Frick Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Rejected, damaged and returned shipments of leather shoe soles*, from Boston, Mass., to Mt. Jewett and West Hickory, Pa. Applicant is authorized in Certificate No. MC 115913 to transport, over irregular routes, leather shoe soles, from Mount Jewett and West Hickory, Pa., to Boston, Mass., with no transportation for compensation on return except as otherwise authorized. Applicant desires to change the provision reading "with no tranportation for compensation on return except as otherwise authorized" to a return movement of rejected, damaged and returned shipments from the designated destination point to the designated points of origin.

*HEARING:* November 6, 1957, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Alton R. Smith.

No. MC 116417 (Sub No. 1), filed August 19, 1957, BERNARD KLEIN AND EMANUEL KLEIN, doing business as BERNARD'S TRUCKING CO., 23–41 Borden Avenue, Long Island City, N. Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, 6, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Toilet tissue, facial tissue, paper napkins* and *paper towels*, in packages, from Bernard's Warehouse, Inc., Long Island City, N. Y., to points in Nassau and Suffolk Counties, N. Y., restricted to shipments having a prior transportation by rail or motor carriers.

*HEARING:* November 18, 1957, at 346 Broadway, New York City, New York, before Examiner Isadore Friedson.

No. MC 116628 (Sub No. 1), filed July 17, 1957, SUBURBAN TRANSFER SERVICE, INC., 210 Cedar Lane, Teaneck, N. J. Applicant's representative: Jacob Polin, 314 Old Lancaster Road (P. O. Box 317, Bala-Cynwyd, Pa.), Merion, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise*, as is dealt in by department stores, in vehicles equipped with mechanical loading devices and special handling devices, limited to transportation conducted under contracts with firms engaged in the retail sale of department store merchandise and further limited to inter-company transfer service for such firms, between New York, N. Y., and points in New Jersey south of, and including, Mercer, Somerset and Middlesex Counties, N. J., those in Delaware, Bucks, Montgomery and Philadelphia Counties, Pa., and those in Newcastle County, Delaware.

*HEARING:* November 6, 1957, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 116008 (Sub No. 8), filed August 23, 1957, ARCHIE'S MOTOR FREIGHT, INC., 316 East Sixth Street, Richmond, Va. Applicant's attorney: Glenn F. Morgan, 1006–1008 Warner Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wood pulpboard*, from West Point, Va., to Williamsport, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting wood pulpboard on return. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Kentucky, Maryland, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and the District of Columbia.

*HEARING:* November 1, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before the Joint Board No. 250.

No. MC 116816, filed July 15, 1957, THE MERIT TERMINALS CORP., Port Newark, N. J. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Kitchen sinks, kitchen ranges*, and *kitchen cabinets*, from Port Newark, N. J., to New York, N. Y., and points in Nassau, Suffolk, Westchester and Rockland Counties, N. Y. *Returned, rejected and damaged shipments* of the above-specified commodities, on return.

*HEARING:* November 5, 1957, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 116818, filed July 15, 1957, DANIEL A. SLOVER, 47½ Susquehanna Avenue, Cooperstown, N. Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber* (dressed and finished, rough and kiln

dried), from points in Otsego, Delaware, Schoharie and Montgomery Counties, N. Y., to points in Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Vermont and Rhode Island, and to Laconia, N. H., and to the port of entry at Champlain, N. Y. on the International border between the United States and Canada.

*HEARING:* November 4, 1957, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 116828, filed July 22, 1957, CHARLES E. HASTEY, doing business as VALHALLA PACKAGE DELIVERY, 616 North Broadway, White Plains, N. Y. Applicant's attorney: Robert H. Law, Jr., 450 North Broadway, White Plains, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Manufactured plastic toys* and *toy parts, dolls* and *doll parts*, and *machinery, supplies, parts* and *materials* used in the manufacture of toys and toy parts and dolls and doll parts, between White Plains, N. Y., and Newark, Carlstadt, Kenilworth, Rahway, South River, Roselle and Bayonne, N. J., and New Haven and Danbury, Conn.

NOTE: Applicant states that parts, machinery, supplies and materials will be transported both in the same vehicle with toys and dolls and will also be transported as separate shipments.

*HEARING:* November 7, 1957, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 116847, filed July 31, 1957, MONETTE & FILS TRANSPORT, INC., 7337 St. Andre Street, Montreal, Province of Quebec, Canada. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods* as defined in Practices of Motor Carriers of Household Goods, 17 M. C. C. 467, between the ports of entry on the international boundary line between the United States and Canada at or near Champlain, Rouses Point, Trout River, Thousand Island Bridge and Niagara Falls, N. Y., Swanton, Derby Line and Newport Center, Vt., and Detroit, Mich., on the one hand, and, on the other, points in Massachusetts, Rhode Island, Maine, New York, New Hampshire, Michigan, Ohio, Pennsylvania, Connecticut, New Jersey, Illinois, Vermont and the District of Columbia.

*HEARING:* November 8, 1957, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 116857, filed August 5, 1957, CHAUFFEUR SERVICE, INC., 146 East Highland Avenue, Milwaukee 2, Wis. For authority to *institute a chauffeur service*, driving automobiles for individuals, companies or others, with or without passengers, with baggage of passengers when necessary, between Milwaukee, Wis. and points in the United States.

*HEARING:* November 5, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Illinois, before Examiner Reece Harrison.

No. MC 116869, filed August 12, 1957, FRED SYKES, 48 Walnut Street, Little Falls, N. J. Applicant's representative: George A. Olsen, Jersey City Traffic Bureau, 69 Tonnele Avenue, Jersey City 6, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Homing pigeons*, with or without attendants, in seasonal operations between March 1st and November 15th, inclusive, of each year, from points in Hudson, Essex, Bergen, Passaic, Morris, Middlesex, Monmouth, and Somerset Counties, N. J., to points in Delaware, Indiana, Maryland, North Carolina, Ohio, Pennsylvania, Virginia, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting homing pigeons on return.

*HEARING:* November 15, 1957, at 346 Broadway, New York City, New York, before Examiner Isadore Freidson.

No. MC 116875, filed August 15, 1957, JOSEPH R. WORTH, 107–35 91st Street, Ozone Park, Queens, N. Y. Applicant's attorney: Charles H. Trayford, 155 East 40th Street, Ozone Park, Queens, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Foam rubber upholstery materials*, from the plant site of Eastern Foam Rubber Corporation, Oceanside, Long Island, N. Y., to points in Bergen, Essex, Hudson, Morris, Passaic and Union Counties, N. J., and *rejected, refused and returned shipments* of the commodities specified on return movements.

*HEARING:* November 18, 1957, at 346 Broadway, New York City, New York, before Examiner Isadore Freidson.

No. MC 116882, filed September 13, 1957, STEPHEN F. PERCHAK, 124 South Church Street, Hazleton, Pa. Applicant's attorney: Louis G. Feldmann, Markle Bank Building, Hazleton, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Concrete and cinder blocks*, from Hazleton, Pa., and points within five (5) miles thereof, to points in Passaic, Bergen, Essex, Monmouth, Morris, Middlesex, Union, Somerset, Sussex, and Hudson Counties, N. J., and to points in Nassau, Bronx, Queens, New York, Kings, Orange, and Rockland Counties, N. Y., and *defective or rejected shipments* of the above-described commodities on return.

NOTE: Applicant has common carrier irregular route authority in Certificate No. MC 112539, dated March 7, 1952—section 210 (dual authority) may be involved.

*HEARING:* November 7, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alton R. Smith.

No. MC 116889, filed August 26, 1957, SAMUEL L. GASCHO & SON, LIMITED, 142 New Street, Burlington, Ontario, Canada. Applicant's attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo 1, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, in bulk, from Ports of Entry between the United States and Canada located at Niagara Falls and Buffalo, N. Y. and at or near Alexandria Bay (Thousand Island Bridge, N. Y.), to points in New York.

*HEARING:* November 21, 1957, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Isadore Freidson.

No. MC 116890, filed August 26, 1957, WILLIAM J. KNAPP AND ROBERT V. MURPHY, a partnership, doing business as KNAPP & MURPHY, Livonia, N. Y. Applicant's representative: Samuel V. Gianniny, 25 Exchange Street, Rochester 14, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Commodities*, such as conveyors, hoppers, and bulk plants for storing and handling of cement used by contractors of ready-mixed cement, from Honeoye (Ontario County), N. Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, and Vermont. *Empty containers, empty pallets, fittings or equipment* used in transporting the commodities specified, and *damaged, rejected or refused shipments* of the specified commodities, on return.

*HEARING:* November 22, 1957, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Isadore Freidson.

No. MC 116896, filed August 21, 1957, EARL J. HINKLE, R. D. No. 1, Annville, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cheese* and *cheese products*, from Wilmot, Brewster, Pearl, and Minerva, Ohio, to Hershey, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

*HEARING:* November 1, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 116910, filed September 5, 1957, PAUL L. DIXON, Libertytown, Md. Applicant's attorney: W. Jerome Offutt, Cramer Building, Frederick, Md. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Bulk feeds*, from Wilmington, Del., to Walkersville, Md., and points within fifteen miles of Walkersville.

*HEARING:* November 1, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 40.

## MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 224), filed September 3, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Frederick M. Broadfoot, Law Department, 180 Boyden Avenue, Maplewood, N. J. For authority to operate as a *common carrier*, over a *regular route*, transporting: *Passengers and their baggage*, and *express*, and *newspapers*, in the same vehicle with passengers, between Englishtown, N. J., and Old Bridge, N. J., from Englishtown over Monmouth County Highway 522 to junction Middlesex County Highway 522, thence over Middlesex County Highway 522 to Jamesburg, N. J., thence over Middlesex County Highway 5–R–1 through Helmetta and Spotswood, N. J., to Old Bridge, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsyl-

vania, Rhode Island, Vermont, Virginia, and the District of Columbia.

*HEARING:* November 1, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 119.

No. MC 3677 (Sub No. 35), filed September 5, 1957, W. M. A. TRANSIT COMPANY, a Corporation, 4421 Southern Avenue SE., Bradbury Heights, Md. Applicant's attorneys: Earl M. Foreman and D. Jay Hyman, Tower Building, Washington 5, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage* and *express* and *newspapers* in the same vehicle with passengers, between the junction of 57th Avenue and Central Avenue, Capitol Heights, Md., and the junction of Central Avenue and Southern Avenue at the Maryland-District of Columbia boundary line, over Central Avenue, serving no intermediate points. Applicant is authorized to conduct similar operations in Maryland and the District of Columbia.

*HEARING:* November 6, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 112.

No. MC 109312 (Sub No. 24), filed September 9, 1957, DE CAMP BUS LINES, a Corporation, 30 Allwood Road, Clifton, N. J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N. J. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage* in the same vehicle, between Whippany, N. J. and Morristown, N. J., from the junction of New Jersey Highway 10 and Whippany Road, in Whippany, over New Jersey Highway 10 to its junction with Littleton Road in Morris Plains, N. J.; thence along Littleton Road (U. S. Highway 202) to its junction with Speedwell Avenue thence along Speedwell Avenue (U. S. Highway 202) to its junction with West Park Place and North Park Place in Morristown, N. J., and return over the same route, serving all intermediate points. Applicant is authorized to transport passengers and their baggage in New Jersey and New York.

*HEARING:* November 8, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 119.

No. MC 116851, filed August 2, 1957, BERNARD F. DUFFY AND AVERY O. PERHAM, partnership, doing business as DUFFY & PERHAM BUS LINES, Belmont Road, Malone, N. Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip charter operations beginning and ending at points in Franklin County, N. Y., and extending to ports of entry on the boundary of the United States and Canada at or near Rooseveltown and Chateaugay, N. Y.

*HEARING:* November 8, 1957, at 346 Broadway, New York, New York, before Examiner Isadore Freidson.

No. MC 116917, filed September 9, 1957, R. W. PAYNE, doing business as PAYNE BUS SERVICE, Beaver Dam, Va. Applicant's attorney: Paul A. Sherier, 613 Warner Building, 13th and E Streets NW., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at Childsburg, Va., and points within 20 miles of Childsburg and extending to points in Maryland and the District of Columbia.

*HEARING:* November 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 116918, filed September 9, 1957, TWIN STATE TRANSPORTATION COMPANY, INC., 84 Washington Street, Hoboken, N. J. Applicant's attorney: William J. Hanley, 84 Washington Street, Hoboken, N. J. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers*, between Roosevelt Stadium in the City of Jersey City, N. J. and West Side Port Authority Bus Terminal in New York, N. Y. from the southerly side of Roosevelt Stadium Drive opposite Gate 6 in and upon the grounds of Roosevelt Stadium in the City of Jersey City, thence easterly on Roosevelt Stadium Drive to Danforth Avenue, thence easterly on Danforth Avenue to West Side Avenue, thence northerly on West Side Avenue to Sip Avenue, thence easterly on Sip Avenue to Summit Avenue, northerly on Summit Avenue to Five Corners, thence easterly on Hoboken Avenue to Central Avenue, thence northerly on Central Avenue to Paterson Plank Road, which is the dividing line of Jersey City and Union City, thence in an easterly direction of Paterson Plank Road to the Fourteenth Street Hoboken Viaduct, thence northerly on Willow Avenue in the City of Hoboken, and continuing north on Willow Avenue in the Township of Weehawken, N. J., thence to the entrance of the Lincoln Tunnel to the Port Authority Bus Terminal in New York, and return over the same route, serving all intermediate points.

*HEARING:* November 4, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 3.

## Application for Brokerage Licenses

### MOTOR CARRIERS OF PROPERTY

No. MC 12665, filed August 19, 1957, EARL M. RHONEY, doing business as TRUCK BROKERS SERVICE, 631 Niagara Street, Buffalo 1, N. Y. For a license (BMC 4), for authority to operate as a *broker* at Buffalo, N. Y., in arranging for the transportation, in interstate or foreign commerce by motor vehicle, of: *General commodities*, including commodities in bulk and commodities requiring special handling or equipment, and except household goods, passengers, commodities of unusual high value, and Class A and B explosives, from, and/or between points in Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Cortland, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Seneca, Schuyler, Steuben, Tioga, Tompkins, Wayne, Wyoming and Yates Counties, N. Y., to points in the United States.

NOTE: Applicant states he will solicit traffic (for common and contract carrier and carriers providing special service and equipment) by personal contract and direct mail advertising. In some instances motor carriers will compensate broker on a flat charge; in other instances a percentage of transportation charges will be paid. Shippers will be charged the cost of services paid motor carriers plus expenses incurred in providing transportation to billed destinations.

*HEARING:* November 21, 1957, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Isadore Freidson.

### MOTOR CARRIERS OF PASSENGERS

No. MC 12567 (Sub No. 2), filed August 23, 1957, GLENN E. BAILEY, G. M. BAILEY AND FRED J. BAILEY, doing business as BAILEY TRAVEL SERVICE, 123 East Market Street, York, Pa. For a license (BMC 5) to engage in operations as a *broker* at York, Pa., in arranging for the transportation in interstate or foreign commerce by motor vehicle of *passengers and groups of passengers, and their baggage* in the same vehicle with passengers, in all-expense conducted tours and sight-seeing tours, beginning and ending at York, Pa., and points within 50 miles of York, and extending to points in the United States.

*HEARING:* November 1, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 65, or if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

## Petition

No. MC 105632, filed September 3, 1957, CENTRAL OF GEORGIA MOTOR TRANSPORT COMPANY, a corporation, 227 West Broad Street, Savannah, Ga. Applicant's attorney: Walter C. Scott, Jr., P. O. Box 642, Savannah, Ga. *Petition for Modification of Key Point Restrictions and Revision of Certificate of Public Convenience and Necessity* No. MC 105632, dated April 19, 1957, wherein applicant is authorized to transport, in part, as a *common carrier* of *General commodities*, over regular routes, between points in Georgia, Alabama, and Tennessee, subject to certain restrictions, in service auxiliary to, or supplemental of, rail service of the Central of Georgia Railway and its rail subsidiaries, so as to eliminate certain portions of presently applicable restrictions as described on page 5 reading: "No shipments shall be transported by said carrier between any of the following points, or through or to or from more than one of said points: Chattanooga, Tenn., Atlanta, Rome, Newnan-Griffin (considered as one), Macon-Tennille (considered as one), Millen, Columbus, and Americus, Ga., and Andalusia, and Alexander City, Ala., except that said carrier may transport shipments between Columbus, on the one hand, and, on the other, Newnan and points on-route between Griffin and Cedartown, Ga., as specified above, except Griffin." That as so modified the

key point restrictions in the certificate will then read: "No shipments shall be transported by said carrier between any of the following points, or through or to or from more than one of said points: Chattanooga, Tenn., Atlanta, Macon-Tennille (considered as one), Miller, Columbus, and Americus, Ga., and Andalusia, and Alexander City, Ala."

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 19201 (Sub No. 101) (CORRECTION), published July 31, 1957 issue, at page 6029, filed July 15, 1957, PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, P. O. Box 432, Harrisburg, Pa. The route (1) (c) contained a typographical error, in that the point *Lantz Corners* appeared in the notice as *"Lanyz" Corners*. The correct spelling is *Lantz Corners*.

No. MC 30319 (Sub No. 84), filed September 16, 1957, SOUTHERN PACIFIC TRANSPORT COMPANY, a corporation, 810 North San Jacinto Street, P. O. Box 4054, Houston, Tex. Applicant's attorney: Edward N. Bell, 1600 Niels Esperson Building, Houston 2, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *air freight having a prior or subsequent movement by air*, but excluding articles 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 Giddings, Tex., and junction U. S. Highway 77 and Texas Farm Road 153, approximately seven (7) miles north of La Grange, Tex., over U. S. Highway 77, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations (a) between Hearne, Tex., and Giddings, Tex., (b) between Houston, Tex., and Austin, Tex., and (c) between Giddings, Tex., and Flatonia, Tex. RESTRICTION: The service authorized with regard to (c) above is subject to the following conditions: (a) The service by motor vehicle to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of rail service of the Texas and New Orleans Railroad Company, hereinafter called the Railroad; (b) Said carrier shall not serve any point not a station on the rail line of the Railroad; (c) Shipments transported by said carrier shall be limited to those received from or delivered to the Railroad under through bills of lading or express receipt covering in addition to movement by said carrier a prior or subsequent movement by rail or water; (d) All contractual arrangements between said carrier and the Railroad shall be reported to the Interstate Commerce Commission and shall be subject to revision if and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties; and (e) Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operations to service which is auxiliary to or supplemental of rail service; and (2) between Flatonia, Tex., and junction Texas Farm Road 609 and Texas Highway 71, approximately two (2) miles west of La Grange, Tex., over Texas Farm Road 609, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Giddings, Tex., and Flatonia, Tex. Applicant is authorized to conduct operations in Louisiana and Texas.

NOTE: Applicant states that it does not seek to serve any new or additional points, nor off-route points between the termini on the above two alternate route segments.

NOTE: Dual operations or common control may be involved.

No. MC 38551 (Sub No. 11), filed September 17, 1957, RAMUS TRUCKING LINE, INC., 2652 East 34th Street, Cleveland, Ohio. Applicant's attorney: Edwin C. Reminger, 1016 Standard Building, Cleveland 13, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the plant of the General Motor Corporation, Euclid Division, located on Ohio Highway 91 between Hudson, Ohio and Darrowville, Summit County, Ohio, as an off-route point in connection with applicant's authorized regular route operations from and to Cleveland, Ohio, over U. S. Highway 20. Applicant is authorized to conduct similar operations over regular routes in Illinois, Indiana, Massachusetts and Ohio, and over irregular routes in Massachusetts.

No. MC 66562 (Sub No. 1384), filed September 18, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: James E. Thomas, Alston, Sibley, Miller, Spann & Shackelford, 1220 The Citizens & Southern National Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over a regular route transporting: *General commodities, including Class A and B explosives*, moving in express service, between Wilmington, N. C., and Pollocksville, N. C., from Wilmington over U. S. Highway 17 to Jacksonville, N. C., thence over North Carolina Highway 24, to junction unnumbered North Carolina Highway, thence over unnumbered North Carolina Highway to junction U. S. Highway 17, thence over U. S. Highway 17 to Pollocksville, and return over the same route, serving the intermediate points of Hollyridge, Jacksonville, and Maysville, N. C., and the off-route point of Camp LaJeune, N. C., (a branch of the Jacksonville office). RESTRICTION: The service authorized herein is subject to the following conditions: The service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, air or railway express service. Shipments transported by carrier shall be limited to those moving on through bills of lading or express receipts covering in addition to a motor carrier movement by carrier, an immediately prior or an immediately subsequent movement by rail or air. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict applicant's operation to service which is auxiliary to, or supplemental of, air or railway express service. Applicant is authorized to conduct operations throughout the United States.

No. MC 109451 (Sub No. 80), filed September 18, 1957, ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. Applicant's attorney: William J. Guenther, 1511–14 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Alcohol solvents*, in bulk, in tank vehicles, from Ficklin, Ill., to Nitro, West Virginia; (2) *Chlorosulphonic acid*, in bulk, in tank vehicles, from Lockland, Ohio to Newport, Tenn. Applicant is authorized to conduct operations in Indiana, Missouri, Michigan, Illinois, Ohio, Wisconsin, Kentucky, Georgia, Tennessee, West Virginia, Pennsylvania, Iowa, Minnesota and Alabama.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 78039 (Sub No. 10), filed September 18, 1957, ANTHONY BALIO, LOUIS BALIO AND PHILIP RUGGIERO, doing business as B & R TRUCKING COMPANY, 131 East Broad Street, Frankfort, N. Y. Applicant's attorneys: Edward G. Villalon, 1012 14th Street NW., Washington 5, D. C., and James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Buffalo, Syracuse, and Utica, N. Y., on the one hand, and, on the other, New York, N. Y.; (2) between Utica, N. Y., on the one hand, and, on the other, Buffalo and Syracuse, N. Y. Applicant is authorized to conduct operations in New York, New Jersey, and Pennsylvania.

NOTE: This application is filed to obtain a Certificate of Public Convenience and Necessity authorizing continuance of interstate operations conducted under the second proviso of section 206 (a) (1) of the Interstate Commerce Act by Frank Aniceto, dba Colonial Highway Express, Frankfort, N. Y., supported by intrastate certificate on file with this Commission. The application is directly related to No. MC–F–6699.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (a) and 210a (b) of the Interstate Commerce Act and certain other

procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F5960, published in the April 27, 1955, issue of the FEDERAL REGISTER on page 2847. Application filed September 23, 1957, for temporary authority under section 210a (b).

No. MC–F 6334, published in the July 18, 1956, issue of the FEDERAL REGISTER on page 5396. Petition filed September 25, 1957, to amend the application under section 5 of the act for substitution of BOSS-LINCO LINES, INC., 226 Ohio Street, Buffalo, N. Y., in lieu of LINCOLN TRANSPORT SYSTEMS, INC., as the applicant for authority to acquire control and merge the properties of AMSTERDAM DESPATCH, INC., into it for ownership, management and operation. Petition filed September 25, 1957, to amend the order of August 2, 1956, which granted the application for temporary authority under section 210a (b) of the act for LINCOLN TRANSPORT SYSTEMS, INC., to temporarily control and manage the properties of AMSTERDAM DESPATCH, INC., for substitution of BOSS-LINCO LINES, INC., as the party to temporarily control and manage said properties in lieu of LINCOLN TRANSPORT SYSTEMS, INC.

No. MC–F 6697 (correction) published in the September 25, 1957, issue of the FEDERAL REGISTER on page 7626. The footnote to this caption indicated that No. MC 29830 Sub 21 was a matter directly related. This number should have read MC 29890 Sub 21.

No. MC–F 6699. Authority sought for purchase by ANTHONY BALIO, LOUIS BALIO AND PHILIP RUGGIERO, doing business as B & R TRUCKING CO., 131 East Broad Street, Frankfort, N. Y., of the operating rights of FRANK ANICETO, doing business as COLONIAL HIGHWAY EXPRESS, 131 East Broad Street, Frankfort, N. Y. Applicants' attorneys: Edward G. Villalon, 1012 14th Street NW., Washington 5, D. C., and James E. Wilson, Perpetual Building, Washington, D. C. Operating rights sought to be transferred: Operations under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act in the transportation, in the State of New York, of *general commodities*, as a *common carrier*, over regular and irregular routes, from all points in Lewis County to the cities of New York and Buffalo, from the cities of Buffalo and New York to all points in Lewis County, between Watertown and Utica, between Watertown and Alexandria Bay, and between Utica and New York City, serving certain intermediate and off-route points; *paper products*, over irregular routes, from all points in Lewis County to all points in Rockland County, and from all points in Jefferson County to all points in Broome, Chenango and Rensselaer Counties; *lumber*, from all points in Lewis County to all points in Orange and Ulster Counties; *scrap metals*, from all points in Lewis County to all points in Monroe County; *feed*, from all points in Montgomery County to all points in Lewis County; *paper*, from all points in St. Lawrence County to all points in Lewis County. Vendee is authorized to operate as a *common carrier* in New York, New Jersey and Pennsylvania. Application has not been filed for temporary authority under section 210a (b).

NOTE: MC 78039 Sub 10 is a matter directly related.

No. MC–F 6700. Authority sought by MOTORWAYS, LIMITED, 1301 Martin Grove Road, Rexdale, Toronto, Ontario, Canada, to purchase the operating rights and property of MASON CARTAGE LIMITED, Ontario Street, St. Catharines, Ontario, Canada, and to control the operating rights and property of SOO–SECURITY FREIGHT LINES, LIMITED, Winnipeg Street and Ninth Avenue, Regina, Saskatchewan, Canada, and for acquisition by CANADIAN MOTORWAYS, LTD., also of Toronto, of control of such rights and property through the transactions. Applicants' attorneys: Wrape and Hernly, 1624 Eye Street NW., Washington 6, D. C., and McMillan, Binch, Stuart, Berry, Dunn, Corrigan & Howland, 50 King Street West, Toronto, Ontario, Canada. Operating rights sought to be transferred: (MASON CARTAGE LIMITED) *fresh or green grapes*, as a *common carrier* over irregular routes, from the boundary of the United States and Canada at Niagara Falls and Buffalo, N. Y., to North East, Pa., and Westfield, Brockton, and Silver Creek, N. Y.; *empty containers* and *bracing materials* for fresh or green grapes, from the above-specified destination points to the above-designated origin points; *grape juice* in containers, from North East, Pa., Westfield, Brockton, and Silver Creek, N. Y., to the boundary of the United States and Canada at Niagara Falls and Buffalo; *empty containers* for grape juice, from the above-specified destination points to the above-designated origin points. Operating rights sought to be controlled: (SOO-SECURITY FREIGHT LINES, LIMITED) *general commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over a regular route, between Portal, N. Dak., and the boundary of the United States and Canada at Portal, serving no intermediate points. MOTORWAYS, LIMITED, holds no authority from this Commission but is affiliated with HILL THE MOVER (CANADA) LIMITED, which is authorized to operate as a *common carrier* in Maine, New Hampshire, Vermont, Massachusets, Rhode Island, Connecticut, New Jersey, New York, Pennsylvania, Delaware, Virginia, Maryland, West Virginia, North Carolina, South Carolina, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Tennessee, Kentucky, Georgia, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6701. Authority sought for purchase by TENNESSEE CAROLINA TRANSPORTATION, INC., 905 Mile End Avenue, Nashville 7, Tenn., of a portion of the operating rights of HOOVER MOTOR EXPRESS COMPANY, INC., Polk Avenue, Nashville, Tenn. Applicant's attorney: Edgar Watkins, 919 Munsey Building, Washington 4, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between Livingston, Tenn., and Cookeville, Tenn., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in North Carolina, Tennessee, and South Carolina. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6702. Authority sought for control by JONES TRUCK LINES, INC., East Emma Avenue, Springdale, Ark., of MOUND CITY FORWARDING COMPANY, INCORPORATED, 1517 North 15th Street, St. Louis 6, Mo., and for acquisition by HARVEY JONES, also of Springdale, of control of MOUND CITY FORWARDING COMPANY, INCORPORATED, through the acquisition by JONES TRUCK LINES, INC. Applicant's attorneys: Lee Reeder and Wentworth E. Griffin, both of 1010 Baltimore Building, Kansas City 5, Mo., and Gregory M. Rebman, 314 North Broadway, St. Louis 2, Mo. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between St. Louis, Mo., and Chicago, Ill., serving certain intermediate and off-route points; *steel* and *steel products*, over irregular routes from points on the regular routes described in Certificate No. MC 13925 to Kansas City, Kans., and points in Illinois and Missouri, and from Waukegan, Ill., to Kansas City, Kans., and points in Missouri; *glass bottles*, in truckload lots only, from points on the regular routes described in Certificate No. MC 13925 to Dubuque and Davenport, Iowa, and Kansas City, Mo.; *dog food*, from Momence, Ill., to St. Louis, Mo.; *wire cloth*, between Clinton, Iowa, and DeKalb, Ill., on the one hand, and, on the other, St. Louis and Kansas City, Mo.; *radiators*, in truckload lots only, between Edwardsville, Ill., on the one hand, and, on the other, Kansas City, Mo.; *canned goods*, between St. Louis, Mo., on the one hand, and, on the other, Chicago, Ill., and points within 75 miles of Chicago. JONES TRUCK LINES, INC., is authorized to operate as a *common carrier* in Missouri, Arkansas, Oklahoma, Kansas, Tennessee and Texas. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6703. Authority sought for purchase by COOPER-JARRETT, INC., 311 West 14th Street, Kansas City, Mo., of the operating rights of KLING BROTHERS TRUCKING COMPANY, INC. (HOWARD A. JACOBS, TRUSTEE), 177 Church Street, New Haven, Conn., and for acquisition by R. E. COOPER, JR., 100 Water Street, Jersey City, N. J., of control of such rights through the purchase. Applicants' attorneys: Irving Klein, 280 Broadway, New York 7, N. Y., and Albert Miller, 2938 Dixwell Avenue, Hamden 18, Conn. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes be-

tween New Haven, Conn., and Newark, N. J., and between New York, N. Y., and Hartford, Conn., serving certain intermediate and offroute points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes between New Haven, Conn., on the one hand, and, on the other, certain points in New York, and between New York, N. Y., on the one hand, and, on the other, certain points in Connecticut. Vendee is authorized to operate as a *common carrier* in Missouri, Nebraska, Massachusetts, Illinois, Pennsylvania, Rhode Island, Ohio, New York, New Jersey, Kansas, Iowa, Connecticut, Maryland, Indiana, Delaware and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6704. Authority sought for control and merger by BUCKINGHAM TRANSPORTATION, INC., Omaha and West Boulevard, Rapid City, S. Dak., of the operating rights and property of DES MOINES TRANSPORTATION COMPANY, INC. (AN IOWA CORPORATION), 201 Southeast Sixth Street, Des Moines, Iowa, and for acquisition by EARL F. BUCKINGHAM and HAROLD D. BUCKINGHAM, both of Rapid City, of control of such rights and property through the transaction. Applicants' attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over regular routes, between Chicago, Ill., and Des Moines, Iowa, between Omaha, Nebr., and Des Moines, Iowa, between Coon Rapids, Iowa, and Omaha, Nebr., between Des Moines, Iowa, and Eagle Grove, Iowa, between Des Moines, Iowa, and Denison, Iowa, and between Des Moines, Iowa, and Clarion, Iowa, and St. Paul and Minneapolis, Minn., serving certain intermediate and off-route points; several alternate routes for operating convenience only; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between Bettendorf and Davenport, Iowa, on the one hand, and, on the other, Rock Island, Moline, East Moline, Carbon Cliff, Silvis, and Milan, Ill; *general commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, from Des Moines, Iowa, to points in Iowa within 100 miles of Des Moines, and between Des Moines, Iowa, and points within ten miles of Des Moines; *butter, eggs,* and *dressed poultry*, from Des Moines, Denison, Creston, Osceola, Leon, Perry, Gowrie, Atlantic, and Coon Rapids, Iowa, to Chicago, Ill.; *meat* and *packing-house products* and supplies, from Des Moines, Iowa, to certain points in Illinois, from Chicago, Ill., to certain points in Iowa, and from Perry, Atlantic, Centerville, Clarinda, Creston, Guthrie Center, and Ottumwa, Iowa, to Chicago, Ill.; *butter* and *eggs*, from Glidden, Iowa, to Chicago, Ill.; *alcoholic liquors*, from Peoria and Pekin, Ill., to Des Moines, Iowa; *mail-order catalogs*, from Des Moines and Davenport, Iowa, to points in Iowa; *advertising materials, supplies, and equipment*, from Davenport, Iowa, to certain points in Illinois; *seed corn*, during the season extending from the 15th day of February to the 15th day of April, inclusive, between Coon Rapids, Iowa, on the one hand, and, on the other, points in Nebraska, and those in Missouri north of the Missouri River. BUCKINGHAM TRANSPORTATION, INC., is authorized to operate as a *common carrier* in Minnesota, South Dakota, Nebraska, Iowa, Wyoming, Colorado, North Dakota, Montana, Illinois, Wisconsin, Utah, Washington, California and Nevada. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6705. Authority sought for control and merger by NATIONAL TRANSFER, INC., 4100 East Marginal Way, Seattle, Wash., of the operating rights and property of NATIONAL MOTOR FREIGHT, INC., 4100 East Marginal Way, Seattle, Wash., and for acquisition by ED J. BESLOW, also of Seattle, of control of such rights and property through the transaction. Applicants' attorney: James T. Johnson, 1111 Northern Life Tower, Seattle 1, Wash. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes between Seattle, Wash., on the one hand, and, on the other, points in King, Snohomish, and Skagit Counties, Wash., and between points within three miles of Seattle, Wash., including Seattle; *heavy machinery* and *construction materials*, between Seattle, Wash., on the one hand, and, on the other, certain points in Washington. NATIONAL TRANSFER, INC., is authorized to operate as a *common carrier* in Washington and Oregon. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-8072; Filed, Oct. 1, 1957; 8:50 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3612]

BROCKTON EDISON CO. AND FALL RIVER ELECTRIC LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING PROPOSED ISSUANCE AND SALE OF SHORT-TERM NOTES TO BANKS

SEPTEMBER 25, 1957.

Brockton Edison Company ("Brockton") and Fall River Electric Light Company ("Fall River"), public-utility subsidiaries of Eastern Utilities Associates ("EUA"), a registered holding company, have filed with this Commission a joint declaration and an amendment thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), regarding the following proposed transactions:

As at June 30, 1957, Brockton and Fall River had outstanding bank loans in the amounts of $1,040,000 and $460,000, respectively. To meet requirements to September 30, 1958, for construction and for additional investments in Montaup Electric Company ("Montaup"), an indirect public-utility subsidiary of EUA, it is estimated that Brockton and Fall River will require additional funds in the amounts of $8,846,000 and $4,241,000, respectively. Prior to September 30, 1958, Brockton and Fall River contemplate the issuance and sale of the following permanent securities:

| | Brockton | Fall River |
|---|---|---|
| Bonds | $3,000,000 | $3,000,000 |
| Preferred stock | 3,000,000 | |
| Common stock | 2,686,000 | 976,000 |
| | 8,686,000 | 3,976,000 |

The companies propose to borrow from various banks during the period ending September 30, 1958, such amounts as are needed and are not supplied through the sale of permanent securities. The proposed borrowings are to be evidenced by unsecured notes, dated as of the date of issuance, maturing not later than 90 days from the date of issue, and bearing interest at an annual rate not greater than the prime rate existing on the respective dates of issuance plus one-fourth of one percent. The notes are to be prepayable at any time without penalty. The aggregate maximum amounts of short-term indebtedness to be issued by each company during the period ending September 30, 1958, will not exceed $10,000,000; and the maximum amounts to be outstanding at any one time for each company will not exceed $2,500,000.

The proceeds from the proposed bank loans are to be used to pay outstanding short-term bank loans, to pay for construction expenditures, or to purchase securities of Montaup.

The declaration states that if any permanent financing is done by either company prior to September 30, 1958, such company will use the proceeds therefrom to purchase Montaup securities and in partial or total payment of its short-term indebtedness then outstanding, except that the contemplated payment of short-term indebtedness may be temporarily reduced by that part, if any, of the proceeds which may be deposited with the mortgage trustee as required by indenture provision, and the $2,500,000 of short-term indebtedness that each company may have outstanding at any one time hereunder shall thereafter be reduced by the amount of the proceeds applied to the payment of short-term indebtedness, except that such reduction shall not limit the amount of short-term indebtedness permitted by the provisions of section 6 (b) of the act.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed borrowings.

No commissions, fees, or expenses are so be paid, or incurred in connection with the proposed borrowings, except fees and expenses estimated at $385 payable to

counsel for Brockton and $210 payable to counsel for Fall River.

Due notice of the filing of the declaration having been given in the manner prescribed by Rule U-23, and no hearing having been requested of, or ordered by, the Commission; and

It appearing that there is no basis for adverse findings or the imposition of special terms and conditions, and that the fees and expenses to be incurred in connection with the proposed transactions are not unreasonable; and the Commission finding that the applicable provisions of the act and of the rules and regulations thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration, as amended, be permitted to become effective forthwith;

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, that the declaration, as amended, be, and it hereby is, permitted to become effective, forthwith, subject to the conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8068; Filed, Oct. 1, 1957; 8:49 a. m.]

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[File No. 70-3613]

COLUMBIA GAS SYSTEM, INC.

ORDER AUTHORIZING ISSUE AND SALE AT COMPETITIVE BIDDING OF DEBENTURES

SEPTEMBER 25, 1957.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration and amendments thereto pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 thereunder, regarding the following proposed transaction:

Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $25,000,000 principal amount of __ percent Debentures, Series I due 1982. The interest rate (a multiple of ⅛ percent) and the price (exclusive of accrued interest) to be paid for the Debentures (not less than 98½ percent nor more than 101½ percent of the principal amount) will be determined by the bidding.

The Debentures will be issued under the Indenture between Columbia and Guaranty Trust Company of New York, Trustee, dated as of June 1, 1950, as heretofore supplemented and as to be further supplemented by an Eighth Supplemental Indenture, dated as of October 1, 1957.

This debenture issue constitutes the third step in Columbia's 1957 financing program—the prior steps having been a common stock issue in April, producing net proceeds of $25,914,000, and a debenture issue in June, producing net proceeds of $19,956,000. The funds raised by public financing will be supplemented by other funds available within the system to meet expenditures estimated as follows: (1) 1957 construction program, $84,000,000; (2) advance to Gulf Interstate Gas Company, a non-affiliated pipeline company which transports gas to the system from the southwest, $6,000,000; (3) construction of facilities for extracting and fractionating the heavier hydrocarbon components of the system's Appalachian natural gas reserves, $4,000,000, or approximately one-third of the total estimated expenditures for such purpose.

The present declaration relates only to the sale of the new debentures. The other matters above referred to are the subject of separate declarations, and Columbia states that the action of the Commission on this matter will not be considered in any way as evidencing approval by the Commission of the proposed expenditures listed as (2) and (3) next above.

Columbia is engaged in a continuing construction program which, it represents, requires that periodically securities be sold in a maximum amount consistent with existing market conditions and the raising of new money on the most economical basis. Columbia states that, as a part of this continuing financing program, $25,000,000 of debentures should be issued at this time; and that if a part of the proceeds are not required for purposes set forth in pending declarations before the Commission, any excess proceeds resulting from this issuance of debentures will be carried in its general funds and will be used in connection with the financing of its 1958 construction program.

The fees and expenses to be incurred herein by Columbia are estimated as follows:

| | |
|---|---|
| Filing fee, this Commission | $2,550 |
| Original issue tax | 27,500 |
| Printing and engraving | 37,100 |
| Listing fee, New York Stock Exchange | 3,000 |
| Charges of System service company (at cost) | 12,000 |
| Legal fees (Cravath, Swaine & Moore) | 15,000 |
| Engineer's fees (Ralph E. Davis) | 5,000 |
| Accountants' fees (Arthur Andersen & Co.) | 11,000 |
| Miscellaneous | 3,000 |
| Total | 116,150 |

Columbia will also reimburse the purchasers for blue sky filing fees and expenses up to $1,500 in the aggregate. The purchasers will pay the fee of counsel to the underwriters (Shearman & Sterling & Wright), estimated at $12,500, and expenses, estimated at less than $200.

Due notice having been given of the filing of said declaration (Holding Company Act Release No. 13543), and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration as amended be permitted to become effective forthwith:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act that said declaration as amended be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-50 and U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8069; Filed, Oct. 1, 1957; 8:49 a. m.]

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# DEPARTMENT OF LABOR

## Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Anvil Brand, Inc., 1624 North Main Street, High Point, N. C.; effective 10-1-57 to 9-30-58 (work shirts, pants).

Anvil Brand, Inc., 146 South Hamilton Street, High Point, N. C.; effective 10-1-57 to 9-30-58 (ladies' sportswear, dungarees, overalls, pants).

Blue Bell, Inc., Woodstock, Va.; effective 10-1-57 to 9-30-58 (men's and boys' trousers).

Blue Gem Manufacturing Co., Asheboro, N. C.; effective 10-1-57 to 9-30-58 (men's and boys' dungarees).

Blue Gem Manufacturing Co., 1301 Carolina Street, Greensboro, N. C.; effective 10-1-57 to 9-30-58. Workers engaged in the production of work clothing, overalls, dungarees, denim jackets (overalls, dungarees, denim jackets).

Blue Gem Manufacturing Co., 1301 Carolina Street, Greensboro, N. C.; effective 10-1-57 to 9-30-58. Workers engaged in the production of misses' and girls' jeans and shorts and juvenile play clothes (misses' and girls' jeans and shorts).

Carl-Lee Trouser Co., Inc., Boston, Ala.; effective 10-1-57 to 9-30-58 (men's and boys' dress slacks).

Crescent Corset Co., Inc., 165 Main Street, Cortland, N. Y.; effective 10-1-57 to 9-30-58 (corsets and other body supporting garments).

Crescent Corset Co., Inc., Main Street, Moravia, N. Y.; effective 10-1-57 to 9-30-58

(corsets and other body supporting garments).

Davan Manufacturing Co., Inc., Allendale, S. C.; effective 9-18-57 to 9-17-58 (ladies' and children's robes).

Greensboro Manufacturing Corp., 1900 East Bessemer Avenue, Greensboro, N. C.; effective 9-25-57 to 9-24-58 (flannelette and cotton nightgowns and pajamas).

Hallmark Manufacturing Co., Clinton, S. C.; effective 10-1-57 to 9-30-58 (ladies' blouses).

Hopkinsville Clothing Manufacturing Co., Inc., 1100 South Main Street, Hopkinsville, Ky.; effective 10-1-57 to 9-30-58 (denim dungarees).

Huntington Manufacturing Co., Inc., 629 10th Street, Huntington, W. Va.; effective 9-23-57 to 9-22-58 (women's cotton dresses).

Logan Manufacturing Co., North Main Street, Russellville, Ky.; effective 9-17-57 to 9-16-58 (men's cotton work pants).

Oberman Manufacturing Co., Industrial Avenue, Jefferson City, Mo.; effective 10-1-57 to 9-30-58 (men's and boys' pants).

Pascal Corp., 461 Cherry Street, Jesup, Ga.; effective 9-23-57 to 9-22-58 (women's blouses).

The Rauth Co., Ninth and Sycamore Streets, Cincinnati, Ohio; effective 10-1-57 to 9-30-58 (sport shirts and dress shirts).

Regal Shirt Corp., 125 West Centre Street, Millersburg, Pa.; effective 10-1-57 to 9-30-58 (dress and sport shirts).

Levi Strauss and Co., 220 North Houston Avenue, Denison, Tex.; effective 9-27-57 to 9-26-58 (men's denim coats, slacks).

Toll-Gate Garment Co., Inc., Hamilton, Ala.; effective 10-1-57 to 9-30-58 (men's sport shirts).

Troytown Shirt Corp., Harmony Mill No. 3, North Mohawk Street, Cohoes, N. Y.; effective 10-1-57 to 9-30-58 (men's sport shirts).

White Stag Manufacturing Co., 5200 Southeast Harney Drive, Portland, Oreg.; effective 10-1-57 to 9-30-58 (outerwear and sportswear).

Williamson-Dickie Manufacturing Co., Weslaco, Tex.; effective 10-1-57 to 9-30-58 (men's and boys' cotton pants).

Yorktowne Manufacturing Co., Ephrata, Pa.; effective 9-18-57 to 9-17-58 (ladies' blouses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Arkay Pants Co., 110 Chace Street, Fall River, Mass.; effective 9-23-57 to 9-22-58; 10 learners (boys' outerwear).

Branch Manufacturing Co., 422 Morris Avenue, Long Branch, N. J.; effective 9-23-57 to 9-22-58; 10 learners (woolen jackets and cotton play clothes).

Checotah Manufacturing Co., Checotah, Okla.; effective 9-19-57 to 9-18-58; 10 learners (ladies' sportswear).

Dunhill Shirt Co., El Dorado Springs, Mo.; effective 10-1-57 to 9-30-58; 10 learners (men's shirts).

El-Jay Dress Manufacturing Co., Main St., Childs, Pa.; effective 9-23-57 to 9-22-58; five learners (dresses).

Esskay Manufacturing Co., 410 South Main Avenue, San Antonio, Tex.; effective 9-19-57 to 8-8-58; 10 learners engaged in the production of slacks, boxer shorts and shorts (outerwear) (replacement certificate) (slacks, boxer shorts, shorts).

Eugenia Sportswear, 873 Peace Street, Hazleton, Pa.; effective 10-1-57 to 9-30-58; 5 learners (ladies' shorts and pedal pushers).

Laurel Mills, Delaware Avenue, Laurel, Del.; effective 9-18-57 to 9-17-58; eight learners (children's and ladies' sportswear).

M and N Corset Co., 157 Main Street, Cortland, N. Y.; effective 10-1-57 to 9-30-58; 10 learners (corsets and other body supporting garments).

Zulick's Underwear Mill, Rear 128 Centre Avenue, Schuylkill Haven, Pa.; effective 10-5-57 to 10-4-58; five learners (knitted outerwear, polo shirts, cardigan and campus).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

The Moyer Co., 18 N. Walnut St., Youngstown, Ohio; effective 9-20-57 to 3-19-58; 15 learners (men's slacks).

Renovo Shirt Co., Inc., Mena, Ark.; effective 9-20-57 to 3-19-58; 42 learners (sport shirts).

Sustan Garments, Inc., Winnsboro, La.; effective 9-18-57 to 3-17-58; 15 learners (sportswear and other odd outerwear).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Amos Hosiery Mills, Inc., High Point, N. C.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Baker-Cammack Hosiery Mills, Inc., Burlington, N. C.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Bear Brand Hosiery Co., Henderson, Ky.; effective 9-18-57 to 3-17-58; authorizing the employment of 50 high school students only for part time employment in the occupation of looping only, for a learning period of 816 hours at the rates of 80 cents an hour for the first 432 hours and 87½ cents an hour for the remaining 384 hours (seamless).

Bear Brand Hosiery Co., Siloam Springs, Ark.; effective 9-18-57 to 3-17-58; authorizing the employment of 20 high school students only for part time employment in the occupation of looping only, for a learning period of 816 hours at the rates of 80 cents an hour for the first 432 hours and 87½ cents an hour for the remaining 384 hours (seamless).

Bear Brand Hosiery Co., Siloam Springs, Ark.; effective 9-18-57 to 3-17-58; five learners for plant expansion purposes (seamless).

Chattooga Mills, Inc., Summerville, Ga.; effective 9-17-57 to 9-16-58; five learners for normal labor turnover purposes (seamless).

J. A. Cline & Son, Inc., Hildebran, N. C.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Davenport Hosiery Mills, Inc., 400 East 11th Street, Chattanooga, Tenn.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Great American Knitting Mills, Inc., Bechtelsville, Pa.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Newland Knitting Mills, Newland, N. C.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Owen-Osborne Mills, Inc., Gainesville, Ga.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Ragan Knitting Co., Inc., 7 Cox Avenue, Thomasville, N. C.; effective 9-25-57 to 9-24-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Shannon Hosiery Mills, Inc., 376 North Church Street, Concord, N. C.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Benham Underwear Mills, Scottsboro, Ala.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' woven cotton underwear).

Blue Swan Mills, Sayre, Pa.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' nitewear and underwear).

Fashion Industries, Inc., 207 River Street, Cadillac, Mich.; effective 10-1-57 to 9-30-58; five learners for normal labor turnover purposes (underwear and nitewear).

Keystone Mills, Inc., 325 South Lancaster Street, Annville, Pa.; effective 10-1-57 to 9-30-58; five learners for normal labor turnover purposes (cotton polo shirts).

Marengo Mills, Demopolis, Ala.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's knitted underwear and lingerie).

Monroe Mills, Monroeville, Ala.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear and lingerie).

Walter W. Moyer Co., Inc. 400 West Main Street, Ephrata, Pa.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (knit underwear).

Norwich Mills, Inc., Clayton, N. C.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (knitted underwear and outerwear).

Penn-Mor Manufacturing Corp., 1501 Rural Road, Tempe, Ariz.; effective 9-22-57 to 3-21-58; 45 learners for plant expansion purposes (infants', children's, misses' and women's underwear).

Penn-Mor Manufacturing Corp., 1501 Rural Road, Tempe, Ariz.; effective 9-22-57 to 9-21-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants', children's, misses' and women's underwear).

Reliance Manufacturing Co., Houston, Miss.; effective 10-9-57 to 10-8-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' shorts).

Standard Romper Co., Inc., Building No. 7, 200 Conant Street, Pawtucket, R. I.; effective 9-23-57 to 9-22-58; 10 learners for normal labor turnover purposes (children's outer garments of knit fabric).

Sylvester Textile Corp., Sylvester, Ga.; effective 9-18-57 to 9-17-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie).

Sylvester Textile Corp., Sylvester, Ga.; effective 9-18-57 to 3-17-58; 60 learners for plant expansion purposes (ladies' lingerie).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Esskay Manufacturing Co., 410 South Main Avenue, San Antonio, Tex.; effective 9-19-57 to 3-18-58; authorizing the employment of five learners engaged in the production of men's and boys' clothing for normal labor turnover purposes, in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (suits, sportcoats, overcoats).

Greenwood Embroidery & Trimming Co., 331-333 Walker Avenue, Greenwood, S. C.; effective 9-23-57 to 3-22-58; authorizing the employment of five learners for normal labor turnover purposes, in the occupations of sewing machine operator and presser, each for a learning period of 320 hours at the rates of 85 cents an hour for the first 160 hours and 90 cents an hour for the remaining 160 hours (embroidered housecoats, dresses and blouses).

M. Wile and Co., Inc., 77 Goodell Street, Buffalo, N. Y.; effective 9-19-57 to 3-18-58; authorizing the employment of 25 learners for normal labor turnover purposes, in the occupations of sewing machine operator, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's suits, sportcoats and overcoats).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 24th day of September 1957.

MILTON BROOKE,
*Authorized Representative of the Administrator.*

[F. R. Doc. 57-8061; Filed, Oct. 1, 1957; 8:47 a. m.]