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# FEDERAL REGISTER

VOLUME 24 NUMBER 142

*Washington, Wednesday, July 22, 1959*

## Title 3—THE PRESIDENT

### Executive Order 10829

### FLEET ADMIRAL WILLIAM D. LEAHY

As a mark of respect to the memory of Fleet Admiral William D. Leahy, it is hereby ordered, pursuant to the provisions of Section 4 of Proclamation 3044 of March 1, 1954, that until interment the flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*July 20, 1959.*

[F.R. Doc. 59-6082; Filed, July 20, 1959; 5:13 p.m.]

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC TECHNICAL AND PROFESSIONAL POSITIONS

#### Horticulturist

The headnote of § 24.78 is amended and paragraph (b) of the section is amended by the deletion of the words "the maintenance of parks and grounds." As amended, the headnote and paragraph (b) read as follows:

§ 24.78 **Horticulturist, CS-437-5-15—(except for non-research positions in the Management specialization which involve primarily the maintenance of parks and grounds).**

* * * * *

(b) *Duties.* Horticulturists advise on, administer, supervise or perform research or other professional and scientific work which is concerned with the breeding, testing (behavior), propagation or culture of fruits, vegetables, flowers or ornamental trees and shrubs, and on allied problems related to their production, storage and handling. Some of the positions are of a research nature and require an understanding of the growth habits and full life cycle of specific horticultural plants, or of the various processes of germination, reproduction and propagation, cultural requirements, harvesting techniques and methods of storage and handling. Other positions involve the application of a professional knowledge of horticulture to orchard or land management, farm management, greenhouse and nursery management, or the operation of arboretums and botanic gardens.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

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

[F.R. Doc. 59-6006; Filed, July 21, 1959; 8:48 a.m.]

## Title 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 428.1]

### PART 331—POLICIES AND AUTHORITIES

#### Average Values of Farms; New Jersey

On June 22, 1959, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

(Continued on p. 5819)

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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.

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

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NEW JERSEY

| County: | Average value |
|---|---|
| Atlantic | $25,000 |
| Bergen | 45,000 |
| Burlington | 35,000 |
| Camden | 25,000 |
| Cape May | 25,000 |
| Cumberland | 30,000 |
| Essex | 45,000 |
| Gloucester | 30,000 |
| Hudson | ------ |
| Hunterdon | 35,000 |
| Mercer | 35,000 |
| Middlesex | 35,000 |
| Monmouth | 30,000 |
| Morris | 35,000 |
| Ocean | 25,000 |
| Passaic | 45,000 |
| Salem | 30,000 |
| Somerset | 30,000 |
| Sussex | 35,000 |
| Union | 45,000 |
| Warren | 40,000 |

(Sec. 41, 50 Stat., as amended; 7 U.S.C. 1015 Order of Acting sec. of Agric. 19 F.R. 74, 77, 22 F.R. 8188)

Dated: July 15, 1959.

M. H. HOLLIDAY, Jr.,
*Acting Administrator,*
*Farmers Home Administration.*

[F.R. Doc. 59-5994; Filed, July 21, 1959; 8:46 a.m.]

# Title 7—AGRICULTURE

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

[P.P.C. 612, 22d Rev.]

## PART 301—DOMESTIC QUARANTINE NOTICES

### Subpart—Khapra Beetle

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76–2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), revised administrative instructions are hereby issued as follows, listing premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

**§ 301.76–2a Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.**

Infestations of the khapra beetle have been determined to exist in the premises listed in paragraphs (a) and (b) of this section. Accordingly, such premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

(a)

ARIZONA

Mila Booth Farm, located 2¾ miles south and ¾ mile east of Colorado River Indian Agency, P.O. Box 1993, Parker.

Don Calder Dairy, 915 South Horne Lane, Mesa.

Camelback Inn Horse Stable, 5402 East Lincoln Drive, Phoenix.

Tom Drennen Farm, located ½ mile north and 2 miles east of LOFO No. 1, c/o Colorado River Trading Co., Parker.

Carl Eaves Stables, 1604 North Center Street, Mesa.

Hi-Jolly Date Farm, 4500 East Main Street, Mesa.

Mrs. J. C. Lincoln Goat Dairy, East McDonald Road and Saguaro Road, Scottsdale.

William E. McCardle Chicken Yard, 2920 West Monte Vista, Phoenix.

George Willis Chicken Yard, 928 North Center Street, Mesa.

CALIFORNIA

Coachella Valley Feed Yard, located east side of Highway 111, south of Avenue 54, P.O. Box 226, Thermal.

NEW MEXICO

Bob Scoggins Poultry Farm, located 1 mile south of the city limits of Hatch on Highway 85, Box 286, Hatch.

(b) The portion of each of the following premises in which live khapra beetles were found has received the approved fumigation treatment, but these premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made as to the adequacy of such treatment to eradicate the khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart.

ARIZONA

Advance Seed & Grain Co. (Grain Division), 310 South 24th Avenue, Phoenix.

NEW MEXICO

Jim Akers Dairy Farm, Highway 85, located 2 miles south of Hatch, P.O. Box 12, Hatch.

Frank Erdell (dairy), located 2 miles west and 1 mile north of the junction of Highways 70–80 and 85, Route 2, Box 85, Las Cruces.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.76–2)

Subsequent to the twenty-first revision, effective June 3, 1959, infestation of the khapra beetle was discovered on the premises of Wallace A. Moore Ranch, located 3.4 miles east and 3.5 miles south of Separ, Box 223, Separ, New Mexico. Movement of regulated articles from these premises was immediately stopped. Within a few days the infested premises had been fumigated in their entirety and declared free of khapra beetle infestation. Accordingly, this property is not being included in this revision.

This revision has the effect of revoking the designation as a regulated area of certain premises in California and New Mexico, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds certain premises in Arizona and New Mexico to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

As an informative item, the revision segregates certain regulated premises in Arizona and New Mexico where the approved fumigation treatment has been applied to the portion of the premises in which live khapra beetles were found and which are consequently in a somewhat different category than untreated premises.

These administrative instructions shall become effective July 22, 1959, when they shall supersede P.P.C. 612, Twenty-first Revision, effective June 3, 1959 (24 F.R. 4505).

These instructions, in part, impose restrictions supplementing khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and unnecessary, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of July 1959.

[SEAL] E. D. BURGESS,
*Director,*
*Plant Pest Control Division.*

[F.R. Doc. 59-6033; Filed, July 21, 1959; 8:51 a.m.]

## PART 318—TERRITORIAL QUARANTINE NOTICES

### Subpart—Guam

GUAM QUARANTINE AND REGULATIONS

On April 29, 1959, there was published in the FEDERAL REGISTER (24 F.R. 3326), under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) and sec-

tion 8 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161), a notice of rule making and of public hearing concerning proposed notice of quarantine No. 82 relating to Guam and the regulations supplementary thereto. After due consideration of all relevant matter presented, and pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act of May 23, 1957 (7 U.S.C. 150bb, 150ee), the quarantine and regulations to appear in 7 CFR 318.82, 318.82–1 et seq., are hereby issued as follows:

QUARANTINE

Sec.
318.82 Notice of quarantine.

REGULATIONS

318.82–1 Definitions.
318.82–2 Movement of regulated articles.
318.82–3 Costs.

AUTHORITY: §§ 318.82 to 318.82–3 issued under sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interpret or apply sec. 8, 37 Stat. 318, as amended, sec. 10, 45 Stat. 468, secs. 103, 105, 107, 71 Stat. 32, 34; 7 U.S.C. 161, 164a, 150bb, 150dd, 150ff.

QUARANTINE

**§ 318.82 Notice of quarantine.**

(a) Pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act (7 U.S.C. 150bb, 150ee), and after public hearing, it has been determined that it is necessary to quarantine Guam to prevent the spread to other parts of the United States of dangerous insect infestations and plant diseases, which are new to or not heretofore widely prevalent or distributed within and throughout the United States, including among others: Icerya aegyptiaca (Dougl.), Xanthomonas citri (Hasse) Dowson, Aleurocanthus spiniferus (Q.), Phyllocnistis citrella (Stainton), Coccus viridis (Green), Anomala sulcatula Burm., Furcaspis oceanica Ldgr., Stephanoderes hampei (Ferr.), Pectinophora scutigera (Holdaway), Dacus dorsalis Hend., Dacus cucurbitae (Coq.), Marcua testulalis (Geyer), Lampides boeticus (L.), Prays endocarpa Meyr., Prodenia litura (F.), Euscepes postfasciatus (Fairm.), Earias fabia (Stoll), Elsinoe batatas (Saw.) Viegas and Jenkins, Uredo dioscoreae-alatae Rac., Cercospora batatae Zimm., Coniothyrium sp., Phyllosticta colocasiophila Weed., Xanthomonas vasculorum (Cobb) Dowson, Rhabdoscelus obscurus (Boisd.), Neomaskellia bergii (Sign.), Pyrausta nubilalis (Hbn.), Physoderma zeae-maydis Shaw, Leptocorisa acuta (Thunb.), Adoretus sinicus Burm., and Holotrichia mindanaona Brenske, as well as other plant pests, and Guam is hereby quarantined because of such insect infestations and diseases and other plant pests, and regulations are prescribed in this subpart governing the movement of carriers of these pests.

(b) No plants or parts thereof capable of propagation; seeds; fruits or vegetables; cotton or cotton covers; sugarcane or parts or by-products thereof; cereals; cut flowers; or packing materials; as such articles are defined in regulations supplemental hereto, shall be shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by mail or otherwise, by any person from Guam into or through any other State, Territory, or District of the United States, in any manner or method or under conditions other than those prescribed in the regulations, as from time to time amended: *Provided*, That whenever the Director of the Plant Quarantine Division shall find that existing conditions as to the pest risk involved in the movement from Guam of the articles designated herein, make it safe to modify, by making less stringent, the restrictions contained in any regulations in this subpart or in any other subpart in this chapter made applicable thereto by this subpart, he shall publish such findings in administrative instructions, specifying the manner in which the regulations should be made less stringent with respect to such movement, whereupon such modification shall become effective; or he may, when the public interests will permit in specific cases, upon notification to the consignor and to the consignee, authorize the interstate movement from Guam of the articles to which such regulations apply, under conditions that are less stringent than those contained in the regulations.

(c) Regulations governing the movement of live plant pests designated in this section are contained in Part 330 of this chapter.

REGULATIONS

**§ 318.82–1 Definitions.**

Words used in the singular form in this subpart shall be deemed to import the plural and vice versa, as the case may demand. For the purposes of this subpart, unless the context otherwise requires, the following words shall be construed, respectively, to mean:

(a) *Plants.* Trees, shrubs, vines, cuttings, grafts, scions, buds, herbaceous plants, bulbs, roots, and other plants and plant parts intended for propagation.

(b) *Seeds.* The mature ovular bodies produced by flowering plants, containing embryos capable of developing into new plants by germination.

(c) *Fresh fruits and vegetables.* The edible, more or less succulent, portions of food plants in the raw or unprocessed state.

(d) *Cotton and cotton covers.* Any parts or products of plants of the genus Gossypium, including seed cotton; cottonseed; cotton lint, linters, and other forms of cotton fiber (not including yarn, thread, and cloth); cottonseed hulls, cake, meal, and other cottonseed products except oil; cotton waste, including gin waste and thread waste; and any other unmanufactured parts of cotton plants; and secondhand burlap and other fabrics, shredded or otherwise, which have been used, or are of the kinds ordinarily used, for containing cotton, grains (including grain products), field seeds, agricultural roots, rhizomes, tubers, or other underground crops.

(e) *Sugarcane or parts or by-products thereof.* Stems of sugarcane (Saccharum spp.), or cuttings or parts thereof, sugarcane leaves, or bagasse or other parts of sugarcane plants, except seeds, not sufficiently processed to remove plant pest danger.

(f) *Cereals.* Seed and other plant parts of all members of the grass family (Gramineae) which yield grain or seed suitable for food, including, but not limited to, wheat, rice, corn and related plants. This definition shall include straw, hulls, chaff and products of the milling process (but excluding flour) of such grains and seeds as well as stalks and all other parts of broomcorn.

(g) *Cut flower.* The highly perishable commodity known in the commercial flower-producing industry as a cut flower, and being the severed portion of a plant, including the inflorescence, and any parts of the plant attached thereto, in a fresh state.

(h) *Packing materials.* Any plant or plant product, or soil as defined in § 330.100(t) of this chapter, or other substance associated with or accompanying any commodity or shipment to serve for filling, wrapping, ties, lining, mats, moisture retention, protection, or any other auxiliary purpose. The word "packing," as used in the expression "packing materials," shall include the presence of such materials within, in contact with, or accompanying such commodity or shipment.

(i) *Administrative instructions.* Published documents relating to the enforcement of the regulations in this subpart, issued under the authority of such regulations by the Director of the Plant Quarantine Division.

(j) *State, Territory, or District of the United States.* Guam, Hawaii, Puerto Rico, the Virgin Islands of the United States, or the continental United States (including Alaska).

(k) *United States.* The States, the District of Columbia, Guam, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

(l) *Oceania.* The islands of the Central and South Pacific, including Micronesia, Melanesia; and Polynesia, as well as Australia, New Zealand, and the Malay Archipelago.

(m) *Far East.* The countries of East and Southeast Asia, including Japan, Korea, Taiwan, the northeastern provinces of Manchuria, the Philippines, Indo-China, and India.

**§ 318.82–2 Movement of regulated articles.**

(a) Plants, plant products, and other articles designated in § 318.82 may be moved from Guam into or through any other State, Territory, or District of the United States only if, in the case of articles other than soil, they meet the strictest plant quarantine requirements for similar articles offered for entry into such State, Territory, or District from Oceania or the Far East under Part 319 or 321 of this chapter, except requirements for permits, foreign inspection certificates, notices of arrival, and notices of shipment from port of arrival, and in the case

of soil if it meets the requirements of § 330.300 of this chapter. If such similar articles cannot be imported into the particular State, Territory, or District from Oceania or the Far East under either Part 319 or 321 of this chapter, the interstate movement of the articles from Guam into or through such State, Territory or District shall be similarly prohibited. Plants, plant products, and other articles moved from Guam into or through any other State, Territory or District of the United States shall be subject to inspection at the port of first arrival in another part of the United States to determine whether they are free of plant pests and otherwise meet the requirements applicable to them under this subpart, and shall be subject to release, in accordance with § 330.105 (a) of this chapter as if they were foreign arrivals. Such articles shall be released only if they meet all applicable requirements under this subpart.

(b) A release may be issued orally by the inspector when inspection of small quantities of regulated articles is involved except that a release issued in specific cases pursuant to the proviso in § 318.82 shall be in writing.

(c) The appropriate provisions of Part 352 of this chapter are hereby made applicable to the safeguarding of regulated articles from Guam temporarily in parts of the United States other than Guam, when landing therein is not intended or landing has been refused in accordance with this subpart. The movement of plant pests, means of conveyance, plants, plant products, and other products and articles from Guam into or through any other State, Territory, or District is also regulated by Part 330 of this chapter.

**§ 318.82–3 Costs.**

All costs incident to the inspection, handling, cleaning, safeguarding, treating, or other disposal of products or articles under this subpart, except for the services of an inspector during regularly assigned hours of duty and at the usual places of duty, shall be borne by the owner.

This quarantine and the related regulations shall be effective on August 21, 1959.

The purpose of the quarantine and supplemental regulations is to prevent the spread of dangerous insect infestations, plant diseases, and other plant pests from Guam, where they are known to occur, to other parts of the United States. The regulations provide methods, when feasible, whereby host material may be treated or otherwise made eligible for interstate movement from Guam.

Done at Washington, D.C., this 17th day of July 1959.

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

[F.R. Doc. 59–6034; Filed, July 21, 1959; 8:52 a.m.]

## PART 318—TERRITORIAL QUARANTINE NOTICES

## PART 319—FOREIGN QUARANTINE NOTICES

### Administrative Instructions Relating to Interstate Movements or Importations Into Guam

The Director of the Plant Quarantine Division has found that existing conditions as to the pest risk involved in the importation into Guam or the interstate movement thereto from other parts of the United States, of various plants, plant products, and other articles, to which certain regulations in 7 CFR, as amended, Parts 318 and 319 apply, make it safe to modify, by making less stringent, certain requirements of the regulations, as specified below. It is also deemed advisable to publish interpretations with respect to the application to Guam of certain other provisions of the regulations, as set out below.

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by the proviso in the Hawaiian Fruit and Vegetable Quarantine (7 CFR 318.13, as amended, 23 F.R. 7165, 9830); the proviso in the Territorial Sugarcane Quarantine (7 CFR 318.16, as amended, 23 F.R. 9830); the proviso in the Territorial Cotton, Cottonseed, and Cottonseed Products Quarantine (7 CFR 318.47, as amended, 23 F.R. 7165, 9830); the proviso in the Foreign Cotton and Covers Quarantine (7 CFR 319.8, as amended, 23 F.R. 7165); the proviso in the Foreign Sugarcane Quarantine (7 CFR 319.15, as amended [1]); the proviso in the quarantine on Indian Corn or Maize and Related Plants (7 CFR 319.24, as amended, 23 F.R. 7165); the proviso in the European Corn Borer Quarantine (7 CFR 319.41, as amended, 23 F.R. 7165); the proviso in the Rice Quarantine (7 CFR 319.55, as amended [1]); the proviso in the Fruit and Vegetable Quarantine and § 319.56–2 of the regulations under said quarantine (7 CFR and 1957 Supp., 319.56 and 319.56–2, as amended, 23 F.R. 7165); the proviso in the Flag Smut Quarantine (7 CFR 319.59, as amended, 23 F.R. 7165); and the proviso in the Packing Materials Quarantine (7 CFR 319.69, as amended [1]); and by other delegation of authority (22 F.R. 2679); under sections 1, 5, 7, 8, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 160, 161, 162), this document is issued to constitute administrative instructions and interpretations of regulations, including provisions to appear in 7 CFR 318.13a, 318.16a, 318.47a, 319.8a, 319.15a, 319.24a, 319.41a, 319.55a, 319.56a, 319.59a, and 319.69a, as follows:

**§ 318.13a Administrative instructions relating to the movement from Hawaii to Guam of specified articles.**

(a) The following fruits, vegetables, and other products may be moved from Hawaii into or through Guam without certification or other restriction under this subpart:

[1] See F.R. Document 59–6036, *infra*.

(1) Peel of fruits of all genera, species, and varieties of the subfamilies Aurantioideae, Rutoideae or Toddalioideae of the botanical family Rutaceae.

(2) Cut flowers, as defined in § 318.13–1(c).

(3) All fruits and vegetables designated in § 318.13–2(b).

(4) Bitter melons, Cavendish bananas, and zucchini squash.

(b) Section 318.13–13 shall not apply with respect to the movement of surface or air traffic from Hawaii to Guam.

**§ 318.16a Administrative instructions and interpretation relating to movement to Guam of bagasse and related sugarcane products.**

Bagasse and related sugarcane products have been so processed that, in the judgment of the Department, their movement from Hawaii into or through Guam will involve no pest risk, and they may be so moved without permit or other restriction under this subpart, if they are made available for inspection upon request by an inspector of the Department in Hawaii or in Guam. If upon inspection they are found to be infected, infested, or contaminated with any plant pest and are not subject to disposal under this part, disposition may be made in accordance with § 330.106 of this chapter.

**§ 318.47a Administrative instructions relating to Guam.**

The plants, products and articles specified in § 318.47(c) may be moved from Hawaii into or through Guam without restriction under this subpart.

**§ 319.8a Administrative instructions relating to the entry of cotton and covers into Guam.**

The plants and products specified in § 319.8(a) may be imported into Guam without further permit, other than the authorization contained in this paragraph. Sections 319.8–2 and 319.8–3 shall not be applicable to such importations. In addition, such importations need not comply with the requirements of § 319.8–4 relating to notice of arrival inasmuch as there is available to the inspector the essential information normally supplied by the importer at the time of importation. Sections 319.8–5 through 319.8–27 shall not be applicable to importations into Guam. Inspection of such importations may be made under the general authority of § 330.105(a) of this chapter. If an importation is found infected, infested, or contaminated with any plant pest and is not subject to disposal under this part, disposition may be made in accordance with § 330.106 of this chapter.

**§ 319.15a Administrative instructions and interpretation relating to entry into Guam of bagasse and related sugarcane products.**

Bagasse and related sugarcane products have been so processed that, in the judgment of the Department, their importation into Guam will involve no pest risk, and they may be imported into Guam without further permit, other than the authorization contained in this

paragraph. Such importations may be made without the submission of a notice of arrival inasmuch as there is available to the inspector the essential information normally supplied by the importer at the time of importation. Inspection of such importations may be made under the general authority of § 330.105(a) of this chapter. If an importation is found infected, infested, or contaminated with any plant pest and is not subject to disposal under this part, disposition may be made in accordance with § 330.106 of this chapter.

**§ 319.24a Administrative instructions relating to entry of corn into Guam.**

Corn may be imported into Guam without further permit, other than the authorization contained in this section but subject to compliance with § 319.24–3. Such imports need not comply with the notice of arrival requirements of § 319.24–4 inasmuch as information equivalent to that in a notice of arrival is available to the inspector from another source. Section 319.24–5 shall not be applicable to importations of corn into Guam. Such importations shall be subject to inspection at the port of entry. Corn found upon inspection to contain disease infection will be subject to sterilization in accordance with methods selected by the inspector from administratively authorized procedures known to be effective under the conditions in which applied.

**§ 319.41a Administrative instructions relating to entry into Guam of broomcorn, brooms, and similar articles.**

(a) Broomcorn for manufacturing purposes, and brooms and similar articles made of broomcorn may be imported into Guam without further permit, other than the authorization contained in this section, and without other restriction under this subpart. Notice of arrival for such importations is not necessary inasmuch as there is available to the inspector the essential information normally supplied by the importer at time of importation. Inspection of such importations may be made under the general authority of § 330.105(a) of this chapter. If an importation is found infected, infested, or contaminated with any plant pest and is not subject to disposal under this part 319, disposition may be made in accordance with § 330.106 of this chapter.

(b) Shelled corn and seeds of other plants listed in § 319.41, and mature corn on the cob, may be imported into Guam without further permit, other than the authorization contained in this section, and without other restriction under this subpart, but such importations are subject to the requirements of § 319.37–4(a).

(c) Green corn on the cob may be imported into Guam without restriction under this subpart, but such importations are subject to the requirements of § 319.56–2.

**§ 319.55a Administrative instructions relating to entry of rice straw and rice hulls into Guam.**

Rice straw and rice hulls may be imported into Guam without further permit, other than the authorization contained in this paragraph. The port of entry shall be Agana or such other port as may be satisfactory to the inspector. Such importations may be made without the submission of a notice of arrival inasmuch as there is available to the inspector the essential information normally supplied by an importer at the time of importation. The requirements of §§ 319.55–6 and 319.55–7 shall not apply. Inspections of such importations may be made under the general authority of § 330.105(a) of this chapter. If an importation is found infected, infested, or contaminated by any plant pest and is not subject to disposal under this part, disposition may be made in accordance with § 330.106 of this chapter.

**§ 319.56a Administrative instructions and interpretation relating to entry into Guam of fruits and vegetables under § 319.56.**

(a) Only the following fruits and vegetables may be imported into Guam and they shall be subject to the requirements of this subpart as modified by this section.

(1) All fruits and vegetables from the Marianas Islands, Bonin Islands, Volcano Islands, and Ryukyu Islands;

(2) All fruits and vegetables from the Caroline Islands, except bananas and citrus fruits, and except taro from the Palau and Yap districts (the excepted products are not approved for entry into Guam under § 319.56);

(3) Stone and pome fruits, celery, lettuce, melons, watermelons, citrus fruits, tomatoes, potatoes, grapes, and bell peppers from Japan and Korea;

(4) Leafy vegetables, celery, and potatoes, from the Philippine Islands;

(5) Celery, lettuce, and potatoes, from Australia;

(6) Celery, chives, garlic, leek, onions, arrowroot, kale, cow-cabbage, cauliflower, broccoli, cabbage, sprouts, asparagus, Portuguese cabbage, cassava, dasheen, gingerroot, horseradish, kudzu, lettuce, turnip, udo, waterchestnut, watercress, waterlilyroot, and yam bean root, from Formosa;

(7) Lettuce from Netherlands New Guinea;

(8) Celery, lettuce, loquats, persimmons, tomatoes, and stone fruits, from New Zealand;

(9) Celery and lettuce, from Thailand;

(10) Green corn on the cob;

(11) All other fruits and vegetables administratively approved for entry into any other part or port of the United States, except those for which a treatment is specified as a condition of entry and except any which are now, or may subsequently be, specifically designated in this section as not approved.

(b) The inspector in Guam may, in his judgment, accept an oral application and issue an oral permit for products within paragraph (a) of this section, which shall be deemed to fulfill the requirements of §§ 319.56–3 and 319.56–4. He may waive the documentation required in § 319.56–5 for such products whenever he shall find that information available from other sources meets the requirements under this subpart for the information normally supplied by such documentation.

(c) The provisions of §§ 319.56–2a and 319.56–2b shall not apply to chestnuts and acorns imported into Guam and they shall be enterable without further permit, other than the authorization contained in this paragraph, and without other restriction under this subpart, in accordance with the second paragraph of § 319.56–2. Inspections of such importations may be made under the general authority of § 330.105(a) of this chapter. If an importation is found infected, infested, or contaminated with any plant pest and is not subject to disposal under this part, disposition may be made in accordance with § 330.106 of this chapter.

(d) Coconuts are not approved for entry into Guam from the Trust Territory under § 319.56.

(e) Application of the provisions of §§ 319.56–2d, and 319.56–2f to 319.56–2m, inclusive, is impracticable in the case of traffic into Guam and therefore such application is withdrawn. The fruits and vegetables which are the subject of said provisions are not enterable into Guam except as they are now, or may later be, listed in paragraph (a) of this section. Yams are included in the listings in (a) (1) and (2) of this section.

(f) Baskets or other containers made of coconut fronds are not approved for use as containers for fruits and vegetables imported into Guam. Fruits and vegetables in such baskets or containers offered for importation into Guam will not be regarded as meeting the requirement of the first paragraph of § 319.56–2.

**§ 319.59a Administrative instructions relating to the entry into Guam of wheat straw, hulls, and chaff.**

Wheat straw, hulls, and chaff may be imported into Guam without further permit, other than the authorization contained in this section, and without other restriction under this subpart. Notice of arrival for such importations is not necessary inasmuch as there is available to the inspector the essential information normally supplied by the importer at the time of importation. Inspection of such importations may be made under the general authority of § 330.105(a) of this chapter. If an importation is found infected, infested, or contaminated by any plant pest and is not subject to disposal under this part, disposition may be made in accordance with § 330.106 of this chapter.

**§ 319.69a Administrative instructions and interpretation relating to the entry into Guam of plant materials specified in § 319.69.**

(a) Plants and products designated in §§ 319.69(a) (1), (3), (4), and (5) and (b) (1), (3), and (4) as prohibited or restricted entry into the United States from the countries and localities named may be imported into Guam as packing materials without prohibition or restriction under this subpart. Inspection of such importations may be made under the general authority of § 330.105(a) of this chapter. If an importation is found infected, infested, or contaminated with any plant pest and is not subject to disposal under this part, disposition may be made in accordance with § 330.106 of this chapter.

(b) Corn and allied plants listed in § 319.69(a)(2) may be imported into Guam subject to the requirements of §§ 319.69–2, 319.69–3, and 319.69–4.

(c) Under § 319.69(a) (6) and (7), coconut fronds and other parts of the coconut trees are prohibited entry into Guam as packing materials except as permitted in § 319.37–16a.

(Secs. 1, 5, 7, 8, 9, 37 Stat. 315, 316, 317, 318, as amended; 7 U.S.C. 154, 159, 160, 161, 162)

The foregoing provisions shall become effective August 21, 1959.

These provisions supplement amendments of certain quarantines and regulations in 7 CFR, Chapter III, effective concurrently with this document. Such provisions have been adopted after a thorough study of the plant quarantine needs of Guam, made by the Division of Plant Quarantine, Agricultural Research Service, and a representative of the Government of Guam. They incorporate into the Federal plant quarantine structure the plant quarantine requirements and prohibitions previously enforced by the Government of Guam to the extent warranted by plant pest conditions in relation to normal trade patterns. Among other things they interpret the Federal regulations as precluding importations into Guam of coconuts from the Trust Territory, and certain other products. They also afford relaxation of prohibitions and restrictions that are applicable to importations into the remainder of the United States but which are not needed to protect Guam because of its remoteness or because of the occurrence of certain plant pests on that Island.

Done at Washington, D.C., this 17th day of July 1959.

[SEAL] C. P. REAGAN,
*Director,*
*Plant Quarantine Division.*

[F.R. Doc. 59–6035; Filed, July 21, 1959; 8:52 a.m.]

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## PART 319—FOREIGN QUARANTINE NOTICES

## PART 321—RESTRICTED ENTRY ORDERS

## PART 352—TREATMENT OF RESTRICTED OR PROHIBITED PLANTS OR PLANT PRODUCTS TEMPORARILY IN UNITED STATES

### Guam

On April 15, 1958, there was published in the FEDERAL REGISTER (23 F.R. 2428), notice of proposed amendments of 7 CFR, Chapter III, as amended, to correlate the quarantines, regulations, and orders therein with a current extension of plant quarantine operations in Guam. Subsequently certain amendments were promulgated (23 F.R. 7163) pursuant to the notice. After further consideration of all relevant matters and under the authority of sections 1, 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 160, 162), the provisions in 7 CFR, Chapter III, as amended, are hereby further amended in the following respects:

**§ 319.12 [Amendment]**

1. Section 319.12 is amended by adding at the end of the first paragraph a proviso to read: *"Provided,* That this prohibition shall not apply to importations into Guam of the seeds of the avocado or alligator pear but such importations are subject to the requirements of § 319.37–4(b)."

**§ 319.15 [Amendment]**

2. Section 319.15 is amended by adding at the end of the first paragraph another proviso to read: *"Provided, further,* That whenever the Director of the Plant Quarantine Division shall find that existing conditions as to pest risk involved in the importation of bagasse and related sugarcane products into Guam, make it safe to modify by making less stringent the restrictions of this section with respect to such importation, he shall publish such finding in administrative instructions, specifying the manner in which the restrictions shall be made less stringent and imposing such conditions on such importation as he deems necessary to carry out the purposes of this section, whereupon such modification shall become effective."

**§ 319.19 [Amendment]**

3. Section 319.19 is amended by adding thereto a new paragraph (d) to read:

(d) This prohibition shall not apply to importations into Guam of the plants and plant parts designated in paragraph (b) of this section but such importations are subject to the requirements of § 319.37–6.

**§ 319.34 [Amendment]**

4. Section 319.34 is amended by adding at the end of the second paragraph another proviso to read: *"Provided, further,* That this prohibition shall not apply to importations into Guam of the bamboo seeds, plants, or cuttings designated in this paragraph but such importations are subject to the requirements of §§ 319.37–4(b) and 319.37–6."

**§ 319.55 [Amendment]**

5. Section 319.55 is amended by adding at the end of the third paragraph a proviso to read: *"Provided,* That whenever the Director of the Plant Quarantine Division shall find that existing conditions as to pest risk involved in the importation of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any of such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent, whereupon such modification shall become effective; or he may, when the public interests will permit, with respect to the importation of such articles into Guam, upon request in specific cases, authorize such importation under conditions, specified in the permit to carry out the purposes of this subpart, that are less stringent than those contained in the regulations."

6. Section 319.56–2a is amended to read:

**§ 319.56–2a Permits required for entry of chestnuts and acorns and certain coconuts.**

It has been determined that the drying and processing of chestnuts and acorns, and of coconuts imported into Guam from the Trust Territory, may not entirely eliminate risk of spread of injurious insects. Therefore, notice is hereby given that chestnuts and acorns of all varieties and species may be imported into any part of the United States from any foreign country and coconuts may be imported into Guam from the Trust Territory, only under permit and upon compliance with the safeguards prescribed therein pursuant to § 319.56–2.

**§ 319.69 [Amendment]**

7. Section 319.69 is amended by adding after subparagraph (b)(5) another subparagraph to read:

However, whenever the Director of the Plant Quarantine Division shall find that existing conditions as to pest risk involved in the movement of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any of such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent, whereupon such modification shall become effective; or he may, when the public interests will permit, with respect to the importation of such articles into Guam, upon request in specific cases, authorize such importation under conditions, specified in the permit to carry out the purposes of this subpart, that are less stringent than those contained in the regulations.

**§ 319.70 [Amendment]**

8. Section 319.70 is amended by adding at the end of the first paragraph a proviso to read: *"Provided,* That this prohibition shall not apply to importation into Guam of the products designated in this section, but such importations of elm plants and parts thereof and seeds, for propagation, are subject to the requirements of §§ 319.37–4(b) and 319.37–6."

**§ 321.3 [Amendment]**

9. Section 321.3 is amended by adding at the end of the first paragraph another proviso to read: *"Provided further,* That the restrictions in this subpart shall not apply to the importation of potatoes into Guam, but such importations are subject to the requirements of § 319.56–2."

**§ 352.1 [Amendment]**

10. Section 352.1 is amended by adding at the end thereof a new paragraph to read:

Whenever the Director of the Plant Quarantine Division shall find that existing conditions as to pest risk involved in the handling of plants and plant products temporarily in the United States, make it safe to modify, by making less stringent, the restrictions contained in any of such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less strin-

gent, whereupon such modification shall become effective; or he may, when the public interests will permit, with respect to the handling of such plants and plant products in Guam, upon request in specific cases, authorize such procedure under conditions, specified in the permit to carry out the purposes of this subpart, that are less stringent than those contained in the regulations.

(Secs. 1, 5, 7, 9, 37 Stat. 315, 316, 317, 318, as amended; 7 U.S.C. 154, 159, 160, 162)

The foregoing amendments shall become effective August 21, 1959.

These amendments supplement the amendments of 7 CFR, Chapter III, effective October 18, 1958 (7 CFR, 1958 Supp., 319.12, 319.15, 319.19, 319.34, 319.55, 319.56, 319.56–2, 319.69, 319.70, 321.1, 352.1), and contain refinements of details to correlate and carry out the intent of the original amendments. The amendments herein have been adopted after a thorough study of the plant quarantine needs of Guam made by the Division of Plant Quarantine, Agricultural Research Service, and a representative of the Government of Guam. The amendments provide for the incorporation into the Federal plant quarantine structure of the plant quarantine restrictions and prohibitions previously enforced by the Government of Guam, to the extent warranted by plant pest conditions in relation to normal trade patterns.

The amendments include coconuts from the Trust Territory within the class of products which cannot be imported into Guam except under permit under § 319.56–2. This in effect precludes such importations inasmuch as such coconuts cannot meet the conditions imposed under § 319.56–2 for issuance of permits.

The amendments also afford relaxation of prohibitions and restrictions that are applicable to importations into the remainder of the United States but which are not needed to protect Guam because of its remoteness or because of the occurrence of certain plant pests on that Island.

Done at Washington, D.C., this 17th day of July 1959.

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

[F.R. Doc. 59–6036; Filed, July 21, 1959; 8:52 a.m.]

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

### SUBCHAPTER A—MARKETING ORDERS

[Valencia Orange Reg. 173, Amdt. 2]

## PART 922 — VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

*Findings.* 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

*Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 922.473 (Valencia Orange Regulation 173, 24 F.R. 5593, 5751) are hereby further amended to read as follows:

(ii) District 2: 877,800 cartons.

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

Dated: July 17, 1959.

S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 59–5993; Filed, July 21, 1959; 8:46 a.m.]

[Avocado Order 18, Amdt. 2]

## PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

### Limitation of Shipments

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter set forth. A reasonable determination as to the time of maturity of avocados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until July 14, 1959; a determination as to the time of maturity of the varieties of avocados covered by this amendment was made at the meeting of said committee on July 14, 1959, after consideration of all available information relative to such maturity and growing conditions prevailing during the current season for such avocados, at which time the recommendations and supporting information for such maturity regulation were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this section are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

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

1. Delete subparagraph (1), redesignate subparagraph (2) as subparagraph (1), and amend said redesignated subparagraph (1) by adding to Table I appearing therein the varieties Trapp, Peterson, Pinelli, Tonnage, and Blair, so that after such addition said redesignated subparagraph (1) shall read as follows:

(1) After the effective time of this section no handler shall handle any of the varieties of avocados listed in Column 1 of the following Table I prior to the date listed for the respective variety in Column 2 of such table; and during the period from 12:01 a.m., e.s.t., of such date and 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 3 of such table or is at least the diameter specified for such variety in said Column 3.

TABLE I

| Variety (1) | Date (2) | Minimum weight or diameter (3) | Date (4) |
|---|---|---|---|
| Fuchs | 6-29-59 | 12 ounces 3 1/16 inches. | 7-20-59 |
| Pollock | 7-13-59 | 16 ounces 3 9/16 inches. | 8-17-59 |
| Simmonds | 7-20-59 | 14 ounces 3 3/16 inches. | 8-17-59 |
| Hardee | 7-20-59 | 14 ounces 3 3/16 inches. | 8-17-59 |
| Nadir | 7-27-59 | 12 ounces 3 3/16 inches. | 8-24-59 |
| Trapp | 8-17-59 | 12 ounces 3 7/16 inches. | 9-14-59 |
| Peterson | 8-24-59 | 12 ounces 3 9/16 inches. | 9-21-59 |
| Pinelli | 8-31-59 | 16 ounces | 9-21-59 |
| Tonnage | 9-14-59 | 12 ounces 3 3/16 inches. | 10- 5-59 |
| Blair | 10- 5-59 | 14 ounces | 10-26-59 |

2. Insert a new subparagraph (2) reading as follows:

(2) After the effective time of this section no handler shall handle any avocados of the varieties listed in Column 1 of the following Table II except in accordance with the following terms and conditions:

(i) No handler shall handle any such variety prior to 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 2 of said Table II.

(ii) During the period from 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 2 of said Table II and 12:01 a.m., e.s.t., of the date listed for such variety in Column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces or is at least the diameter specified for the respective variety in Column 3 of such table.

(iii) During the period from 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 4 of said Table II and 12:01 a.m., e.s.t., of the date listed for such variety in Column 6 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces or is at least the diameter specified for the respective variety in Column 5 of such table.

TABLE II

| Variety (1) | Date (2) | Minimum weight or diameter (3) | Date (4) | Minimum weight or diameter (5) | Date (6) |
|---|---|---|---|---|---|
| Waldin | 8-24-59 | 16 ounces 3 9/16 inches. | 9-7-59 | 14 ounces 3 9/16 inches. | 9-28-59 |
| Booth 8 | 9-28-59 | 16 ounces 3 7/16 inches. | 10-19-59 | 13 ounces 3 1/16 inches. | 11-2-59 |

*Effective time.* The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., July 23, 1959.

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

Dated: July 17, 1959.

S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 59-6018; Filed, July 21, 1959; 8:49 a.m.]

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SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

## PART 1067—AVOCADOS

### Prohibition on Importation

§ 1067.7 Avocado Regulation No. 7.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited except in accordance with the following terms and conditions:

(1) All avocados imported during the period beginning at 12:01 a.m. e.s.t., July 27, 1959, and ending at 12:01 a.m., e.s.t., April 30, 1960, shall grade not less than U.S. No. 2.

(2) Avocados of the Pollock variety shall not be imported prior to 12:01 a.m., e.s.t., August 3, 1959, unless the individual fruit in each lot of such avocados weighs at least 16 ounces or measure at least 3 9/16 inches in diameter.

(3) Avocados of the Catalina variety shall not be imported prior to August 3, 1959, unless the individual fruit in each lot of such avocados weighs at least 18 ounces.

(4) No avocados of the Trapp variety shall be imported prior to 12:01 a.m., e.s.t., August 3, 1959; and during the period beginning at 12:01 a.m., e.s.t., August 3, 1959, and ending at 12:01 a.m., e.s.t., August 31, 1959, the individual fruit in each lot of such avocados shall weigh at least 12 ounces or measure at least 3 7/16 inches in diameter.

(5) No avocados of any variety other than Pollock, Catalina, and Trapp shall be imported (i) prior to 12:01 a.m., e.s.t., August 10, 1959, unless the individual fruit in each lot of such avocados weighs at least 12 ounces; and (ii) during the period beginning at 12:01 a.m., e.s.t., August 10, 1959, and ending at 12:01 a.m., e.s.t., August 25, 1959, unless the individual fruit in each lot of such avocados weighs at least 10 ounces: *Provided,* That any lot of such avocados may be imported without regard to the minimum weight requirements of this subparagraph if the exterior seed-coat of the individual fruit is of a brown color characteristic of a mature avocado, or if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(6) Notwithstanding the provisions of subparagraphs (2) through (5) of this paragraph regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided,* That such avocados weigh not more than 2 ounces less than the applicable specified weight for the particular variety prescribed in such subparagraphs. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(7) Each importation of avocados shall be made in conformance with the general regulations (Part 1060 of this subchapter; 19 F.R. 7707, 8012) applicable to the importation of listed commodities and the requirements of this section.

(b) Inspection by the Federal or Federal-State Inspection Service, or such other governmental inspection service as may be designated or approved by the Administrator, with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports of avocados pursuant to § 1060.3 of this subchapter.

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The name of the importer (consignee);

(4) The commodity inspected;

(5) The quantity of the commodity covered by the certificate;

(6) The principal identifying marks on the containers;

(7) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(8) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(f) Notwithstanding any other provision of this section, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(g) It is hereby determined, on the basis of the information currently available, that the requirements set forth in this section are comparable to the maturity and quality regulations that are being made applicable, prior to the effective time hereof, to shipments of avocados grown in south Florida.

(h) The provisions of Avocado Regulation No. 6, as amended (§ 1067.6; 24

F.R. 4134, 4829) are hereby terminated as of the effective time of this section.

(i) As used in this section, the term "diameter" means the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the term "U.S. No. 2" shall have the same meaning as set forth in the United States Standards for Florida Avocados (§§ 51.3050 to 51.3069) of this title.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to postpone the effective time of this regulation beyond that hereinafter specified (60 Stat. 237; 5 U.S.C. 1001 et seq.) in that (i) the requirements of this import regulation are imposed pursuant to § 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation necessary; (ii) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; (iii) notice hereof in excess of 3 days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (iv) such notice is hereby determined, under the circumstances, to be reasonable.

Dated, July 17, 1959, to become effective at 12:01 a.m., e.s.t., July 27, 1959.

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

S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 59–6017; Filed, July 21, 1959; 8:49 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 7306 c.o.]

## PART 13—DIGEST OF CEASE AND DESIST ORDERS

### May Department Stores Co.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.95 *Identity of product:* Fur Products Labeling Act;[1] § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking; § 13.235 *Source or origin:* Place: *Imported products or parts as domestic.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1810 *Fictitious marking.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparations:* Fur Products Labeling Act; § 13.1886 *Quality, grade or type of product.* Subpart—*Using misleading name*—Goods: § 13.2280 *Composition:* Fur Products Labeling Act.

[1] New.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, The May Department Stores Company, St. Louis, Mo., Docket 7306, June 23, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporation operating some 30 department stores throughout the United States, including stores in the Los Angeles metropolitan area, with violating the Fur Products Labeling Act by failing to comply with the labeling, invoicing, and advertising requirements; and, specifically, by advertising in Los Angeles and other newspapers which failed to disclose the names of animals producing the fur in certain products or the fact that some products contained artificially colored or cheap or waste fur and named animals other than those producing some furs; which represented prices as reduced from so-called regular prices which were in fact fictitious, illustrated higher priced products than those available at the advertised selling prices, and named the United States falsely as the country of origin of imported furs; and by failing to keep adequate records as a basis for said pricing claims.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 23 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That The May Department Stores Company, a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce; or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, in commerce, or transported or distributed it in commerce;

(6) The name of the country of origin of any imported furs contained in a fur product.

B. Setting forth on labels affixed to fur products: (1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, mingled with non-required information;

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

C. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on one side of labels.

D. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product;

(7) The item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing or otherwise identifying fur products as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

C. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

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

A. Fails to disclose:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(3) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(4) The name of the country of origin of any imported furs contained in a fur product.

B. Sets forth the name or names of any animal or animals other than the name or names specified in section 5(a) (1) of the Fur Products Labeling Act.

C. Sets forth information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

D. Fails to set forth the term "Dyed Mouton processed Lamb" in the manner required by law.

E. Sets forth the term "blended" as part of the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing or tip-dyeing of furs.

F. Represents directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which respondent has usually and customarily sold such products in the recent regular course of business.

G. Represents directly or by implication that any such fur product is of a higher grade, quality, or price than is the fact, by means of illustrations or depictions of higher priced products than those actually available for sale at the advertised selling price.

4. Falsely or deceptively advertising or otherwise identifying any such product as to the name of the country of origin of the fur contained in the fur product.

5. Making price claims and representations of the types referred to in Paragraph 3 F above unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims or representations are based.

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

*It is ordered*, That The May Department Stores Company, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: June 8, 1959.

By the Commission.

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

[F.R. Doc. 59-6012; Filed, July 21, 1959; 8:49 a.m.]

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[Docket 7413 c.o.]

## PART 13—DIGEST OF CEASE AND DESIST ORDERS

### Midwest Industrial Supply, Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 1315 *Business status, advantages, or connections:* Service; § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.115 *Jobs and employment service;* § 13.130 *Manufacture or preparation;* § 13.195 *Safety:* Investment; § 13.205 *Scientific or other relevant facts;* § 13.255 *Surveys.* Subpart—*Misrepresenting oneself and goods*—Business Status, advantages or connections: § 13.1553 *Services;* [*Misrepresenting oneself and goods*]—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1670 *Jobs and employment;* § 13.1740 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C 45) [Cease and desist order, Midwest Industrial Supply, Inc., et al., St. Paul, Minn., Docket 7413, June 20, 1959]

*In the Matter of Midwest Industrial Supply, Inc., a Corporation, and James Knudsen, Helen Knudsen, and Gordon Bjurback, Individually and as Officers of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a St. Paul, Minn., concern with selling vending and radio tube testing machines through false employment offers in newspaper advertising, exaggerated earnings claims, misrepresentations of exclusive territories and established sales routes, assistance to customers, etc.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 20 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That respondents Midwest Industrial Supply, Inc., a corporation, and its officers, and James Knudsen, Helen Knudsen and Gordon Bjurback, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of vending machines, tube testing machines or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication that:

1. Employment is offered by respondents when in fact the real purpose of respondents' advertisements is to obtain purchasers for respondents' products.

2. The earnings or profits derived from the operation of respondents' machines are any amounts in excess of those which have been, in fact, customarily earned by operators of respondents' machines.

3. The amount invested in respondents' products is secured.

4. Purchasers are given exclusive territory within which their machines may be placed for operation.

5. It is necessary for a person to have a car or a satisfactory background in order to qualify for respondents' offer.

6. Surveys are made by respondents or their agents in any locality or for any purpose.

7. Sales routes have previously been established for purchasers or that respondents or their sales representatives have obtained satisfactory locations, or will obtain satisfactory locations for the machines after purchase or will re-locate said machines.

8. The machines being sold by respondents are of a certain structural design or of a certain capacity, unless such is the fact.

9. Respondents will repurchase or resell the machines purchased from them.

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

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

Issued: June 1, 1959.

By the Commission.

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

[F.R. Doc. 59-6013; Filed, July 21, 1959; 8:49 a.m.]

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# Title 21—FOOD AND DRUGS

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

### SUBCHAPTER C—DRUGS

## PART 130—NEW DRUGS

### Chlorothen Citrate Preparations; Exemption From Prescription-Dispensing Requirements

There was published in the FEDERAL REGISTER of June 3, 1959 (24 F.R. 4518), notice of a proposal to amend § 130.102 (a) for the purpose of exempting certain chlorothen citrate preparations from the prescription-dispensing requirements of section 503(b)(1)(C) of the Federal Food, Drug, and Cosmetic

Act. No comments having been filed within the 30-day period stipulated in the above-identified notice, the amendment set out below is ordered, effective 30 days from the date of publication in the FEDERAL REGISTER, pursuant to authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 503, 505, 701, 65 Stat. 649, 52 Stat. 1052, 1055, as amended 72 Stat. 948; 21 U.S.C. 353, 355, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1958 Supp., 130.101(b)).

In § 130.102 *Exemption for certain drugs limited by new-drug applications to prescription sale*, paragraph (a) is amended by adding thereto the following new subparagraph (24):

(24) Chlorothen citrate (chloromethapyrilene citrate; *N,N*-dimethyl-*N'*-(2-pyridyl)-*N'*-(5-chloro-2-thenyl) ethylenediamine citrate) preparations meeting all the following conditions:

(i) The chlorothen citrate is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503(b)(1) of the act.

(ii) The chlorothen citrate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505(b) of the act is effective for it.

(iv) The preparation contains not more than 25 milligrams of chlorothen citrate per dosage unit.

(v) The preparation is labeled with adequate directions for use in the temporary relief of the symptoms of hay fever and/or the symptoms of other minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 25 milligrams of chlorothen citrate per dose or 150 milligrams of chlorothen citrate per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears, in juxtaposition with the dosage recommendations:

(*a*) Clear warning statements against administration of the drug to children under 6 years of age or exceeding the recommended dosage, unless directed by a physician, and against driving a car or operating machinery while using the drug, since it may cause drowsiness.

(*b*) If the article is offered for the temporary relief of symptoms of colds, a statement that continued administration for such use should not exceed 3 days, unless directed by a physician.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies secs. 503, 505, 52 Stat. 1052, 65 Stat. 649; 21 U.S.C. 353, 355)

Dated: July 16, 1959.

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

[F.R. Doc. 59-6009; Filed, July 21, 1959; 8:48 a.m.]

# Title 26—INTERNAL REVENUE, 1954

## Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6400]

## PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

### Losses Caused by Disaster

MISCELLANEOUS AMENDMENTS

On June 11, 1959, a notice of proposed rule making with respect to the amendments of 26 CFR Part 170 was published in the FEDERAL REGISTER (24 F.R. 4732). No objection to the proposed amendments having been received during the 15-day period prescribed in the notice, the proposed regulations so published are hereby adopted subject to the following editorial change made to conform to a change in the designation of the inventory forms prescribed by the notice:

The second sentence of § 170.305 is changed to read as follows: "The claim shall state all the facts on which the claim is based, and shall have attached thereto Form 2606, Inventory of Distilled Spirits Lost by Disaster, Form 2606-A, Inventory of Wines Lost by Disaster, and Form 2606-B, Inventory of Beer Lost by Disaster, as the case may be, prepared in accordance with the instructions thereon."

Because this Treasury decision implements and effectuates changes made in chapter 51 of the Internal Revenue Code of 1954 by the Excise Tax Technical Changes Act of 1958 (Public Law 85-859, 72 Stat. 1275) which become effective July 1, 1959, it is hereby found that it is impracticable and contrary to the public interest to issue this Treasury decision subject to the effective date limitation of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). Accordingly, this Treasury decision shall become effective July 1, 1959.

DANA LATHAM,
*Commissioner of Internal Revenue.*
[SEAL] RALPH KELLY,
*Commissioner of Customs.*

Approved: July 16, 1959.

FRED C. SCRIBNER, Jr.,
*Acting Secretary of the Treasury.*

The following new subpart, Subpart O, is added to Part 170:

### Subpart O—Losses Caused by Disaster After June 30, 1959

Sec.


AUTHORITY: §§ 170.301 to 311 issued under sec. 7805, 68A Stat. 917; 26 U.S.C. 7805. Statutory provisions interpreted or applied are cited to text in parenthesis.

**§ 170.301 Scope of subpart.**

The regulations in this subpart prescribe the requirements necessary to implement section 5064, I.R.C., concerning payments which may be made by the United States of amounts equal to the internal revenue taxes paid or determined and customs duties paid on distilled spirits, wines, rectified products, and beer previously withdrawn, which were lost, rendered unmarketable, or condemned by a duly authorized official by reason of a "major disaster" occurring in the United States after June 30, 1959. The provisions of this subpart shall not be applicable in respect of distilled spirits, wines, rectified products, and beer of Puerto Rican manufacture brought into the United States.

**§ 170.302 Forms prescribed.**

The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including applications, claims, records, and reports. Information called for shall be furnished in accordance with the instructions on the forms, or issued in respect thereto.

DEFINITIONS

**§ 170.303 Meaning of terms.**

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

*Alcoholic liquors, or "liquors".* Distilled spirits, wines, rectified products, and beer, lost, rendered unmarketable, or condemned, as provided in this subpart.

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

*Beer.* Beer, ale, porter, stout, and other similar fermented beverages (including sake or other similar products) of any name or description containing one-half of 1 percent or more of alcohol by volume on which the internal revenue tax has been paid or determined, and, if imported, on which duties have been paid at the rate applicable thereto.

*Claimant.* The person who held the liquors for sale at the time of the disaster and who files claim under this subpart.

*Commissioner.* The Commissioner of Internal Revenue.

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

*Disaster.* A flood, fire, hurricane, earthquake, storm, or other catastrophe occurring after June 30, 1959, (1) which the President of the United States has determined under the Act of September 30, 1950 (64 Stat. 1109; 42 U.S.C. 1855) to be a "major disaster" as defined in said act, and (2) which occurred in a part of the United States in which disaster assistance by the Federal Government was authorized under 42 U.S.C. Chapter 15 because of such catastrophe.

*Distilled spirits, or spirits.* Ethyl alcohol and other distillates, such as whisky, brandy, rum, gin, and vodka, on which the internal revenue tax has been paid or determined, and, if imported, on which duties have been paid at the rate applicable thereto.

*Duly authorized official.* Any Federal, State, or local government official in whom has been vested authority to condemn liquors made the subject of a claim under this subpart.

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

*Rectified products.* Liquors manufactured by rectifying, purifying, refining, mixing, or blending distilled spirits or wines and on which tax has been paid or determined, and, if imported, on which duty has been paid.

*Tax.* With respect to: (a) Unrectified distilled spirits, the internal revenue distilled spirits tax paid or determined thereon; (b) wines, the internal revenue wine tax paid or determined thereon; (c) rectified products, the internal revenue distilled spirits tax, the rectification tax (if any), the cordial tax (if any), and the wine tax (if any), paid or determined thereon; and (d) beer, the internal revenue beer tax paid or determined thereon.

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

*Wines.* All still wines, effervescent wines, and flavored wines, on which internal revenue wine tax has been paid or determined, and, if imported, on which duty has been paid.

PAYMENTS

**§ 170.304 Circumstances under which payment may be made.**

Assistant regional commissioners shall allow payment (without interest) of an amount equal to the amount of tax paid or determined, and the Commissioner of Customs shall allow payment (without interest) of an amount equal to the amount of customs duty paid, on distilled spirits, wines, rectified products, and beer previously withdrawn, which are lost, rendered unmarketable, or condemned by a duly authorized official by reason of a disaster occurring in the United States after June 30, 1959. Payment may be made only if (a) at the time of the disaster, such liquors were being held for sale by the claimant; (b) refund or credit of the amount claimed or any part thereof has not or will not be claimed for the same liquors under any other provision of law or regulations; and (c) the claimant was not indemnified by a valid claim of insurance or otherwise in respect of the tax, or tax and duty, on the liquors covered by the claim.

CLAIMS PROCEDURE

**§ 170.305 Execution and filing of claim.**

Claims under this subpart shall be executed on Form 843 (Internal Revenue) in accordance with such instructions thereon as are applicable, and filed (original only) with the assistant regional commissioner of the internal revenue region in which the liquors were lost, rendered unmarketable, or condemned, within 6 months after the date on which the President makes the determination that the disaster has occurred. The claim shall state all the facts on which the claim is based, and shall have attached thereto Form 2606, Inventory of Distilled Spirits Lost by Disaster, Form 2606–A, Inventory of Wines Lost by Disaster, and Form 2606–B, Inventory of Beer Lost by Disaster, as the case may be, prepared in accordance with the instructions thereon. The claim shall contain a statement that no claim for credit or refund has been or will be filed under any other provision of law with respect to the same liquors for the amount claimed or any part thereof.

**§ 170.306 Separation of imported, domestic, and Virgin Islands liquors; separate claims for taxes and duties.**

If a claim involves taxes on domestic liquors, imported liquors, and/or liquors of Virgin Islands manufacture, the quantities of each must be shown separately in the claim. A separate claim on Form 843 must be filed in respect of customs duties.

**§ 170.307 Claimant to furnish proof.**

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

(a) That the tax on such liquors, or the tax and duty if imported, was fully paid, or the tax, if not paid, was fully determined;

(b) That such liquors were lost, rendered unmarketable, or condemned by a duly authorized official, by reason of damage sustained as a result of a disaster;

(c) The type and date of occurrence of the disaster and the location of the liquors at that time;

(d) That the claimant was not indemnified by a valid claim of insurance or otherwise in respect of the tax, or tax and duty, on the liquors covered by the claim; and

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

**§ 170.308 Supporting evidence.**

The claimant shall support his claim with any evidence (such as inventories, statements, invoices, bills, records, labels, formulas, stamps) that he is able to submit, relating to the quantities and identities of liquors, on which duty has been paid or tax has been paid or determined, on hand at the time of the disaster and averred to have been lost, rendered unmarketable, or condemned as a result thereof. If the claim is for refund of duty the claimant shall furnish, if practicable, the customs number, the date of entry, and the name of the port of entry.

**§ 170.309 Action on claims.**

The assistant regional commissioner shall date stamp and examine each claim filed under this subpart and will determine the validity of the claim. Claims and supporting data involving customs duties will be forwarded to the Commissioner of Customs with a summary statement by the assistant regional commissioner regarding his findings.

DESTRUCTION OF LIQUORS

**§ 170.310 Supervision.**

When allowance has been made under this subpart in respect of the tax, or tax and duty, on liquors condemned by a duly authorized official or rendered unmarketable, such liquors shall be destroyed by suitable means under supervision satisfactory to the assistant regional commissioner, unless such liquors were previously destroyed under supervision satisfactory to the assistant regional commissioner. The Commissioner of Customs will notify the assistant regional commissioner as to allowance under this subpart of claims for duty in respect of unmarketable or condemned liquors.

(72 Stat. 1337; 26 U.S.C. 5064)

PENALTIES

**§ 170.311 Penalties.**

Penalties are provided in sections 7206 and 7207 of the Internal Revenue Code for the execution under the penalties of perjury of any false or fraudulent statement in support of any claim and for the filing of any false or fraudulent document under this subpart. All provisions of law, including penalties, applicable in respect of internal revenue taxes on distilled spirits, wines, rectified products, and beer, shall, insofar as applicable and not inconsistent with this subpart, be applied in respect of the payments provided for in this subpart to the same extent as if such payments constituted refunds of such taxes.

(68A Stat. 852, 853; 26 U.S.C. 7206, 7207)

[F.R. Doc. 59–6008; Filed, July 21, 1959; 8:48 a.m.]

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[T.D. 6399]

## PART 173—RETURNS OF SUBSTANCES, ARTICLES, OR CONTAINERS

On June 11, 1959, a notice of proposed rule making with respect to the revision of 26 CFR Part 173 was published in the FEDERAL REGISTER. No objections to the proposed revision having been received

within the 15-day period prescribed in the notice, the regulations as so published are hereby adopted.

Because this Treasury decision implements and effectuates changes made in chapter 51 of the Internal Revenue Code of 1954 by the Excise Tax Technical Changes Act of 1958 (Public Law 85–859, 72 Stat. 1275) which become effective July 1, 1959, it is hereby found that it is impracticable and contrary to the public interest to issue this Treasury decision subject to the effective date limitation of section 4(c) of the Administrative Procedure Act, approved June 11, 1946. Accordingly, this Treasury decision shall become effective July 1, 1959.

(68A Stat. 917; 26 U.S.C. 7805)

DANA LATHAM,
*Commissioner of Internal Revenue.*

Approved: July 16, 1959.

FRED C. SCRIBNER, JR.,
*Acting Secretary of the Treasury.*

*Preamble.* 1. The regulations in this part shall supersede the 1955 edition of 26 CFR Part 173 (20 F.R. 4818).

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced prior to the effective date of these regulations. All formal written demands issued under prior statutory authority or regulations prior to the effective date of these regulations and outstanding shall remain in force.

3. The regulations in this part shall be effective on July 1, 1959.

Subpart A—Scope of Regulations

Sec.
173.1 Returns of substances, articles, or containers.
173.2 Forms prescribed.

Subpart B—Definitions

173.5 Meaning of terms.

Subpart C—Requirement of Returns

173.10 Returns required; substance and articles.
173.11 Returns required; containers.
173.12 Rendition of returns.

Subpart D—Records To Be Maintained

173.15 Records required.

Subpart E—Tax and Penalties

173.20 Tax.
173.21 Penalties.

AUTHORITY: §§ 173.1 to 173.21 issued under 68A Stat. 917; 26 U.S.C. 7805. Interpret or apply 68A Stat. 895, 72 Stat. 1314, 1373, 1374, 1402; 26 U.S.C. 7502, 5001, 5291, 5301, 5605, 5606.

## Subpart A—Scope of Regulations

### § 173.1 Returns of substances, articles, or containers.

This part relates to the returns and records of the disposition of articles from which distilled spirits may be recovered, of substances of the character used in the manufacture of distilled spirits, and of containers of the character used for the packaging of distilled spirits.

### § 173.2 Forms prescribed.

The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including demand letters, reports, and returns. Information called for shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

## Subpart B—Definitions

### § 173.5 Meaning of terms.

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

*Articles.* Denatured spirits or any product or preparation which contains more than 25 percent by volume of denatured spirits.

*Assistant Regional Commissioner.* An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and superivsion of, a regional commissioner.

*Commissioner.* The Commissioner of Internal Revenue.

*Container.* Any receptacle, vessel, barrel, cask, keg, bottle, jug, can, or jar of the character used for the packaging of distilled spirits.

*Demand letter.* The "demand letter" is the formal requirement of the assistant regional commissioner that a person disposing of any article, container, or substance shall render a correct return.

*Denatured spirits.* Spirits to which denaturants have been added pursuant to formulas prescribed in Parts 212 and 216 of this chapter.

*Dispose.* "Dispose" and all forms of the word shall mean and include, but not by way of limitation, consign, sell, transfer, deliver, destroy, or lose, and all forms of those words.

*Distilled spirits or spirits.* That substance known as ethyl alcohol, ethanol, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, and shall include whisky, brandy, rum, gin, and vodka and products produced in such manner that the person producing them is a rectifier within the meaning of section 5082 of the Internal Revenue Code of 1954, as amended.

*Internal revenue officer.* An officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this part.

*Person.* An individual, trust, estate, partnership, association, company, or corporation.

*Region.* An internal revenue region.

*Regional Commissioner.* A regional commissioner of internal revenue.

*Render.* "Render" shall mean to deliver the completed return to the office indicated in the demand letter, not later than the date required by the demand letter, or to mail such completed return, in an envelope properly addressed and stamped, in sufficient time for such envelope to be postmarked by the Post Office Department not later than the date required by the demand letter. The time and date of the United States postmark shall constitute the time and date of delivery of the return to the designated office.

*Substance.* The term "substance" shall mean and include, but not by way of limitation, any of the following: Any grade or type of sugar, sirup, or molasses derived from sugar cane, sugar beets, corn, sorghum, or any other source; starch; potatoes; grain, or corn meal, corn chops, cracked corn, rye chops, middlings, shorts, bran, or any other grain derivative; malt; malt sugar, or malt sirup; oak chips, charred or not charred; yeast; cider; honey; fruits; grapes; berries; fruit, grape, or berry juices or concentrates; wine; caramel; burnt sugar; gin flavor; Chinese bean cake or Chinese wine cake; urea; ammonium phosphate, ammonium carbonate, ammonium sulphate, or any other yeast food; ethyl acetate or any other ethyl ester; any other material of the character used in the manufacture of distilled spirits, or any chemical or other material suitable for promoting or accelerating fermentation; any chemical or material of the character used for the production of distilled spirits by chemical reaction; or any combination of such materials or chemicals.

*United States.* "United States" shall mean the States, the Territory of Hawaii, and the District of Columbia.

*U.S.C.* "U.S.C." shall mean the United States Code.

## Subpart C—Requirement of Returns

### § 173.10 Returns required; substance and articles.

Every person in the United States who disposes of any substance or article, as defined in § 173.5, shall, when required by a demand letter issued by the assistant regional commissioner, and until notified to the contrary in writing by such officer, for the purpose of enabling the determination in accordance with law as to whether all taxes due with respect to any distilled spirits produced or recovered from such substances or articles have been paid, render in writing on Form 169 (or other form authorized by the assistant regional commissioner) for the periods specified in the demand letter, correct returns showing (a) the date of each disposition of such substances or articles, and in such quantities, as may be specified by the assistant regional commissioner in the demand letter; (b) the quantity and kind of each substance or article disposed of; (c) the name and complete address of each purchaser, consignee, and other person actually receiving such substances or articles, and of any other person for, by, or through whom the substances or articles were ordered or disposed of; (d) the date and method of shipment or delivery; and (e) if delivered or shipped by truck or other conveyance, the State or city registration number of such truck or conveyance, and the name and complete address of the operator of such truck or conveyance as shown by his operator's license, giving the number of such operator's license and the State where issued.

Where shipment is made by a common carrier, such as a railroad, trucking company, steamboat line, etc., the information required by paragraph (e) of this section need not be reported, but in lieu thereof there shall be furnished the complete routing of the shipment, full name and address of first carrier, and railroad car number or name of ship.

(72 Stat. 1373; 26 U.S.C. 5291)

**§ 173.11 Returns required; containers.**

Every person in the United States who disposes of any containers, as defined in Section 173.5, shall, when required by a demand letter issued by the assistant regional commissioner, and until notified to the contrary in writing by such officer, for the purpose of protecting the revenue, render in writing on Form 169A (or other form authorized by the assistant regional commissioner) for the periods specified in the demand letter, correct returns showing (a) the date of each disposition of such containers and in such quantities, as may be specified by the assistant regional commissioner in the demand letter; (b) the quantity and kind of containers disposed of; (c) the name and address of each purchaser, consignee, and other person actually receiving such containers and of any other person for, by, or through whom the containers were ordered or disposed of; (d) the date and method of shipment or delivery; and (e) if delivered or shipped by truck or other conveyance, the State or city registration number of such truck or conveyance, and the name and complete address of the operator of such truck or conveyance as shown by his operator's license, giving the number of such operator's license and the State where issued. Where shipment is made by a common carrier such as a railroad, trucking company, steamboat line, etc., the information required by paragraph (e) of this section need not be reported, but in lieu thereof there shall be furnished the complete routing of the shipment, full name and address of first carrier, and railroad car number or name of ship.

(72 Stat. 1374; 26 U.S.C. 5301)

**§ 173.12 Rendition of returns.**

(a) The return shall be rendered on Form 169 (in the case of substances and articles) or Form 169A (in the case of containers) to the officer or employee of the Internal Revenue Service designated in the demand letter: *Provided*, That the assistant regional commissioner may authorize the return to be rendered in another form requiring the same information in lieu of Form 169 or Form 169A where it is shown that this is necessary in order to use tabulating equipment, or business machines, and will not (1) unduly hinder the effective administration of this part or (2) jeopardize the revenue. A person who proposes to use a form other than Form 169 or Form 169A shall submit a letterhead application so to do, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed form and set forth the need therefor. The assistant regional commissioner will determine the need for the substitute form and whether approval thereof would unduly hinder the effective administration of this part or result in jeopardy to the revenue. A substitute form shall not be employed until approval is received from the assistant regional commissioner.

(b) The return shall be prepared and rendered in accordance with the instructions contained in the demand letter for the designated reporting period.

### Subpart D—Records To Be Maintained

**§ 173.15 Records required.**

Every person who has been required to render a return shall maintain at his place of business such books, records, documents, papers, invoices, bills of lading, etc., relating to or connected with any such disposition, as will enable such person to make the required return. Such books, records, documents, papers, invoices, bills of lading, etc., shall be maintained for a period of three years and shall be kept readily available for, and open to, inspection by any Internal Revenue Officer during the hours of business of such person.

### Subpart E—Tax and Penalties

**§ 173.20 Tax.**

Any person who produces, withdraws, sells, transports, or uses, denatured distilled spirits, or articles, as defined in § 173.5, in violation of law or regulations shall be required to pay the tax on such denatured distilled spirits or articles, as provided by section 5001(a)(6), Internal Revenue Code of 1954, as amended.

**§ 173.21 Penalties.**

Any person who willfully violates any provision of section 5291 or 5301(b) of the Internal Revenue Code of 1954, as amended, or of the regulations in this part shall, upon conviction, be fined or imprisoned as provided by section 5605 or 5606 of the Internal Revenue Code of 1954, as amended.

[F.R. Doc. 59-6007; Filed, July 21, 1959; 8:48 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter XIV—The Renegotiation Board

### SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

### MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter B of Chapter XIV, Title 32, is amended as follows:

### PART 1452—PRIME CONTRACTS AND SUBCONTRACTS WITHIN THE SCOPE OF THE ACT

#### General Coverage of the Act

Section 1452.1(b) *Coverage after December 31, 1956* is amended by deleting "June 30, 1959" from subsection (c)(1) of the statutory provision set forth in subparagraph (1)(iii) and inserting in lieu thereof "June 30, 1962".

### PART 1457—FISCAL YEAR BASIS FOR RENEGOTIATION AND EXCEPTIONS

#### Losses on renegotiable business in other years: extent allowable in fiscal years ending on or after December 31, 1956

1. Section 1457.9(a) *Statutory provision* is amended by deleting the statutory provision set forth therein and inserting in lieu thereof, the following:

(m) *Renegotiation loss carryforwards*—(1) *Allowance.* Notwithstanding any other provision of this section, the renegotiation loss deduction for any fiscal year ending on or after December 31, 1956, shall be allowed as an item of cost in such fiscal year, under regulations of the Board.

(2) *Definitions.* For the purposes of this subsection—

(A) The term "renegotiation loss deduction" means—

(i) For any fiscal year ending on or after December 31, 1956, and before January 1, 1959, the sum of the renegotiation loss carryforwards to such fiscal year from the preceding two fiscal years; and

(ii) For any fiscal year ending after December 31, 1958, the sum of the renegotiation loss carryforwards to such fiscal year from the preceding five fiscal years (excluding any fiscal year ending before December 31, 1956).

(B) The term "renegotiation loss" means, for any fiscal year, the excess, if any, of costs (computed without the application of this subsection and the third sentence of subsection (f)) paid or incurred in such fiscal year with respect to receipts or accruals subject to the provisions of this title over the amount of receipts or accruals subject to the provisions of this title which were received or accrued in such fiscal year, but only to the extent that such excess did not result from gross inefficiency of the contractor or subcontractor.

(3) *Amount of carryforwards to 1956, 1957, and 1958.* For the purposes of paragraph (2)(A)(i), a renegotiation loss for any fiscal year (hereinafter in this paragraph referred to as the "loss year") shall be a renegotiation loss carryforward to the first fiscal year succeeding the loss year. Such renegotiation loss, after being reduced (but not below zero) by the profits derived from contracts with the Departments and subcontracts in the first fiscal year succeeding the loss year, shall be a renegotiation loss carryforward to the second fiscal year succeeding the loss year. For the purposes of the preceding sentence, the profits derived from contracts with the Departments and subcontracts in the first fiscal year succeeding the loss year shall be computed as follows:

(A) If such first fiscal year ends on or after December 31, 1956, such profits shall be computed by determining the amount of the renegotiation loss deduction for such first fiscal year without regard to the renegotiation loss for the loss year.

(B) If such first fiscal year ends before December 31, 1956, such profits shall be computed without regard to any renegotiation loss for the loss year or any fiscal year preceding the loss year.

(4) *Amount of carryforwards to fiscal years ending after 1958.*—For the purposes of paragraph (2)(A)(ii), a renegotiation loss for any fiscal year (hereinafter in this paragraph referred to as the "loss year") ending on or after December 31, 1956, shall be renegotiation loss carryforward to each of the five fiscal years following the loss year. The entire amount of such loss shall be carried to the first fiscal year succeeding the loss year. The portion of such loss which shall be carried to each of the other four fiscal years shall be the excess, if any, of the amount of such

loss over the sum of the profits derived from contracts with the Departments and subcontracts in each of the prior fiscal years to which such loss may be carried. For the purposes of the preceding sentence, the profits derived from contracts with the Departments and subcontracts in any such prior fiscal year shall be computed by determining the amount of the renegotiation loss deduction without regard to the renegotiation loss for the loss year or for any fiscal year thereafter, and the profits so computed shall not be considered to be less than zero.

[This subsection (m) added by Pub. Law 870, 84th Cong., approved August 1, 1956, as amended by Pub. Law 86-89, approved July 13, 1959]

2. Section 1457.9(b) *In general* is amended by adding at the end thereof the following: "For convenience, the rules set forth in this section are stated in terms of the 2-year loss carryforward provided in section 103(m) (2)(A)(i) and (3) of the act for fiscal years ending on or after December 31, 1956 and before January 1, 1959. The same rules shall apply with respect to the 5-year loss carryforward provided in section 103(m) (2)(A)(ii) and (4) of the act for fiscal years ending after December 31, 1958."

## PART 1459—COSTS ALLOCABLE TO AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

### Losses

Section 1459.5(a) *Losses in prior or subsequent years* in amended by deleting "two fiscal years" in the third sentence and inserting in lieu thereof "two or more fiscal years".

## PART 1466—TERMINATION OF RENEGOTIATION

### Termination Date

This part is amended in the following respects:

1. Section 1466.1 *Statutory provision* is amended by deleting "June 30, 1959" from subsection (c)(1) of the statutory provision set forth therein and inserting in lieu thereof "June 30, 1962".

2. Section 1466.2 *Definition of "termination date"* is amended by deleting "June 30, 1959" and inserting in lieu thereof "June 30, 1962".

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: July 17, 1959.

THOMAS COGGESHALL,
*Chairman.*

[F.R. Doc. 59-6016; Filed, July 21, 1959; 8:49 a.m.]

# Title 36—PARKS, FORESTS, AND MEMORIALS

## Chapter I—National Park Service, Department of the Interior

## PART 20—SPECIAL REGULATIONS

### Olympic National Park

By notice of proposed rule making published in the FEDERAL REGISTER on April 22, 1959 (24 F.R. 3113), interested persons were invited by the Superintendent of Olympic National Park to submit written comments, suggestions, or objections on the proposed amendment to special regulations for said Park. Such written comments, suggestions, or objections were required to be filed with the Superintendent of Olympic National Park, 600 Park Avenue, Port Angeles, Washington, within thirty days from the publication of the notice in the FEDERAL REGISTER.

No comments, suggestions, or objections having been received in response to the said notice, the following amendment, to become effective upon publication in the FEDERAL REGISTER, is adopted:

Section 20.28 *Olympic National Park* is amended as follows:

1. Paragraph (a) is revised to read as follows:

(a) *Fishing*—(1) *Open season.* The opening date of the season for fishing in Park streams, Lake Mills, Lake Crescent and Irely Lake shall conform to that of the State of Washington for streams and lowland lakes for the adjoining counties of Clallam, Jefferson, Mason and Grays Harbor. The opening date for all other Park Lakes shall be July 4. The closing date for all fishing except for the special steelhead trout fishing season shall be October 31, subject to the following exceptions and restrictions:

(i) The following streams or portions thereof are open to fishing of steelhead trout only, from the opening date of the season for steelhead trout fishing established by the State of Washington for adjoining counties, to February 28, inclusive; all tributaries thereof are closed except otherwise indicated:

Bogachiel River.
Dosewallips River below falls.
Queets River below Tshletshy Creek.
Hoh River, including South Fork.
Quinault River, including North Fork below Wolf Bar Shelter and the East Fork below Graves Creek.
Soleduck River below the North Fork Soleduck.

(ii) Fishing is prohibited from one hour after sunset until sunrise.

(iii) In that part of Olympic National Park known as the Queets Corridor and the Olympic Ocean Strip, and other areas which were added to the Park by proclamation of the President, dated January 6, 1953 (18 F.R. 169), fishing shall be done in conformity with the laws and regulations promulgated by the State of Washington for these areas.

(2) *Closed waters.* The following waters and their tributaries are closed to fishing:

Cat Creek.
Entire Morse Creek watershed except Lake Angeles and P.J. Lake.

(3) *Size limit.* Steelhead trout of less than 12 inches in length and fish of any other species less than 6 inches in length, when caught, shall be released by carefully handling with moist hands and returned at once to the water.

(4) *Limit of catch and in possession.* The limit of catch per person per day shall not exceed 10 fish or 10 pounds of fish and one fish, except as otherwise provided.

(i) Between the opening day of the season and February 28 inclusive, the limit of catch of steelhead trout shall not exceed 3 fish per person per day or 6 fish per week, or 24 fish per winter season, less the number of steelhead trout caught by each person in the State of Washington outside Olympic National Park. Each person possessing a State of Washington fishing license shall account for his catch of steelhead trout in the Park in the same manner as required by the State of Washington for fish caught outside the Park.

(ii) The limit of catch per person per day in Lake Crescent shall not exceed 10 fish or 10 pounds and one fish, of which no more than one fish may exceed 18 inches in length.

(iii) Possession of more than one day's catch limit by any one person at any one time is prohibited.

(5) *Bait.* (i) Fishing with any line, gear, or tackle having more than two spinners, spoons, blades, flashers, or like attractions, and with more than one transparent or black rudder, and more than three (3) hooks attached to such line, gear, or tackle, is prohibited.

(ii) The placing or depositing of fish eggs, fish roe, food, or other substances in any Park waters for the purpose of attracting, collecting, or feeding fish, is prohibited.

(6) *Pollution of waters.* The cleaning of fish in Park lakes or streams, or depositing of fish entrails, heads, gills, or other refuse in any Park lake or stream is prohibited.

(7) *License.* A license to fish in Park waters is not required except that a Washington State or County fishing license is required for fishing in Lake Angeles, located in section 15, T. 29 N., R. 6 W., W.M.; and within those portions of Olympic National Park known as the Queets Corridor and Olympic Ocean Strip, and in sections 1 to 6 inclusive, T. 27 N., R. 11 W., W.M. and in sections 1 to 3 inclusive, T. 27 N., R. 12 W., W.M. which were added to the Park by proclamation of the President dated January 6, 1953 (18 F.R. 169).

2. Paragraphs (b), (c), (d) and (e) are deleted.

3. Paragraphs (h), (i), (j) and (k) are redesignated paragraphs (b), (c), (d) and (e).

(sec. 3, 39 Stat. 535, as amended, sec. 209, 48 Stat. 205; 16 U.S.C. 3, 40 U.S.C. 409)

Issued this 23d day of May 1959.

DANIEL B. BEARD,
*Superintendent,*
*Olympic National Park.*

[F.R. Doc. 59-5990; Filed, July 21, 1959; 8:46 a.m.]

# Title 39—POSTAL SERVICE

## Chapter I—Post Office Department

## PART 168—DIRECTORY OF INTERNATIONAL MAIL

### Miscellaneous Amendments

Part 168, Directory of International Mail, as published in the FEDERAL REGISTER of March 20, 1959, at pages 2117-

2195 as Federal Register Document 59-2388, is amended as follows.

§ 168.5 [Amendment]

In § 168.5 *Individual country regulations*, make the following changes:

A. In country "Canada", as amended by Federal Register Document 59-4137, 24 F.R. 3991, and by Federal Register Document 59-5591, 24 F.R. 5467, under Postal Union Mail, make the following changes:

1. The item *Special delivery* is amended as result of special delivery service becoming effective at additional Canadian post offices. Accordingly, the third paragraph of the item *Special delivery* is amended as follows:

a. Insert the following additional offices for special delivery service in their proper alphabetical order therein:

Asbestos, P.Q.
Agincourt, Ont.
Bathurst, N.B.
Dawson Creek, B.C.
Lachine, P.Q.
Lachute, P.Q.
La Tuque, P.Q.
New Market, Ont.
New Waterford, N.S.
Richmond Hill, P.Q.
St. Eustache, P.Q.
Ste. Anne de Bellevue, P.Q.
Transcona, Man.

b. Strike out "Shawinigan Falls, P.Q." where it appears in alphabetical order therein, and insert in lieu thereof "Shawinigan, P.Q."

2. The third paragraph of the item *Observations* is amended for the purpose of clarification to read as follows:

These articles must bear postage at the surface or air rate for Canada. Letter packages are limited to 4 pounds 6 ounces in weight.

B. In country "Hungary" under Parcel Post, make the following changes as result of Hungarian authorities terminating the exemption from customs duty previously granted and modifying the import regulations in connection with gift parcels.

1. The item *Observations* is amended to read as follows:

*Observations.* To be admitted to Hungary as gift shipments, parcels must contain only articles for the personal use of the addressee or members of his family. The contents of gift parcels are subject to customs duty which must be paid by the addressees.

Preserved food in tin cans or other hermetically sealed containers must not be sent in gift parcels.

Medicines, serums and vaccines to be admitted in gift parcels must be in the intact original wrappings of the manufacturing firm. Medicines prepared by pharmacists are not admitted.

To facilitate the Customs treatment of gift parcels in Hungary two complete and detailed lists of the contents should be enclosed in each parcel. The lists should be written in the Hungarian language if possible.

Contents of gift parcels are limited to the items shown on the following list, and no addressee may receive amounts exceeding the quotas indicated.

I. FOOD, BEVERAGES AND TOBACCO

| *Description* | *Yearly quotas* |
|---|---|
| Foodstuffs: | |
| Foods not elsewhere specified | 22 pounds. |
| Flour, spaghetti, noodles, biscuits, powdered milk, infant food, meat, sausage | 11 pounds each. |
| Candy | 4 pounds 6 ounces. |
| Chewing gum | 10½ ounces. |
| Coffee, cocoa, chocolate (including chocolate products) | 4 pounds 6 ounces each. |
| Tea | 1 pound 1½ ounces. |
| Spices except vanilla | 1 pound 1½ ounces. |
| Vanilla | 3½ ounces. |
| Beverages | 3 quarts. |
| Tobacco: | |
| Cigarettes | 1,000. |
| Cigars | 100. |
| Other tobacco products | 2 pounds 3 ounces. |

II. TEXTILE GOODS

| | |
|---|---|
| Thread and yarn | 4 pounds 6 ounces. |
| Cloth: | |
| Overcoat material | 3¼ yards. |
| Suit and curtain material | 6½ yards. |
| Linen and drapery material | 13 yards. |
| Sheeting | 17½ yards. |
| Wearing apparel and other cloth articles, sewn or knit: | |
| Overcoat | 1. |
| Suits | 2. |
| Dresses | 3. |
| Stockings or socks | 6 pairs. |
| Handkerchiefs | 24. |
| Infant wear | 30 articles. |
| Other articles | 3 items or 3 pairs. |
| Rugs or curtains | 2. |

III. FURS, LEATHER AND RUBBER GOODS

| | |
|---|---|
| Dressed fur skins | Sufficient for 1 garment. |
| Articles of fur | 1 article or 1 pair. |
| Leather for footwear | Sufficient for 2 pairs of shoes or 1 pair of boots. |
| Leather for clothing | Sufficient for 1 garment. |
| Articles of leather | 2 pairs of shoes, 1 pair of boots, 1 coat, 2 pairs of gloves, and 1 other article. |
| Articles of rubber | 1 pair of footwear; other articles, 2 items or 1 pair. |

IV. MISCELLANEOUS

| | |
|---|---|
| Medicines and therapeutic appliances | As prescribed by physician. |
| Eau de cologne, cold cream | 1 pound 1½ ounces. |
| Other cosmetics and toilet articles | 6 of each kind. |
| Laundry soap and soap powder | 6 pounds 9 ounces. |
| Precious jewelry: | |
| Gold | 1 pound 1½ ounces. |
| Platinum | 3½ ounces. |
| Ornaments, imitation jewelry | 2 articles of a kind, or 1 set. |
| Sporting goods, games, and toys | 2 articles, 2 pairs, or 1 set; 24 tennis balls or 48 pingpong balls. |
| Other miscellaneous articles except as mentioned below | 2 of each kind. |
| Phonograph records | 10. |
| Tape recordings | 5. |
| Razor blades, lighter flints | 100. |
| Pencils | 24. |
| Fountain pens | 2. |
| Film | 10 reels. |
| Postage stamps | Up to 1,000 forints value. |
| Books, magazines, photographs | 3 of each kind. |

V. DURABLE GOODS

| | |
|---|---|
| Cameras, flashlights, tape recorders, radios, typewriters, musical instruments, household appliances, oriental rugs and expensive furs | 1 of each kind. |

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2. The item *Import restrictions* is hereby rescinded.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

[SEAL]

HERBERT B. WARBURTON,
*General Counsel.*

[F.R. Doc. 59-5991; Filed, July 21, 1959; 8:46 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 12054; FCC 59-721]

## PART 3—RADIO BROADCAST SERVICES

### Television Broadcast Stations; Columbus, Ga.

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Columbus, Georgia); Docket No. 12054.

1. The Commission has before it for consideration its Notice of Proposed Rule Making (FCC 57-625) issued in this proceeding on June 17, 1957, inviting comments from interested parties on a proposal (hereinafter sometimes referred to as "Proposal 1"), filed December 3, 1956, by Television Columbus, then licensee of a UHF station in Columbus, Georgia,[1] to deintermix Columbus by substituting a UHF channel for Channel 4 in that city. Comments were filed in response to that Notice by August 15, 1957, and reply comments by September 24, 1957.

2. Included among the comments were several counterproposals. Two of them would make Columbus a two-VHF channel market. One of these (hereinafter sometimes referred to as "Proposal 2"), filed August 15, 1957, by Martin Theatres of Georgia, Inc., licensee of Station WTVM on Channel 28 in Columbus, Georgia, involved the following changes in the Table of Assignments for Television Broadcast Stations, § 3.606 of the Commission's rules:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Columbus, Ga | 4, 28, *34 | 3, 9, *34 |
| Dothan, Ala | 9, 19 | 4, 19 |

The other counterproposal to make Columbus a two-VHF market (hereinafter referred to as "Proposal 3"), filed September 24, 1957, by Columbus Broadcasting Company, Inc., licensee of Station WRBL-TV, Columbus, was as follows:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Columbus, Ga | 4, 28, *34 | 4, 9, 28, *34 |
| Dothan, Ala | 9, 19 | 8, 19 |
| Selma, Ala | 8, 58 | 58 |
| Tuscaloosa, Ala | 45, 51 | 8, 45, 51 |
| Waycross, Ga | 8, 16 | 16 |
| Waycross-Brunswick, Ga | | 8 |

3. Another counterproposal (hereinafter sometimes referred to as "Proposal 4") was filed by the Georgia State Department of Education on August 15, 1957. The Department, while expressing no opinion on the question whether Channel 4 in Columbus should be deleted as a commercial assignment, urged that, if the Commission should decide to make this change, Channel 4 be reserved for education in Columbus.

4. On May 24, 1957, Capitol Broadcasting Company, licensee of Station WCOV-TV on Channel 20 in Montgomery, Alabama, petitioned for rule making to deintermix Montgomery by either of two alternative plans (hereinafter sometimes referred to as "Proposal 5"), as follows:

*Plan 1*

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Montgomery, Ala | 12, 20, *26, 32 | 8, 12, 20, *26, 32 |
| Selma, Ala | 8, 58 | 58 |

*Plan 2*

| | | |
|---|---|---|
| Montgomery, Ala | 12, 20, *26, 32 | *12, 20, 26, 32 |
| Selma, Ala | 8, 58 | 58 |
| Tuscaloosa, Ala | 45, 51 | *8, 45, 51 |

These proposals were incorporated by reference in the instant proceeding by comments filed by Capitol Broadcasting on October 9, 1957.[2] While Capitol's alternative counterproposals do not directly concern Columbus channels, the first of them conflicts with Proposal 3, supra.

5. On December 10, 1957, the Washington Post Company petitioned for rule making to shift Channel 8 from Selma, Alabama, to Birmingham, Alabama. This proposal (hereinafter sometimes referred to as "Proposal 6"), which conflicts with Proposals 3 and 5, supra, is as follows:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Birmingham, Ala | 6, *10, 13, 42, 48 | 6, 8, *10, 13, 42, 48 |
| Selma, Ala | 8, 58 | 58 |

6. On January 20, 1958, the Commission issued a Notice of Further Proposed Rule Making and Orders to Show Cause in this proceeding (FCC 58-52), inviting comments on the counterproposal urged by Martin Theatres of Georgia, Inc. (WTVM), to make Columbus, Georgia, a two-VHF channel market (Proposal 2, supra), and ordering the licensees of Stations WRBL-TV and WTVM in Columbus and WTVY in Dothan, Alabama, to Show Cause why they should not be required to change operating channels.

7. Comments and reply comments in response to the Notice of Further Proposed Rule Making included several new counterproposals. On February 21, 1958, Frank K. Spain, principal owner of the permittee of Station WTWV on Channel 9 at Tupelo, Mississippi, submitted a counterproposal (hereinafter sometimes referred to as "Proposal 7") to shift Channel 9 from Tupelo to Tuscaloosa, Alabama, as follows: [3]

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Tupelo, Miss | 9, 38 | 38 |
| Tuscaloosa, Ala | 45, 51 | 9, 45, 51 |
| Columbus, Ga | 4, 28, *34 | 28, *34, 44 |
| Eufaula, Ala | 44 | |
| Dothan, Ala | 9, 19 | 4, 19 |

8. On March 3, 1958, Middle Georgia Broadcasting Company, licensee of Radio Station WBML, Macon, Georgia, submitted three alternative counterproposals (hereinafter sometimes referred to as "Proposal 8") to add a second VHF channel to Macon, as follows:

*Plan 1*

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Macon, Ga | 13, *41, 47 | 3, 13, *41, 47 |
| Savannah, Ga | 3, *9, 11 | 9, 11, *46 |
| Columbus, Ga | 4, 28, *34 | 4, 9, 28, *34 |
| Dothan, Ala | 9, 19 | 8, 19 |
| Selma, Ala | 8, 58 | 58 |
| Tuscaloosa, Ala | 45, 51 | 8, 45, 51 |
| Waycross, Ga | 8, 16 | 16 |
| Waycross-Brunswick, Ga | | 8 |

*Plan 2*

| | | |
|---|---|---|
| Macon, Ga | 13, *41, 47 | 3, 13, *41, 47 |
| Savannah, Ga | 3, *9, 11 | 9, 11, *46 |
| Columbus, Ga | 4, 28, *34 | 28, 34, *44, 62 |
| Eufaula, Ala | 44 | |

*Plan 3*

| | | |
|---|---|---|
| Macon, Ga | 13, *41, 47 | 3, 13, *41, 47 |
| Savannah, Ga | 3, *9, 11 | 9, 11, *46 |

9. On March 27, 1958, the Board of Education of Muscogee County, Georgia, School District endorsed the WTVM proposal to make Columbus, Georgia, a two-VHF channel community (Proposal 2, supra), and in addition requested that the educational reservation in Columbus be changed from Channel 34 to Channel 28 (hereinafter sometimes referred to as "Proposal 9"), as follows:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Columbus, Ga | 4, 28, *34 | 3, 9, *28, 34 |
| Dothan, Ala | 9, 19 | 4, 19 |

[1] On April 1, 1957, Television Columbus assigned its license for Station WDAK-TV, Channel 28, Columbus, Georgia, to Martin Theatres of Georgia, Inc., and the call letters of the station were changed to "WTVM".

[2] Capitol accompanied its comments with a petition to accept late filing of that pleading, noting therein that Capitol had no interest in the Columbus proceeding until after Proposal 3 was filed, which conflicts with Capitol's proposals for Montgomery. Similarly, Deep South Broadcasting Company, permittee of Station WSLA, authorized to operate on Channel 8 at Selma, on October 21, 1957, filed comments in this proceeding, which comments were addressed to Proposal 3, and accompanied its comments with a petition to accept late filing of its comments. Proposal 3 was filed on September 24, 1957, the last date for filing comments. Capitol and Deep South have demonstrated good cause for the late filing of their comments, and they are accepted.

[3] This proposal contemplates adoption of a rule making proposal to shift Channel 9 from Hattiesburg, Mississippi, to Baton Rouge, Louisiana (Docket No. 12281). This proposed assignment has now been finalized.

10. On April 2, 1958, Birmingham Television Corporation, authorized to operate Station WBMG on Channel 42 at Birmingham, Alabama, submitted a counterproposal (hereinafter sometimes referred to as "Proposal 10") which, in addition to the channel changes proposed in the Commission's Notice of Further Proposed Rule Making, would result in the allocation of a third commercial VHF channel in Birmingham and a second VHF in Montgomery, Alabama, as follows: [4]

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Columbus, Ga. | 4, 28, *34 | 3, 9, *34 |
| Dothan, Ala. | 9, 19 | 4, 19 |
| Birmingham, Ala.[1] | 6, *10, 13, 42, 48 | 4, 6, *10, 13, 42, 48 |
| Columbus, Miss. | 4, 28 | 2, 28 |
| State College, Miss. | *2 | *8 |
| Montgomery, Ala. | 12, 20, *26, 32 | 8, 12, 20, *26, 32 |
| Selma, Ala. | 8, 58 | 58 |

[1] Birmingham Television Corporation asserts that another way to assign a third commercial VHF channel to Birmingham would be to move Channel 8 from Selma to Birmingham, as urged in Proposal 6, supra. Birmingham Television notes, however, that if Channel 8 is assigned to Birmingham, it could not be used in Montgomery to provide a second VHF service to that city.

11. On April 2, 1958, Frank K. Spain submitted a second counterproposal (hereinafter sometimes referred to as "Proposal 11"), which, in addition to the channel changes proposed in the Commission's Notice of Further Proposed Rule Making, would shift Channel 4 from Columbus, Mississippi, to Tuscaloosa-Birmingham, and would shift Channel 9 from Tupelo, Mississippi, to Columbus, Mississippi, as follows: [5]

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Columbus, Ga. | 4, 28, *34 | 3, 9, *34 |
| Dothan, Ala. | 9, 19 | 4, 19 |
| Tuscaloosa-Birmingham, Ala. | (1) | 4 |
| Columbus, Miss. | 4, 28 | 9, 28 |
| Tupelo, Miss. | 9, 38 | 38 |

[1] Tuscaloosa is now assigned Channels 45 and 51, and Birmingham is assigned Channels 6, *10, 13, 42 and 48.

12. The record convinces us that the two operating stations in Columbus, Georgia (WRBL–TV on Channel 4 and WTVM on Channel 28) should operate in the same band; i.e., they should both be either UHF or both VHF. WTVM asserts that despite its intensive efforts to provide programming of the highest quality, its UHF station has been unable to operate on a financial basis which would permit continued operation, and that this is attributable solely to the preference of national advertisers for the VHF station in Columbus (WRBL–TV). WTVM argues that if deintermixture is not achieved, Columbus, a fast-growing community with a population of 79,611, will ultimately be served by only one television station.

13. Comments favoring the original proposal (Proposal 1) to make Columbus, Georgia, an all-UHF market were filed by Martin Theatres of Georgia, Inc. (WTVM on Channel 28 at Columbus, Georgia), and comments opposing this proposal were filed by Columbus Broadcasting Company, Inc. (WRBL–TV on Channel 4 at Columbus, Georgia), WTVY, Inc., (WTVY on Channel 9 at Dotham, Alabama), WJDM, Inc. (WJDM–TV on Channel 7 at Panama City, Florida), and numerous civic, fraternal, governmental, commercial, and other parties residing within the WRBL–TV service area.

14. Estimates of population who would lose their only Grade B television service (i.e., "white area" population) from the deletion of Channel 4 from Columbus range from 35,640 to 38,548 persons. Numerous civic, governmental, commercial, and other groups commented that the best, and in many cases the only, television service in outlying communities some miles away from Columbus is Station WRBL–TV on Channel 4. The Columbus, Georgia, area is not a predominantly UHF area; since the only operating UHF station other than WTVM which provides Grade B or stronger service to any portion of the WRBL–TV Grade B service area is Station WCOV–TV on Channel 20 in Montgomery, Alabama, 78 miles from Columbus, and WCOV–TV provides Grade B service to only a very small segment of the WRBL–TV Grade B contour. There is considerable conversion to UHF receiving sets in the Columbus area, but it appears that most of the sets so converted have strip tuners to receive WTVM and could not receive any new UHF signal without further set modification. While the terrain in the Columbus area is generally favorable for UHF propagation, there is evidence of record that substantial areas north and northeast of Columbus are not as favorable for UHF operations as for VHF operations.

15. In view of the wider coverage of VHF stations, and the fact that the removal of the only VHF channel from Columbus would result in the creation of substantial "white area", we believe that the public interest would be better served by making Columbus a two–VHF market than an all–UHF area.

16. Two proposals to make Columbus a two–VHF market have been advanced: Proposal 2, submitted by WTVM; and Proposal 3, tendered by WRBL–TV. Proposal 2 was made the subject of our January 20, 1958, Notice of Further Proposed Rule Making. The same Notice rejected Proposal 3, because it is more complicated, involving channel shifts in six communities instead of two communities.

17. Comments favoring Proposal 2 were filed by Martin Theatres of Georgia, Inc. (WTVM on Channel 28 at Columbus, Georgia); Columbus Broadcasting Company, Inc. (WRBL–TV on Channel 4 at Columbus); WTVY, Inc. (WTVY on Channel 9 at Dothan, Alabama); the Board of Education of the Muscogee County, Georgia, School District; Birmingham Television Corporation; and Capitol Broadcasting Company (WCOV–TV on Channel 20 at Montgomery, Alabama). The only opposition to Proposal 2 was filed by Middle Georgia Broadcasting Company, licensee of AM Station WBML, Macon, Georgia. A channel conflict exists between Proposal 2 and Plans 1 and 2 of Middle Georgia's counterproposal to obtain a second VHF channel in Macon, Georgia (Proposal 8). Herald Publishing Company, permittee of Station WALB–TV on Channel 10 at Albany, Georgia, while not opposing the channel changes contemplated by Proposal 2, asks that the Commission restrict the area in which a Channel 9 station in Columbus may be located in order to accommodate a proposed transmitter site change of Station WALB–TV.[6]

18. Our January 20, 1958, Notice of Further Proposed Rule Making included Orders to the licensees of Stations WRBL–TV and WTVM in Columbus and to the permittee of Station WTVY in Dothan to Show Cause why their stations should not operate on other channels. These operators have all consented to such channel changes. WRBL–TV proposes to operate on Channel 3 and WTVM on Channel 9 from a common tower at a site near Columbus. WTVY has also consented to a modification of its authorization to specify operation on Channel 4 at Dothan. Contractural arrangements have been entered into between these parties to provide for exchange of certain equipment and for defrayal of the expenses of the change-over. Under these agreements, WTVM will reimburse WRBL–TV for most of the expenses involved in its move from Channel 4 to Channel 3, and will acquire certain equipment from WRBL–TV which will, in turn, be utilized by WTVY, Inc. WTVM will not pay all of the expenses which WTVY will incur in changing to Channel 4, but it will provide WTVY with considerable Channel 4 equipment, most of which is presently being used by WRBL–TV. On the other hand, WTVY will transfer to WTVM all of the equipment presently used by WTVY in connection with its operation on Channel 9. Since the Channel 4 equipment to be obtained through WTVM is of greater value than the Channel 9 equipment being transferred, and since certain WTVY construction costs are to be borne by WTVM, WTVY will pay WTVM $105,000.00.

19. We are convinced that the public interest would be served by the allocation of Channels 3 and 9 to Columbus with attendant modification of the authorizations of Stations WRBL–TV and

[4] Birmingham Television also asserts that a second VHF channel (Channel 4) could be assigned to Macon, Georgia, if the Dothan VHF channel is changed from Channel 9 to Channel 7 and the Panama City VHF channel is changed from Channel 7 to Channel 4. This additional proposal would conflict with Proposal 2, supra.

[5] This proposal, like Mr. Spain's earlier proposal (Proposal 7, supra, contemplates the adoption of a rule making proposal to shift Channel 9 from Hattiesburg, Mississippi, to Baton Rouge, Louisiana (Docket No. 12281). See footnote 3, supra.

[6] WALB–TV was subsequently granted authority to change its site to a location which is not in conflict with the proposed site at Columbus for Channel 9. Since the last date for filing comments in this proceeding there have been tendered other pleadings which are directed primarily to sites suitable for VHF stations at Columbus, Ga., but which are not controlling in our decision reached herein.

WTVM. From the common site and antenna which these stations propose, WRBL–TV asserts that it will increase the population within its Grade B contour from 606,732 persons to 879,915 persons; and WTVM asserts that it will increase its Grade B coverage from 351,700 persons to 742,800 persons. No "white area" would result from these channel changes. WRBL–TV and WTVM anticipate no difficulty obtaining site-tower approval by the Airspace Subcommittee.

20. The adoption of Proposal 2 would not only result in the creation of effective competition between the commercial stations in Columbus, Georgia; it would also permit the shifting of the educational reservation in Columbus from Channel 34 to Channel 28, as requested by the Board of Education of the Muscogee County, Georgia, School District (Proposal 9). This change in the educational reservation in Columbus will provide the educational interests in the community with a ready-made audience; the record establishes that the Columbus community is well saturated with sets able to receive Channel 28.

21. Our decision to make Columbus a two-VHF channel market and to shift Channel 4 from Columbus to Dothan necessarily requires denial of the counterproposal of the Georgia State Department of Education to reserve Channel 4 for education in Columbus (Proposal 4).

22. Counterproposals with which Proposal 2 is in conflict are those of Middle Georgia Broadcasting Company to add a second VHF channel to Macon, Georgia (Proposal 8). Middle Georgia asserts, in support of its counterproposals, that Macon and most of the surrounding area have only one television station; that Macon, the fifth city in Georgia, with a population of 70,252 should have at least two television stations; that no UHF station can hope to survive in the market;[7] that each of the Georgia communities of comparable size—Columbus, Savannah, and Macon—should have two commercial VHF and one non-commercial educational UHF channel; and that there is a greater need for a second commercial VHF channel in Macon than a VHF educational reservation in Savannah.

23. Oppositions to Middle Georgia's counterproposals were filed by the Board of Public Education for the City of Savannah and the County of Chatham, the Joint Council on Educational Television, John H. Phipps (applicant for Channel 8 in Waycross, Georgia), Martin Theatres of Georgia, Inc. (WTVM), Columbus Broadcasting Company, Inc. (WRBL–TV), WTVY, Inc. (WTVY), Deep South Broadcasting Company (WSLA, Channel 8, Selma, Alabama), Birmingham Television Corporation (WBMG), Channel 42, Birmingham, Alabama), Capitol Broadcasting Company (WCOV–TV, Channel 20, Montgomery, Alabama), and the Regents of the University System of Georgia.

[7] Station WOKA (formerly WNEX–TV) operated in Macon on Channel 47 from August 21, 1953, to May 31, 1955.

24. These parties submit a wide range of reasons why each of the three counterproposals tendered by Middle Georgia should be rejected. The most cogent reasons advanced for denial of the counterproposals relate to the need for retaining the educational reservation of Channel 9 in Savannah. Each of the three plans submitted by Middle Georgia would deprive Savannah of its VHF reservation (see Proposal 8, supra). The Board of Public Education of the City of Savannah and the County of Chatham have applied for Channel 9. The Board and other educational interests assert that construction and operation of an educational station on Channel 9 will be accomplished with all reasonable purpose and speed; that since the entire Savannah area is now served by VHF stations, an educational station on a UHF channel would not be practical; that the local and state educational interests intend to operate an educational station in the Savannah area as an integral part of a Georgia state educational network; that a consulting engineering firm has been retained to make the necessary surveys and construction cost estimates for such a statewide network; and that steps will be taken by the State Department of Education, after the necessary reports and estimates are on hand, to proceed with the financing of the operation.

25. The Commission has carefully considered Middle Georgia's counterproposals in light of the policy of reserving channels for educational use as outlined in the Sixth Report and Order and later opinions. In cases where requests have been made to remove educational reservations, our policy has been to retain the educational reservation where there has been an active interest in the assignment on the part of educators and educational institutions and where affirmative plans for the utilization of the educational channels have been undertaken. In the instant case an active interest in the use of Channel 9 in Savannah for an educational station has been demonstrated. Evidence of this interest are the steps which have already been taken by the Georgia State Department of Education and by the local Savannah educational interests looking toward the development of a statewide educational television network. Accordingly, we believe that the educational reservation in Savannah should not be disturbed, and that the counterproposals of Middle Georgia Broadcasting Company must therefore be denied.[8]

26. The first Frank K. Spain counterproposal, requesting the reallocation of Channel 9 from Tupelo, Mississippi, to Tuscaloosa, Alabama, proposes to make Columbus, Georgia, all-UHF (Proposal 7). This counterproposal would thus appear to conflict with our decision herein that Columbus, Georgia, be made a two-VHF station market. Yet, as WRBL–TV and WTVM point out in their reply comments, there is really no conflict between the Spain counterproposal and our decision to allocate Channels 3 and 9 to Columbus, Georgia. The common transmitter location proposed by WRBL–TV and WTVM for their Channel 3 and 9 operations in Columbus is compatible with the use of Channel 9 in Tuscaloosa.

27. Proposals 5, 6, 10 and 11, as well as the portion of Proposal 7 not affecting Columbus, Georgia, do not conflict in any respect with Proposals 2 and 9 which we are adopting. They do, however, involve several conflicts among themselves. We are today issuing a Notice of Proposed Rule Making on some of these proposals.

28. Authority for the adoption of the amendments herein is contained in sections 1, 4 (i) and (j), 301, 303 (c), (d), (f) and (r), 307(b) and 316 of the Communications Act of 1934, as amended.

29. In view of the foregoing: *It is ordered*, That effective August 24, 1959, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

(a) Amend the entry under the State of Alabama, to read as follows:

| *City* | *Channel No.* |
|---|---|
| Dothan | 4, 19— |

(b) Amend the entry under the State of Georgia, to read as follows:

| *City* | *Channel No.* |
|---|---|
| Columbus | 3, 9+, *28, 34 |

30. *It is further ordered*, That, effective August 24, 1959, pursuant to sections 303(f) and 316 of the Communications Act of 1934, as amended:

(a) The license of Columbus Broadcasting Company, Inc., for operation of Station WRBL–TV on Channel 4 in Columbus, Georgia, is modified to specify operation on Channel 3 in Columbus, subject to the evaluation and approval by the Commission of technical data submitted by the licensee to cover the operation of Station WRBL–TV on Channel 3 in Columbus.

(b) The license of Martin Theatres of Georgia, Inc., for operation of Station WTVM on Channel 28 in Columbus, Georgia, is modified to specify operation on Channel 9 in Columbus, subject to the evaluation and approval by the Commission of technical data submitted by the licensee to cover the operation of Station WTVM on Channel 9 in Columbus.

(c) The license of WTVY, Inc., for Station WTVY on Channel 9 in Dothan, Alabama, is modified to specify operation on Channel 4 in Dothan, subject to the condition that the licensee submit to the Commission by August 24, 1959, all information necessary to comply with the applicable technical rules, executed in triplicate, for the preparation of the modified authorization to cover the operation of Station WTVY on Channel 4 at Dothan.

(d) The aforesaid orders of modification are subject to the further conditions that construction looking to change-over to the new frequencies pursuant to the action herein should not be commenced

[8] Since the final date for filing comments in this proceeding, an application has been filed for this channel by Georgia State Board of Education BPET–78.

until modified authorizations are issued to Columbus Broadcasting, Martin Theatres and WTVY; that Columbus Broadcasting, Martin Theatres and WTVY may continue to operate in accordance with their present authorizations until they are ready to commence operation on the new frequencies in accordance with the orders of modification herein; and that Columbus Broadcasting, Martin Theatres and WTVY, upon completion of construction of the Channels 3, 9 and 4 facilities, respectively, in accordance with the terms of the modified authorizations, submit, in triplicate, proof-of-performance measurement data necessary to demonstrate compliance with the applicable technical performance requirements of the rules of the type normally required to be furnished in an application for a television license, at least ten days prior to the date on which it is desired to begin program operations, with the proviso that program operations of Station WRBL–TV on Channel 3, WTVM on Channel 9 and WTVY on Channel 4 are not to be commenced until specifically authorized by the Commission after its evaluation and acceptance of such data.

31. *It is further ordered*, That the August 15, 1957 counterproposal of Martin Theatres of Georgia, Inc. (the subject of the Commission's January 20, 1958 Notice of Further Proposed Rule Making) and the March 27, 1958 counterproposal of the Board of Education of the Muscogee County, Georgia, School District are granted.

32. *It is further ordered*, That, except to the extent provided hereinabove, the several requests embodied in the December 3, 1956 petition of Television Columbus, the September 24, 1957 counterproposal of Columbus Broadcasting Company, Inc., the August 15, 1957 counterproposal of the Georgia State Department of Education, the March 3, 1958 counterproposals of Middle Georgia Broadcasting Company, and the April 2, 1958 comments of Herald Publishing Company are denied, and that this proceeding is terminated.

(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: July 15, 1959.

Released: July 17, 1959.

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

[F.R. Doc. 59-6021; Filed, July 21, 1959; 8:50 a.m.]

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[Docket No. 12747; FCC 59-717]

## PART 10—PUBLIC SAFETY RADIO SERVICES

### Authorization of Mobile Relay Stations

In the matter of amendment of Part 10 of the Commission's rules so as to remove certain restrictions relating to the authorization of mobile relay stations and related matters; Docket No. 12747.

1. By a Notice of Proposed Rule Making adopted January 28, 1959, in the above-entitled proceeding, the Commission proposed to amend Part 10 of its rules so as to:

(a) Delete the provisions of Part 10 which provide that mobile relay stations may be authorized in the Public Safety Radio Services only where the system cannot function satisfactorily without communications between mobile units over a distance in excess of that which can be obtained by direct car-to-car communication; or where an integrated system of radiocommunication is desirable between two or more licensees and where by the use of mobile relay stations the integrated system provides an actual reduction in the frequencies needed in the area as compared to the number of frequencies which would be required if the same number of licensees operated separate systems;

(b) Provide that mobile relay stations in the Public Safety Radio Services will be authorized only for the utilization of frequencies which are normally available for base stations;

(c) Provide that mobile relay stations authorized in the Public Safety Radio Services shall be so designed and installed as to normally be activated only by means of a coded signal or signals or such other means as will effectively prevent activation by undesired signals; will be deactivated automatically when its associated receivers are not receiving the signal on the frequency or frequencies which normally activate it; and that each mobile relay station will be deactivated upon receipt or cessation of a coded signal or signals and, in addition, shall be provided with an automatic time delay or clock device which will deactivate the station not more than three minutes after its activation;

(d) Provide that stations "controlling" mobile relay stations may be authorized to operate on the "mobile service" frequency assigned to the associated mobile stations.

2. Interested persons were given opportunity to file original and/or reply comments in support of or in opposition to the proposed rule amendments described above. The time for the filing of such original and reply comments has now expired.

3. A total of thirteen parties filed comments in this proceeding. Of these comments two, those of the Associated Police Communications Officers, Inc., and the City of San Diego, California, unequivocally supported adoption of the amendments proposed by the Notice of Proposed Rule Making. Each of the remaining eleven comments supported a portion of the proposed amendments but also requested that at least one of the proposals be adopted only if modified to some extent.

4. The Notice of Proposed Rule Making proposed to amend §§ 10.254(a), 10.304(a), 10.354(a), 10.404(a), and 10.554(a) so as to provide that mobile relay stations in the Police, Fire, Forestry-Conservation, Highway Maintenance, and Local Government Radio Services will be authorized only on frequencies above 150 Mc which are available for assignment to base stations in the applicable Public Safety Radio Service.

These sections presently do not permit the assignment of frequencies below 150 Mc for use by mobile relay stations in the Public Safety Radio Services but do not prohibit the assignment of frequencies which are designated as "mobile" frequencies as would the proposed amendments.

The Associated Police Communications Officers, Inc., the City of San Diego, California, and Motorola, Inc., favor adoption of this proposal and the Forestry Conservation Communications Association and Kern County, California oppose adoption of this proposal.

The comments favoring adoption of the proposal set forth no reasons in support of the position taken; whereas, the comment of Kern County, California, states in opposition to the proposal: "it is recommended that the Commission give official recognition to geographic frequency coordinating committees which are already established, or will be established, in their recommendation to the Commission for frequencies to be used as mobile relay within the area whether they be base or base and mobile frequencies, inasmuch as committees are composed of representation from all the users, as set forth in Part 10, within the area, and are fully qualified to coordinate the operation of said mobile relays with a minimum of engineering." The objection to the adoption of the proposal set forth in the comment of Forestry Conservation Communications Association states: "It is felt that inasmuch as frequencies above 150 Mc in the Forestry-Conservation Radio Service, with the exception of the frequency 458.05–458.95 Mc are listed under § 10.355(d) as available for base-mobile operation and, since, it is desirable to also be able to operate a mobile relay station on the frequencies 458.05 to 458.95 Mc, we respectively submit the request that the above portion of paragraph (a) be changed to read 'pursuant to the provisions of § 10.355(d) available for base or mobile station'."

Pursuant to the provisions of §§ 10.255, 10.305, 10.355, 10.405, and 10.555, frequencies designated for use by "mobile" stations may presently be authorized for use at base stations, including mobile relay stations, only after coordination with other licensees in the areas is effected and subject to the condition that no harmful interference will be caused to the service of any mobile station using the particular frequency. In view of this fact, the Commission is persuaded that elimination of the absolute prohibition against assignment to mobile relay stations of frequencies designated as "mobile" frequencies will not be prejudicial to effective and efficient usage of frequencies allocated to the Public Safety Radio Services. Accordingly, such prohibition is being eliminated from the proposed amendment and the amendment will be adopted as so modified.

5. The Notice of Proposed Rule Making proposed to delete from §§ 10.254(a), 10.304(a), 10.354(a), and 10.404(a), and 10.554(a) the requirement that mobile

relay stations may be authorized only where a radio system can not function satisfactorily without communication between mobile units over a distance in excess of that which can be obtained by direct car-to-car communication or where an integrated system of radio communication is desirable between two or more licensees and whereby the mobile relay stations in the integrated systems provides an actual reduction in the number of frequencies needed in the area as compared to the number of frequencies which would be required if the same number of licensees operate separate systems.

The only comment filed in this proceeding which opposed the deletion of the present requirements detailed above was that of the Florida Fish and Game Commission. This objection was set forth as follows: "This section of the docket seems to embody the basic purpose of the proposed change and as such is admissive of the fact that the proposal is not based upon an advancement of the art, either technically or system-wide. Rather it seems to constitute an interpolation of FCC undesirable administrative load into a still more undesirable economics load upon the supporting tax structures of those non-governmental agencies operating under Part 10." Since the proposed deletion of provisions appearing in the present rules merely eliminates special qualifications for authorization of mobile relay stations in the Public Safety Radio Services, it is difficult to understand the allegation of the Florida Fish and Game Commission that such deletion will transfer an administrative burden from the Commission to the user. Accordingly, the objection of the Florida Fish and Game Commission and the stated basis therefor do not appear to warrant rejection of the proposed rule change.

6. In lieu of the present requirements specified in paragraph 5 hereof, the Notice of Proposed Rule Making proposed to add in §§ 10.254(a), 10.304(a), 10.354(a), 10.404(a), and 10.554(a) the requirement that mobile relay stations authorized pursuant to the provision of these sections be so designed and installed that: normally it will be activated only by means of a coded signal or signals or such other means as will effectively prevent its activitation by undesired signals; it will be deactivated automatically when its associated receivers are not receiving the signal on the frequency or frequencies which normally activates it; and it will be deactivated upon receipt or cessation of a coded signal or signals and, in addition, shall be provided with an automatic time-delay or clock device which will deactivate the station not more than three minutes after its activation.

The proposal which, if adopted, would require mobile relay stations in the Public Safety Radio Services to be so designed and installed as to provide for coded signal actuation and de-actuation results from the Commission's concern that mobile relay systems in the Public Safety Radio Services should be so engineered so as to preclude the possibility of actuation by undesired signals. Typical of the reactions which this proposal engendered is that of the Forestry Conservation Communications Association which stated:

> The desirability for tone control of mobile relay stations which are activated by frequencies below 150 Mc to prevent activation by undesirable signals, is recognized. The same form of control does not appear desirable or necessary in the case of mobile relay stations activated by frequencies above 150 Mc. Extensive experience by several states in operating mobile relay stations activated by frequencies above 150 Mc has failed to produce evidence of the activation of such mobile relay stations by signals other than the normal activating frequency.

The comment of Motorola, Inc., states:

> Motorola supports the Commission's concern that mobile relay systems should be so engineered so as to preclude a possibility of their actuation by undesired signals. This is especially true when the frequency which actuates the mobile relay station (the mobile transmit frequency) falls in the 25–50 Mc band. In contrast, the same propagation characteristics which limit direct mobile-to-mobile range on frequencies higher in the spectrum, also reduces the probability of mobile relay systems being actuated by undesired signals * * *. Years of experience with such systems [mobile relay systems] in the Industrial Services have shown that the use of tones is generally unnecessary above 150 Mc but should be permitted and not made mandatory.

That portion of the proposal which would require that mobile relay stations be so designed and installed as to be deactivated upon receipt or cessation of a coded signal or signals "and in addition shall be provided with an automatic time delay or clock device which will deactivate the station not more than three minutes after its activation" was also objected to by the Forestry Conservation Communications Association. This Association stated:

> It is felt that the mandatory use of both tone coded signals or cessation of coded signals and a time delay or clock device is unnecessary to accomplish the desired results. Experience with several hundred mobile relay stations in the Forestry Conservation Radio Service equipped with time delay deactivating devices has proven such an arrangement to be effective in accomplishing the result we feel is desired by the proposal in § 10.354(a)(3). We respectfully request the wording in the Commission's proposal of § 10.354(a)(3) to be as follows:
>
> "Each mobile relay station authorized pursuant to this section shall be so designed and installed that it will be deactivated upon receipt or cessation of a coded signal or signals or shall be provided with an automatic time delay or clock device which will deactivate the station not more than three minutes after its activation".

The City of Los Angeles, California suggests that the proposal be modified so as to provide that in lieu of requiring the design and installation of mobile relay stations to be such that they will be deactivated upon receipt or cessation of a coded signal or signals that the licensee be allowed to "provide a positive control from a manned control point which will allow the repeater to be placed in an inoperative condition if required by an improper operation." In support of this suggestion, the City of Los Angeles states:

> Our City is at present using a repeater located in a remote location which is controlled by microwave from our main dispatch point in the city hall. This dispatch point is manned at all times that the system is in use and the operator can deactivate the repeater positively through the microwave circuit. We believe this meets the Commission's objective in proposing the use of a coded tone for deactivation of the repeater and, in fact, is more positive in operation since control can be withheld from any unit, even one operating in our own system.

After considering all comments filed, the Commission finds that the public interest will be served by adoption of the proposals discussed in this paragraph, with the following modifications: The requirements set forth in this proposal will be made applicable only to mobile relay stations which are activated by the use of frequencies below 50 Mc and will be adopted in a form which will only require that mobile relay stations be so designed and installed as to be deactivated upon receipt or cessation of a coded signal or shall be equipped with an automatic time delay or clock device which will deactivate the station not more than three minutes after its activation.

Several parties requested that should such proposal be adopted, the Commission exempt from the requirements thereof all mobile relay stations authorized prior to the effective date of the amendment. A check of the Commission's records indicates that very few presently authorized mobile relay stations are in systems where the activating frequency, that of the associated mobile units, is below 50 Mc. In view of this fact and the fact that the proposal is being adopted in such manner as to make the requirements relative to coded signal activation and deactivation mandatory only for those mobile relay stations activated by signals transmitted on frequencies below 50 Mc, the adoption of the proposal as modified, will have adverse economic impact only upon an extremely small number of licensees. Furthermore, the Commission is of the opinion that the benefits to be derived from promulgation of the requirements set forth in the proposal being discussed herein, as modified, more than offset any detriment which may accrue to those few licensees of presently authorized mobile relay stations which may be activated by signals transmitted on frequencies below 50 Mc. Accordingly, the requested exemption of presently authorized mobile relay stations from the requirements being adopted is denied.

7. The Notice of Proposed Rule Making proposed to add §§ 10.254(d), 10.304(c), 10.354(c), 10.404(d), and 10.554(c) and amend §§ 10.255(f), 10.305(e), 10.355(c), 10.405(d), and 10.555(e) so as to provide that "control" stations in the Police, Fire, Forestry-Conservation, Highway Maintenance, and Local Government Radio Services which are associated with one or more mobile relay stations, authorized pursuant to Part 10 of the Commission's rules, may be assigned the mobile service frequency assigned to mobile stations associated with such mobile relay stations; assignment of such frequencies to these "control" stations would be subject to the condition

that harmful interference not be caused to stations of other licensees operating in the mobile service in accordance with the Table of Frequency Allocations as set forth in Part 2 of the Commission's rules.

The comment of the Florida Fish and Game Commission states in regard to this proposal:

This Commission favors this change in the rules and is of the opinion it will contribute to more adequate control and flexibility of the system, provided, no frequency below 150 Mc be assigned mobile or base control units for the purpose, either primarily or secondarily, of activating a mobile relay station transmitter or allied equipment.

The Forestry Conservation Communications Association states that it is in agreement with this proposal and feels that adoption of such proposal "will contribute to more adequate control and provide system flexibility. It is felt, however, that under no circumstances should this proposal be extended to frequencies below 150 Mc." The comment of Motorola, Inc., supports adoption of this proposal and states:

Along with the Commission's proposal to eliminate special qualifications for mobile relay systems in the Public Safety Services, with the exception of the Special Emergency Service, it is certainly in the interest of all concerned to simultaneously amend the rules to permit control stations to be authorized to transmit on the mobile service frequency assigned to the associated mobile station * * *. Unless this phase of the proposal is adopted many mobile relay systems will continue to use three frequencies. Thus, the existing rules place an unnecessary economic burden on the licensee when three frequencies, as required, result in an inefficient use of the spectrum.

The City of Los Angeles, California also supports adoption of this proposal and in support of its position states:

In our opinion, this will clarify permissible use of mobile relay stations, allow the use of control stations operating on the mobile frequencies which many times are essential to overall system operation, and insure sufficient safeguards to adequately control this type of operation. The ability to use control stations at remote locations in branch service yards for direct contact to mobile repeater with mobile units in the field, is essential for the development of our radio system serving the Highway Maintenance and sanitation bureaus of the City and the Department of Animal Regulation and the Office of the Civil Defense.

The present provisions of the rules applicable to the Public Safety Radio Services would permit the assignment to stations controlling mobile relay stations of the mobile service frequency when such mobile service frequency is above 150 Mc. Therefore, adoption of the suggestion made by the Forestry Conservation Communications Association and the Florida Fish and Game Commission (that assignment to stations "controlling" mobile relay stations of the "mobile service frequencies" of associated mobile units be restricted so as to allow assignment of such frequencies only when they are above 150 Mc) would require no change in the rules and accomplish no beneficial purpose. In this connection, it is noted that no basis for the suggested restriction is set out by the comments of these parties. The requirement that mobile relay stations which are activated by frequencies below 50 Mc be coded signal activated and deactivated will, in the opinion of the Commission, substantially preclude the possibility of such mobile relay stations being activated by undesired signals.

Furthermore, the assignment of the "mobile service frequency" of associated mobile units to control stations associated with mobile relay stations will be subject to the condition that harmful interference not be caused to stations of other licensees operating in the mobile service in accordance with the Table of Frequency Allocations as set forth in Part 2 of the Commission's rules. Accordingly, this proposal is being adopted in the form in which it was proposed.

8. *Accordingly, it is ordered*, Pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that Part 10 of the Commission's rules be and is amended, effective August 21, 1959, 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)

Adopted: July 15, 1959.

Released: July 17, 1959.

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

Part 10 of the Commission's rules, public safety radio services, is amended as follows:

1. Section 10.254 is amended to revise the text of paragraph (a) and to add a new paragraph (d) as follows:

**§ 10.254 Station limitations.**

(a) Mobile relay stations in the Police Radio Service will be authorized only on frequencies above 150 Mc which are, pursuant to the provisions of § 10.255(g), available for base or mobile stations. Each mobile relay station authorized pursuant to the provisions of this section which is intended to be activated by signals transmitted on a frequency below 50 Mc shall be so designed and installed that:

(1) Normally it will be activated only by means of the coded signal or signals or such other means as will effectively prevent its activation by undesired signals;

(2) It will be deactivated automatically when its associated receivers are not receiving the signal on the frequency or frequencies which normally activate it; and

(3) It will be deactivated upon receipt or cessation of a coded signal or signals, or shall be provided with an automatic time delay or clock device which will deactivate the station not more than three minutes after its activation.

* * * * *

(d) A control station associated with one or more mobile relay stations, authorized pursuant to this section, may be assigned the mobile service frequency assigned to the associated mobile station. Use of the mobile service frequency by such control station is subject to the condition that harmful interference not be caused to stations of other licensees operating in the mobile service in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

2. Section 10.255(f) is amended to read as follows:

**§ 10.255 Frequencies available to the Police Radio Service.**

* * * * *

(f) Control and repeater stations, except as provided for by § 10.254(d), in the Police Radio Service may be authorized on a temporary basis to operate on frequencies available for base and mobile stations above 152 Mc, provided an adequate showing is made why such operations cannot be conducted on frequencies allocated to the Operational Fixed Service. Such operation on base or mobile frequencies will not be authorized initially nor renewed for periods in excess of one year. Any such authorization shall be subject to immediate termination if harmful interference is caused to the Mobile Service, or if the particular frequency is required for mobile service operations in the area concerned.

3. Section 10.304 is amended to revise the text of paragraph (a) and to add a new paragraph (c) as follows:

**§ 10.304 Station limitations.**

(a) Mobile relay stations in the Fire Radio Service will be authorized only on frequencies above 150 Mc which are, pursuant to the provisions of § 10.305(f), available for base or mobile stations. Each mobile relay station authorized pursuant to the provisions of this section which is intended to be activated by signals transmitted on a frequency below 50 Mc shall be so designed and installed that:

(1) Normally is will be activated only by means of the coded signal or signals or such other means as will effectively prevent its activation by undesired signals;

(2) It will be deactivated automatically when its associated receivers are not receiving the signal on the frequency or frequencies which normally activate it; and

(3) It will be deactivated upon receipt or cessation of a coded signal or signals, or shall be provided with an automatic time delay or clock device which will deactivate the station not more than three minutes after its activation.

* * * * *

(c) A control station associated with one or more mobile relay stations, authorized pursuant to this section, may be assigned the mobile service frequency assigned to the associated mobile station. Use of the mobile service frequency by such control station is subject to the condition that harmful interference not be caused to stations of other licensees operating in the mobile service in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

4. Section 10.305(e) is amended to read as follows:

**§ 10.305 Frequencies available to the Fire Radio Service.**

* * * * *

(e) Control and repeater stations, except as provided for by § 10.304(c), in the Fire Radio Service may be authorized on a temporary basis to operate on frequencies available for base and mobile stations above 152 Mc, provided an adequate showing is made why such operation cannot be conducted on frequencies allocated to the Operational Fixed Service. Such operation on base or mobile frequencies will not be authorized initially nor renewed for periods in excess of one year. Any such authorization shall be subject to immediate termination if harmful interference is caused to the Mobile Service or if the particular frequency is required for mobile service operations in the area concerned.

5. Section 10.354 is amended to revise the text of paragraph (a) and to add a new paragraph (c) as follows:

**§ 10.354 Station limitations.**

(a) Mobile relay stations in the Forestry-Conservation Radio Service will be authorized only on frequencies above 150 Mc which are, pursuant to the provisions of § 10.355(d), available for base or mobile stations. Each mobile relay station authorized pursuant to the provisions of this section which is intended to be activated by signals transmitted on a frequency below 50 Mc shall be so designed and installed that:

(1) Normally it will be activated only by means of the coded signal or signals or such other means as will effectively prevent its activation by undesired signals;

(2) It will be deactivated automatically when its associated receivers are not receiving the signal on the frequency or frequencies which normally activate it; and

(3) It will be deactivated upon receipt or cessation of a coded signal or signals, or shall be provided with an automatic time delay or clock device which will deactivate the station not more than three minutes after its activation.

* * * * *

(c) A control station associated with one or more mobile relay stations, authorized pursuant to this section, may be assigned the mobile service frequency assigned to the associated mobile station. Use of the mobile service frequency by such control station is subject to the condition that harmful interference not be caused to stations of other licensees operating in the mobile service in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

6. Section 10.355(c) is amended to read as follows:

**§ 10.355 Frequencies available to the Forestry-Conservation Radio Service.**

* * * * *

(c) Control and repeater stations, except as provided for by § 10.354(c), in the Forestry-Conservation Radio Service may be authorized on a temporary basis to operate on frequencies available for base and mobile stations above 150.8 Mc, provided an adequate showing is made why such operation cannot be conducted on frequencies allocated to the Operational Fixed Service. Such operation on base or mobile frequencies will not be authorized initially nor renewed for periods in excess of one year. Any such authorization shall be subject to immediate termination if harmful interference is caused to the Mobile Service or if the particular frequency is required for mobile service operations in the area concerned.

7. Section 10.404 is amended to revise the text of paragraph (a) and to add a new paragraph (d) as follows:

**§ 10.404 Station limitations.**

(a) Mobile relay stations in the Highway Maintenance Radio Service will be authorized only on frequencies above 150 Mc which are, pursuant to the provisions of § 10.405(e), available for base or mobile stations. Each mobile relay station authorized pursuant to the provisions of this section which is intended to be activated by signals transmitted on a frequency below 50 Mc shall be so designed and installed that:

(1) Normally it will be activated only by means of the coded signal or signals or such other means as will effectively prevent its activation by undesired signals;

(2) It will be deactivated automatically when its asociated receivers are not receiving the signal on the frequency or frequencies which normally activate it; and

(3) It will be deactivated upon receipt or cessation of a coded signal or signals, or shall be provided with an automatic time delay or clock device which will deactivate the station not more than three minutes after its activation.

* * * * *

(d) A control station associated with one or more mobile relay stations, authorized pursuant to this section, may be assigned the mobile service frequency assigned to the associated mobile station. Use of the mobile service frequency by such control station is subject to the condition that harmful interference not be caused to stations of other licensees operating in the mobile service in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

8. Section 10.405(d) is amended to read as follows:

**§ 10.405 Frequencies available to the Highway Maintenance Radio Service.**

* * * * *

(d) Control and repeater stations, except as provided for by § 10.404(d), in the Highway Maintenance Radio Service may be authorized on a temporary basis to operate on frequencies available for base and mobile stations above 150.8 Mc, provided an adequate showing is made why such operation cannot be conducted on frequencies allocated to the Operational Fixed Service. Such operation on base or mobile frequencies will not be authorized initially nor renewed for periods in excess of one year. Any such authorization shall be subject to immediate termination if harmful interference is caused to the mobile service or if the particular frequency is required for mobile service operations in the area concerned.

9. Section 10.554 is amended to revise the text of paragraph (a) and to add a new paragraph (c) as follows:

**§ 10.554 Station limitations.**

(a) Mobile relay stations in the Local Government Radio Service will be authorized only on frequencies above 150 Mc which are, pursuant to the provisions of § 10.555(f), available for base or mobile stations. Each mobile relay station authorized pursuant to the provisions of this section which is intended to be activated by signals transmitted on a frequency below 50 Mc shall be so designed and installed that:

(1) Normally it will be activated only by means of the coded signal or signals or such other means as will effectively prevent its activation by undesired signals;

(2) It will be deactivated automatically when its associated receivers are not receiving the signal on the frequency or frequencies which normally activate it; and

(3) It will be deactivated upon receipt or cessation of a coded signal or signals, or shall be provided with an automatic time delay or clock device which will deactivate the station not more than three minutes after its activation.

* * * * *

(c) A control station associated with one or more mobile relay stations, authorized pursuant to this section, may be assigned the mobile service frequency assigned to the associated mobile station. Use of the mobile service frequency by such control station is subject to the condition that harmful interference not be caused to stations of other licensees operating in the mobile service in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

10. Section 10.555(e) is amended to read as follows:

**§ 10.555 Frequencies available to the Local Government Radio Service.**

* * * * *

(e) Control and repeater stations, except as provided for by § 10.554(c), in the Local Government Radio Service will be authorized only on frequencies allocated to operational fixed stations.

[F.R. Doc. 59-6022; Filed, July 21, 1959; 8:50 a.m.]

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[Docket No. 12728; FCC 59-716]

## PART 12—AMATEUR RADIO SERVICE

### Operating Privileges for Technician Class Amateur Operator

In the matter of amendment of Part 12 of the Commission's rules, Amateur Radio Service, to permit operating privileges for the Technician Class amateur operator in the 144–148 Mc band; Docket No. 12728.

1. On January 7, 1959, the Commission adopted a Notice of Proposed Rule Making in the above-entitled matter which was released on January 13, 1959, and published in the FEDERAL REGISTER of January 16, 1959 (24 F.R. 396). In that Notice it was proposed to amend Section 12.23(d) of the rules to permit the holders of Technician[1] Class amateur operator licenses to operate in the 144–148 Mc amateur band. Ample opportunity was afforded interested parties to submit comments in support of, or in opposition to, the proposed amendment, and the time allowed for filing such comments has expired.

2. Rule changes proposed in this proceeding were engendered by a petition filed by Mr. Robert K. Wallace, R.R. #1, Box 7, Bellbrook, Ohio, licensee of amateur station K8BYQ.

The Commission has received a very large number of comments, both for and against the proposal, from individuals and from organizations representing large numbers of interested parties including the American Radio Relay League, Inc.,[2] and a number of amateur radio clubs.

3. The League filed its comment in support of the proposed amendment to the rules and stated: "* * * We agree with the Commission's conclusion that several of the pertinent considerations have undergone changes in the four years since a similar proposal was dismissed, largely at our request. The League feels that, in general terms, the arguments set forth are valid and meritorious."

The principal arguments which were advanced by comments supporting adoption of the proposal may be summarized as follows:

(a) "The 144–148 Mc band offers a 'stepping stone' between the familiar techniques of communication in the HF region and those in existence and under development for the UHF region. (Example: 144 Mc is probably the lowest amateur-assigned frequency for effective application of parametric amplification techniques now being developed.) This band thus offers a real challenge in advancing the state-of-the-art as well as the achievements obtainable from known techniques." Furthermore, it offers the less experienced amateurs an easier transition to the higher VHF and the UHF than the present span of 50 Mc to 220 Mc.

(b) "The normal short range propagation characteristics of the frequency band under consideration make it well suited to limited range emergency communications."

(c) "Civil Defense activities will be accelerated inasmuch as there are many areas which utilize the band for their activities, and which do not utilize the 50–54 Mc amateur band." This would be the "best band for civil defense work open to all amateurs."

(d) "In case of emergency (CD nature) it would create a pool of skilled operators on a band that would be more useful for short range communications than 6 meters [50–54 Mc]."

(e) The Civil Air Patrol and the Military Affiliate Radio System will be assisted because CAP and MARS personnel who are "Technicians" will be encouraged to purchase VHF equipment capable of being operated on the CAP and MARS VHF frequencies adjacent to the 144–148 Mc amateur band as well as in that band.

(f) The rule change would provide a common meeting ground "wherein Novice and Technician licensees may communicate with each other * * *" on the same band "* * * whereas none now exists."

(g) It would relieve an economic hardship now imposed upon Novice licensees who progress to the Technician Class but not to the General Class in that they would, under the proposal, be enabled to continue use of their 144 Mc equipment.

(h) The 144 Mc band has not been developed to any appreciable extent in many areas. "Technicians" would greatly assist in developing it as they have the 50 Mc band.

(i) The proposed amendment would greatly assist those "Technicians" living in TV channel 2 areas by providing a VHF band much less likely to interfere with television reception.

(j) The "Technicians," by increasing the occupancy of the band, will provide "greater potential for contribution to technical knowledge." The "Technicians" are presently hampered in propagation investigations by the great gap between the 50 Mc and 220 Mc bands at present available to them.

(k) "The harmonic relationship between 144, 432, and 1296 megacycles bands will serve to increase activity * * *" and experimentation in the UHF region.

(l) "There is no legitimate reason to single out one band in a contiguous group and deny 'Technicians' the right to operate in it."

4. The principal arguments advanced by those opposed to the proposed amendment are:

(a) The Technician Class license was established in order to promote experimentation in the higher portion of the spectrum and to permit the study of propagation characteristics and the development of equipment and communication techniques by persons not interested in the routine exchange of communications. The experience gained since the 50–54 Mc band was made available to "Technicians" indicates that little experimentation is conducted in that band by "Technicians" and that the predominant use of the band by this Class of amateur operator is for "rag chewing." The same situation would probably result in the 144–148 Mc band, should it be made available to "Technicians," in that the great majority would use it for purposes other than experimentation. This is borne out by the very large amount of commercially built equipment being used by "Technicians" in the 50–54 Mc band and the fact that much of this same equipment is also operable in the 144–148 Mc band.

(b) As has happened in the 50–54 Mc band, the proposed amendment would tend to reduce further the number of technicians who will increase their code speed to 13 words per minute and qualify as General Class licensees. This tends to lower the standards of the amateur service as a whole since it reduces the percentage of amateurs who are capable radio telegraph operators.

(c) The Technician Class license term is five years and is renewable. Therefore, the proposal to permit "Technicians" to operate in an additional band will reduce the incentive of this class amateur operator to obtain General Class privileges.

(d) "Technicians" at the present time do very little experimental work and have contributed little toward advancement of the art. To permit them to operate in the 144–148 Mc band would lessen interest at 220 Mc and above, thereby further defeating the purpose of the "Technician's" license.

(e) In a number of the larger metropolitan areas the 144–148 Mc band is already well occupied. Permitting "Technicians" to operate in the band may well overload it in those areas. Furthermore, although "the importance of occupancy of these higher frequency bands for their future availability to the amateur service * * *" is fully realized "* * * it is felt that Technician privileges designed solely for occupancy are a step backward as far as improving the amateur art is concerned. An extremely important provision for Technician occupancy should be some means of promoting their participation in experimentation and development and not merely allowing general communications to prevail."

(f) The amendment, if adopted, will not add to the number of persons qualified to provide emergency communications since "Technicians" generally, are not concerned with message procedure nor interested in improving their operating practices. Also, since "Technicians" are not eligible for RACES station authorizations, no additional emergency communications stations would result from the proposal.

(g) "The Technician already has enough room in the 50 Mc band and only uses the lower 800 kc of that."

5. A considerable number of comments were to the effect that something less than the whole 144–148 Mc band should be made available for "Technicians" or that special conditions be made applicable to any such availability. These recommendations included a large variety of proposals for opening portions of the band to "Technicians." One of these was that 144.1 to 148 Mc be made available to "Technicians" with the 144.1 to 144.2 Mc segment being for A1 emission only. Others suggested 145–147 Mc; 145–148 Mc; and 145–146 Mc with a 75 watt power limit. Some comments suggested that A1 and A2 emission only be permitted to "Technicians" operating in the band to encourage their increasing their code speed. Others suggested that the band be available to only those "Technicians" who have passed the 13 words per minute code test. A number of amateurs recommended that the band be made available to only those "Technicians" who have passed the examination under the supervision of Commission personnel; others that all "Technicians" be required to take the examination before a Commission examiner; still others that "Technicians" be required to take the Amateur Extra Class license written examination or an examination equivalent to the first or second class Radiotelephone Operator License examination.

6. The Commission has carefully considered every comment filed in this proceeding and has evaluated the soundness of the reasons given for each expressed position. As a result of this consideration the Commission finds:

(a) Frequencies in the 144–148 Mc range have been demonstrated to be very useful and reliable for communication purposes over distances of up to and somewhat beyond line-of-sight. Furthermore, long range interference is seldom a serious problem at these frequencies. Consequently, the band could provide means for carrying on necessary civil defense and emergency communications over short and medium range distances and use of the frequencies may be duplicated in relatively closely spaced areas without mutual interference.

[1] Hereinafter referred to as "Technicians."
[2] Hereinafter referred to as the League.

(b) "Technicians" are the only amateurs who presently have no access to the 144–148 Mc band. Making this band available to "Technicians" would provide one area of the spectrum in which all amateurs could intercommunicate on one band, and the only area in which "Technicians" and Novices could so intercommunicate.

(c) Adoption of the proposal would permit experimentation by "Technicians" in the 144–148 Mc band and thereby increase the potential for the advancement of general knowledge of this portion of the spectrum.

(d) Opening the band for "Technicians" would tend to more evenly distribute activity in the VHF amateur bands.

(e) Even though "Technicians" are not eligible for RACES station licenses, permitting them to operate their amateur stations in the 144–148 Mc band would result in there being in use more equipment capable of operation in that band. This additional equipment could be made available for use in RACES operations thus contributing to the success of civil defense activities. Furthermore, the "Technicians" who gain experience in operating in the band would, thereby, become a valuable asset in the conduct of civil defense operation using these frequencies.

(f) Even though the 144–148 Mc band is well occupied in a number of large metropolitan areas, the amount of use being made of it throughout most of the country is relatively small. Thus, the use of these frequencies by "Technicians" would aid materially in promoting overall occupancy of the band.

(g) A large number of the comments in opposition to the proposal contained the arguments that less than the entire 144–148 Mc band should be made available to "Technicians." The reasons given were generally related to the belief that opening the whole band to "Technicians" would decrease the incentive of these amateurs to experiment with and develop higher portions of the spectrum, and to increase their code speed with the intent to advance to General Class licensees. These arguments appear to have merit and the Commission is led to concur therewith. It would appear that, to attain a more even distribution of occupancy of the VHF amateur bands, increase participation of amateurs in civil defense activities, and still retain some of the incentive for "Technicians" to gain General Class privileges, only part of the band under discussion should be made available to "Technicians."

7. In view of the foregoing, the Commission concludes that the public interest will be served by amending the rules so that only two megacycles, or half, of the 144–148 Mc band are made available to "Technicians."

Further, the Commission concludes that the 145–147 Mc segment of the band is a reasonable choice for the specific band segment for a number of reasons; namely, it would permit the "Technicians" and Novices to intercommunicate on the same band using voice or telegraphy; the two classes could take advantage of this for the purpose of increasing their code speed and, hence, qualifying for General Class privileges; it would result in the least disruption of General Class licensees who are presently using specific segments of the band; Novices who progress first to "Technicians" could continue to use their equipment without the necessity of shifting frequency; and this, coupled with the fact that amateurs tend to group in band segments so as to intercommunicate more consistently using the same mode of operation, appears to provide the best solution in arriving at a choice of band segment for "Technicians" in the band.

8. *Accordingly, it is ordered,* Pursuant to the authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, that Part 12 of the Commission's rules be and is amended, effective August 21, 1959, as set forth below.

9. *It is further ordered,* That the petition of Mr. Robert K. Wallace for amendment of § 12.23(d) of the rules is granted to the extent that the determinations herein are consistent therewith and is, in all other respects, denied.

(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)

Adopted: July 15, 1959.

Released: July 17, 1959.

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

Section 12.23(d) is amended to read as follows:

**§ 12.23 Classes and privileges of amateur operator licenses.**

* * * * *

(d) *Technician Class.* All authorized amateur privileges in the amateur frequency bands 50 to 54 Mc, 145 to 147 Mc, and in the amateur frequency bands above 220 Mc.

[F.R. Doc. 59–6023; Filed, July 21, 1959; 8:50 a.m.]

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[Docket No. 12568; FCC 59–713]

## PART 31—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

## PART 33—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C TELEPHONE COMPANIES

## PART 34—UNIFORM SYSTEM OF ACCOUNTS FOR RADIOTELEGRAPH CARRIERS

## PART 35—UNIFORM SYSTEM OF ACCOUNTS FOR WIRE-TELEGRAPH AND OCEAN-CABLE CARRIERS

### Accounting for Certain of the Amounts Charged Customers Upon Termination of Service

In the matter of amendment of Parts 31, 34, and 35 of the Commission's rules with respect to the accounting for certain of the amounts charged customers upon the termination of service. (Also amendment of Part 33 with respect to the same matter); Docket No. 12568.

1. On July 31, 1958, the Commission adopted a Notice of Proposed Rule Making in the above-entitled matter, which was published in the FEDERAL REGISTER on August 6, 1958 (23 F.R. 5960), in accordance with section 4(a) of the Administrative Procedure Act. This Notice presented for comment, on or before September 15, 1958 (with allowance for reply comments within twenty days thereafter) a proposal of American Telephone and Telegraph Company (AT&T), made on behalf of itself and the Bell System companies, that the prescribed accounting in Part 31 (Uniform System of Accounts, Class A and Class B Telephone Companies) of the Commission's Rules which states that the operating revenue accounts shall be credited with all amounts charged for termination of service be changed so as to provide that amounts received at the termination of service when such amounts are designed to cover the loss of investment in the particular case shall be credited to the depreciation reserve. There was also presented for comment an alternative to the AT&T proposal which contemplated the continuance of the revenue credits but, in order to provide in the depreciation reserve for the loss of investment recovered, would call for expense charges with concurrent credits to the depreciation reserve. Since The Western Union Telegraph Company may also be making termination charges of the type AT&T had in mind, comments were invited on amending Part 35 (Uniform System of Accounts for Wire-Telegraph and Ocean-Cable Carriers) of the Commission's rules in the same manner as Part 31. In order to keep Part 34 (Uniform System of Accounts for Radiotelegraph Carriers) of the Commission's rules parallel in its provisions to Part 35, it was suggested that it might also be amended.

2. Timely comments were received from AT&T, General Telephone Service Corporation (General), Hawaiian Telephone Company (Hawaiian), California Interstate Telephone Company (Interstate), the Rural Electrification Administration (REA), United States Independent Telephone Association (USITA), New Jersey Department of Public Utilities (NJ) and the Wyoming Public Service Commission (Wyo.). Since all the comments were received from telephone companies or from others whose interests are more identified with telephone activities than with telegraph, the discussion will be in terms of Part 31 of the Commission's rules. There were no replies to the original comments filed. No one requested a public hearing or oral argument.

3. General and USITA believe that Part 31 of our rules as presently written may reasonably be interpreted to provide for the depreciation reserve accounting desired by AT&T. However, USITA believes that a simple and direct clarification is desirable. NJ, on the other hand, believes that the system of accounts as presently written calls for the accounting contemplated by the alternative presented for comment. No purpose would be served by discussing these points of

view because we believe the system of accounts should be amended in such a manner that the accounting for this particular type of termination charge will be perfectly clear to everyone.

4. NJ, despite its expressed view that the system of accounts already covers the situation adequately, is willing to see an amendment adopted and, in that event, would find no objection to the alternative proposal presented for comment. Wyo. believes an amendment is required and expresses no preference as between the two proposals presented for comment.

5. AT&T, General, Interstate, REA and USITA all believe the "Capital Accounting" approach proposed by AT&T is the one which should be adopted. Hawaiian also prefers the AT&T proposal although it finds the alternative proposal to have some of the advantages of the AT&T proposal.

6. In answer to a possibility discussed in the proposed rule making, AT&T contends that it would not be feasible to substitute initial nonrecurring installation charges and higher regularly recurring service charges for the type of termination charges under consideration. The reason given for this contention is that there is no practical basis for computing such initial and regular charges. General also states that it would not be practical to avoid termination charges in this manner for the reasons that, if there is no premature termination, no termination charge is involved and the date of termination of the contract usually is beyond the control of the customer and cannot be foreseen by either the company or the customer. Difficulty in fixing nonrecurring installation charges or regularly recurring charges at levels to make termination charges unnecessary is no answer to our point that all three should be treated in like manner in the accounts. A more basic differentiation is required to justify different accounting treatment.

7. AT&T accepts the thought expressed in our Notice of Rule Making that the termination charges in question are charges for service. It does not disagree that the general rule is that all charges for service are credited to revenues. It asserts, however, that termination charges which are designed to reimburse for capital costs in particular cases are from an accounting viewpoint different from other charges for service. They are, it adds, so special and contingent in nature as to be in a class by themselves. AT&T draws an analogy between the special type of termination charges with which we are concerned herein, and the liquidated damages recovery by the owner from one who charters his ship and it is lost at sea. General makes a like point by analogy to insurance or salvage recoveries. REA points out that the termination charges are computed on the basis of estimated plant loss and argues that they are thus not charges for service as such. REA also called attention to Case E–105 relating to the uniform system of accounts for electric utilities in which the Committee on Accounts of the National Association of Railroad and Utilities Commissioners ruled in favor of crediting cancellation payments received upon cancellation of power contracts to the depreciation reserve, looking upon them as being in the nature of salvage recoveries.

8. AT&T, General, USITA and REA object to the suggestion in the proposed rule making that the termination charge amounts which are to be accorded special accounting treatment be limited to those exceeding $10,000. This limitation was suggested principally to exclude small items which might occur with considerable frequency and be of such nature that their effect on the depreciation reserve would be contemplated in service life studies made for the purpose of determining depreciation rates. In view of the comments received, a dollar limitation has not been adopted, but it has been provided that relatively minor amounts shall not be accorded the special accounting even though they qualify for it in other respects. If there are many termination charges, they may ultimately have an effect upon depreciation accrual rates.

9. General indicates that, under the "Revenue and Expense Accounting" approach, if termination charges are treated as taxable income and the offsetting charge to operating expenses is disallowed for tax purposes, it may be necessary to collect additional amounts from customers to cover the resulting taxes. General believes that "the Internal Revenue Service would more likely accept the recovery as 'depreciation reserve accounting' if it is so recorded on the books in accordance with F.C.C. requirements." Hawaiian states that an advantage of the "Capital Accounting" approach would be a reduction of the amount of gross receipts taxes. The Commission feels that possible tax effects cannot be permitted to control the accounting it prescribes. It seems unlikely, in any event, that tax authorities would not look behind the accounts and levy taxes according to their ideas of proper application of the tax statutes. There are numerous examples of differences between the accounts for tax purposes and for financial reporting. It is to be noted, also, that total income taxes payable would not be affected, but only the timing of their impact on a communications carrier.

10. The Commission, faced with a choice between two courses, viz, "Capital Accounting" or "Revenue and Expense Accounting," has decided upon the latter. It is clear from all the Commission's prescribed systems of account that the operating revenue accounts are designed to show amounts of money which become lawfully receivable by utilities from the furnishing of communication service, including operations incidental thereto. There are express exceptions to this general rule, such as for initial charges based on the cost of specially assembled private branch exchanges, which were pointed out in the comments of General and REA and in the petition for rule making of AT&T. We are not persuaded that we should broaden the scope of these exceptions in this instance. The amendments adopted do not follow exactly the form presented in the Notice of Proposed Rule Making but have been modified and supplemented as considered desirable to accomplish the changes most effectively.

11. The amendments adopted provide for continuing to credit all termination charges to revenue and that, except for relatively minor amounts, where losses of investment occasioned by terminations of service are recovered through termination charges then (in the case of Part 31) account 171 shall be credited and account 609 shall be charged with the amounts thereof. It is possible that some termination charges of the type under consideration may include an element of profit or some other amount which does not represent recovery of the estimated loss of plant investment. Accordingly, the amendments are so worded as to exclude any such elements from charges to expense and credits to the depreciation reserve. When, in these amendments, reference is made to a termination charge designed to recover the loss in investment resulting from termination of service, it is not intended to limit the application to termination charges calculated on a case-by-case basis. Rather, it is intended to cover all termination charges designed to accomplish the recovery result, including those geared to an estimated average loss of investment. Among the telegraph carriers we believe that The Western Union Telegraph Company, at least, may be making termination charges of a type deserving special accounting treatment. Consequently, Parts 34 and 35 of our rules are being amended along the same lines as the amendments ordered for Part 31.

12. REA states that its interest in this proposed rule making stems from the fact that many state commissions have adopted Part 31 and Part 33 (Uniform System of Accounts for Class C Telephone Companies) of our Rules as their own rules and thus any changes in these systems normally become applicable to REA borrowers. REA requires that provision for termination charges be included in certain contracts between subscribers and its telephone borrowers in cases involving subscribers in rural areas with specialized service requirements. REA believes that the smaller telephone companies subject to Part 33 when adopted by state commissions may have this type of termination charge. In the proposed rule making, the Commission stated that it was not believed necessary to amend Part 33 because it was thought that any telephone company making termination charges of the type under consideration would not be using Part 33. However, in view of REA's comments Part 33 is being amended, but the manner of amendment supported by REA is not being adopted. It is believed that Part 33 should be amended in the same manner as discussed hereinbefore for Part 31.

13. The fact that we are amending our accounting rules to provide specifically for termination charges designed to recover losses of plant investment suffered as a result of termination of service by a customer is not to be taken as an indication of our attitude toward the inclusion of termination charges in a pub-

lic utility rate structure or, if they are included, what form they should take.

It appearing that the proposed rule making proceeding in this matter has indicated the desirability of amendment of Parts 31, 34 and 35 in substantially the form of the alternative proposal presented in the Notice of Proposed Rule Making;

It further appearing that Part 33 should be amended in a similar manner;

*It is ordered,* That under authority contained in sections 4(i) and 220 of the Communications Act of 1934, as amended, Part 31 (Uniform System of Accounts, Class A and B Telephone Companies), Part 33 (Uniform System of Accounts, Class A and Class B Telephone Companies), Part 33 (Uniform System of Accounts for Radiotelegraph Carriers) and Part 35 (Uniform System of Accounts for Wire-Telegraph and Ocean-Cable Carriers) are hereby amended as set forth below.

*It is further ordered,* That the amendments ordered herein be effective February 1, 1960; *Provided, however,* That any carrier may, if it so desires, make these amendments effective in its accounts at any earlier date that is subsequent to December 31, 1958.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154. Interpret or apply sec. 220, 48 Stat. 1078, 47 U.S.C. 220)

Adopted: July 15, 1959.

Released: July 17, 1959.

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

I. Part 31—Uniform System of Accounts for Class A and Class B Telephone Companies, is amended as follows:

1. New § 31.02–84 is added, as follows:

**§ 31.02–84 Plant retired compensated for by termination charges.**

When charges for terminations of service are made which are designed to recover a loss in service value resulting therefrom a charge to account 609, "Extraordinary retirements," shall be made as provided for in paragraph (b) of that account.

2. Section 31.171(b) is amended to read as follows:

**§ 31.171 Depreciation reserve.**

* * * * *

(b) At the time of retirement of depreciable telephone plant, this account shall be charged with the original cost of the property retired plus the cost of removal and shall be credited with the salvage value and insurance recovered, if any. (With respect to entries relating to station apparatus and station connections, see accounts 231 and 232). This account shall also be credited with amounts chargeable to account 138, "Extraordinary maintenance and retirements," as provided in § 31.02–83, and with amounts charged to account 609, "Extraordinary retirements," as provided in paragraph (b) thereof. (Note also § 31.2–25.)

3. Section 31.609 is amended to read as follows:

**§ 31.609 Extraordinary retirements.**

(a) This account shall include the proportion of the service value of telephone plant retired, carried in account 138, "Extraordinary maintenance and retirements," which by specific authority of this Commission shall be charged to operating expenses for the period. (Note also § 31.02–83 and account 138.)

(b) This account shall also include losses in service value, other than relatively minor amounts, suffered through terminations of service when charges for such terminations are made which are designed to recover the loss in service value. The measure of a charge made hereto shall be the portion of the termination charge assignable to recovery of service value loss. Amounts thus charged to this account shall be credited to account 171, "Depreciation reserve." (Note also § 31.02–84.)

II. Part 33—Uniform System of Accounts for Class C Telephone Companies, is amended as follows:

1. New § 33.66 is added, as follows:

**§ 33.66 Plant retired compensated for by termination charges.**

When charges for terminations of service are made which are designed to recover a loss in service value resulting therefrom a charge to account 5000, "Depreciation expense," shall be made as provided for in paragraph (b) of that account.

2. Section 33.2600(b) is amended to read as follows:

**§ 33.2600 Depreciation reserve.**

* * * * *

(b) At the time of retirement of depreciable telephone plant, this account shall be charged with the book cost of the property retired plus the cost of removal (except the cost of removal of station apparatus and station wiring) and shall be credited with the salvage value and insurance recovered, if any. It shall be credited with amounts representing extraordinary losses due to destruction of plant by storms, floods, etc., transferred to account 1890, "Other deferred charges," when so authorized by the Commission and with amounts charged to account 5000 as provided in paragraph (b) thereof. (See also § 33.66.)

3. Section 33.5000 is amended to read as follows:

**§ 33.5000 Depreciation expense.**

(a) This account shall include the amount of depreciation charges applicable to the accounting period for all classes of depreciable telephone plant, except amounts charged to clearing accounts (if kept). The depreciation charges shall be computed in accordance with § 33.65.

(b) This account shall include also losses in service value, other than relatively minor amounts, suffered through terminations of service when charges for such terminations are made which are designed to recover the loss in service value. The measure of a charge made hereto shall be the portion of the termination charge assignable to recovery of service value loss. Amounts thus charged to this account shall be credited to account 2600, "Depreciation reserve." (See also § 33.66.)

NOTE: Depreciation on miscellaneous physical property shall be charged to account 6100, "Income from miscellaneous physical property," and credited to account 2790, "Other reserves."

III. Part 34—Uniform System of Accounts for Radiotelegraph Carriers, is amended as follows:

1. New § 34.04–5 is added, as follows:

**§ 34.04–5 Plant retired compensated for by termination charges.**

When charges for terminations of service are made which are designed to recover a loss in service value resulting therefrom a charge to account 4925, "Extraordinary plant losses," shall be made as provided for in paragraph (b) of that account.

2. Section 34.1515(a) is amended to read as follows:

**§ 34.1515 Allowance for depreciation; radiotelegraph plant.**

(a) This account shall be credited with amounts charged to account 4910, "Depreciation," to account 5010, "Income from operated plant leased to others," to account 5299, "Other deductions from ordinary income," and to clearing accounts for currently accruing depreciation of radiotelegraph plant owned by the carrier; also with amounts charged to account 4925, "Extraordinary plant losses," as provided in paragraph (b) thereof, and with amounts of depreciation applicable to plant contributed to the carrier, and plant acquired from predecessors as provided in §§ 34.1–2 and 34.1–5. (See also §§ 34.04–1, 34.04–2, 34.04–3, 34.04–4, 34.04–5, and 34.30–3.)

3. Section 34.4925 is amended to read as follows:

**§ 34.4925 Extraordinary plant losses.**

(a) This account shall be charged and account 1910, "Extraordinary maintenance, depreciation, and retirements," or account 1515, "Allowance for depreciation; radiotelegraph plant," as appropriate, shall be credited with the unprovided-for loss in service value of plant retired for causes not factors in depreciation. (See also § 34.04–4.)

(b) This account shall include also losses in service value, other than relatively minor amounts, suffered through terminations of service when charges for such terminations are made which are designed to recover the loss in service value. The measure of a charge made hereto shall be the portion of the termination charge assignable to recovery of service value loss. Amounts thus charged to this account shall be credited to account 1515. (See also § 34.04–5.)

(c) The records supporting the entries in this account shall be so maintained as to show the amounts applicable to (1) transmission service for each station and (2) nontransmission service.

IV. Part 35—Uniform System of Accounts for Wire-Telegraph and Ocean-Cable Carriers, is amended as follows:

1. New § 35.04–5 is added, as follows:

**§ 35.04–5 Plant retired compensated for by termination charges.**

When charges for terminations of service are made which are designed to recover a loss in service value resulting therefrom a charge to account 4925, "Extraordinary plant losses," shall be made as provided for in paragraph (b) of that account.

2. Section 35.1515(a) is amended to read as follows:

**§ 35.1515 Allowance for depreciation; wire-telegraph and ocean-cable plant.**

(a) This account shall be credited with amounts charged to account 4910, "Depreciation," to account 5010, "Income from operated plant leased to others," to account 5299, "Other deductions from ordinary income," and to clearing accounts for currently accruing depreciation of wire-telegraph and ocean-cable plant owned by the carrier; also with amounts charged to account 4925, "Extraordinary plant losses," as provided in paragraph (b) thereof, and with amounts of depreciation applicable to plant contributed to the carrier and to plant acquired from predecessors, as provided in §§ 35.1–2 and 35.1–5(g). (See also §§ 35.04–1, 35.04–2, 35.04–3, 35.04–4, 35.04–5, and 35.30–3.)

3. Section 35.4925 is amended to read as follows:

**§ 35.4925 Extraordinary plant losses.**

(a) This account shall be charged with amounts representing the unprovided-for loss in service value of plant retired for causes not contemplated in prior allowances for depreciation approved for inclusion herein as provided in § 35.04–4.

(b) This account shall include also losses in service value, other than relatively minor amounts, suffered through terminations of service when charges for such terminations are made which are designed to recover the loss in service value. The measure of a charge made hereto shall be the portion of the termination charge assignable to recovery of service value loss. Amounts thus charged to this account shall be credited to account 1515, "Allowance for depreciation; wire-telegraph and ocean-cable plant." (See also § 35.04–5.)

(c) The records supporting the entries in this account shall be so maintained as to show separately the amounts applicable to (1) wire-telegraph plant and (2) ocean-cable plant.

[F.R. Doc. 59–6024; Filed, July 21, 1959; 8:50 a.m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 52 ]

### UNITED STATES STANDARDS FOR GRADES OF CANNED GRAPES [1]

### Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the issuance of the United States Standards for Grades of Canned Grapes pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). These standards, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than November 1, 1959.

PRODUCT DESCRIPTION AND GRADES



AUTHORITY: §§ 52.4021 to 52.4034 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION AND GRADES

**§ 52.4021 Product description.**

Canned grapes for the purpose of this subpart cover the product prepared from fresh, sound, properly matured grapes of the Thompson Seedless (Sultanina) variety or similar variety of white seedless grapes for canning. The grapes are stemmed, cleaned, and washed; are packed in a suitable packing media with or without the addition of nutritive sweetening ingredients, artificial sweetening ingredients, or other ingredients permissible under the Federal Food, Drug, and Cosmetic Act; and are sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

**§ 52.4022 Grades of canned grapes.**

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned grapes that possess similar varietal characteristics; that possess a normal flavor; that possess a good color; that are practically uniform in size; that are practically free from defects; that possess a good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 85 points: *Provided*, That the canned grapes may possess a reasonably uniform and reasonably bright typical color and may be reasonably uniform in size, if the total score is not less than 85 points.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of canned grapes that possess similar varietal characteristics; that possess a normal flavor; that possess a reasonably good color; that are reasonably uniform in size; that are reasonably free from defects; that possess a reasonably good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 70 points: *Provided*, That the canned grapes may fail to be reasonably uniform in size, if the total score is not less than 70 points.

(c) "Substandard" is the quality of canned grapes that fail to meet the requirements of U.S. Grade B.

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS

**§ 52.4023 Liquid media and Brix measurements for canned grapes.**

"Cut-out" requirements for liquid media in canned grapes are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The "cut-out" Brix measurements, as applicable, for the respective designations are as follows:

| *Designations* | *Brix measurement* |
|---|---|
| "Extra heavy sirup" | 22° or more but not more than 35°. |
| "Heavy sirup" | 18° or more but less than 22°. |
| "In water" | (No requirement.) |
| "In grape juice" | (No requirement.) |

**§ 52.4024 Recommended fill of container for canned grapes.**

The recommended fill of container for canned grapes is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be as full of grapes as practicable with-

[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 or with applicable State laws and regulations.

out impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

**§ 52.4025 Recommended minimum drained weights for canned grapes.**

(a) *General.* The minimum drained weight recommendations in Table I of this subpart are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining drained weight.* The drained weight of canned grapes is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch, ±3%, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and grapes less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

**§ 52.4026 Compliance with recommended minimum drained weights.**

Compliance with the recommended minimum drained weights for canned grapes 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:

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

(b) One-half or more of the containers meet the recommended drained weight; and

(c) The drained weights from the containers which do not meet the recommended drained weight are within the range of variability for good commercial practice.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED GRAPES

| Container designations (metal, unless otherwise stated) | Container size-overall dimensions | | In any liquid medium |
|---|---|---|---|
| | Width | Height | |
| | *Inches* | *Inches* | *Ounces* |
| 8 Z Tall | 2 13/16 | 3 4/16 | 5.2 |
| 8 oz. glass | | | 5.2 |
| No. 300 | 3 | 4 7/16 | 9.0 |
| No. 1 Tall | 3 1/16 | 4 13/16 | 10.0 |
| No. 303 | 3 3/16 | 4 5/16 | 10.0 |
| 303 glass | | | 10.0 |
| No. 2 | 3 7/16 | 4 9/16 | 12.2 |
| No. 2½ | 4 1/16 | 4 13/16 | 17.0 |
| No. 2½ glass | | | 17.5 |
| No. 10 | 6 3/16 | 7 | 64.0 |

FACTORS OF QUALITY

**§ 52.4027 Ascertaining the grade.**

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

(1) *Factors not rated by score points.*

(i) Varietal characteristics.

(ii) Flavor.

(2) *Factors rated by score points.* 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:

| | *Points* |
|---|---|
| (i) Color | 20 |
| (ii) Uniformity of size | 20 |
| (iii) Absence of defects | 30 |
| (iv) Character | 30 |
| Total score | 100 |

(b) *Definition of normal flavor.* "Normal flavor" means that the canned grapes are free from objectionable flavors and objectionable odors of any kind.

**§ 52.4028 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").

**§ 52.4029 Color.**

(a) *General.* The factor of color does not apply to canned grapes which are artificially colored and spiced grapes and is not scored on such grapes but the other three factors (uniformity of size, absence of defects, and character) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) (*A*) *classification.* Canned grapes that possess a good color may be given a score of 17 to 20 points. "Good color" means that the grapes possess a practically uniform and bright, light green to greenish-yellow color, typical of well-developed Thompson Seedless grapes that have been properly prepared and processed; and that not more than 10 percent, by weight, of the drained grapes may possess a reasonably bright typical color, a noticeably dull color, or a light tan cast.

(c) (*B*) *classification.* If the canned grapes possess a reasonably good color, a score of 14 to 16 points may be given. Canned grapes that fall into this classification due to a noticeably dull color or a brownish cast shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule). "Reasonably good color" means that the grapes possess a reasonably uniform and reasonably bright color typical of Thompson Seedless grapes that have been properly prepared and processed; and that the presence of grapes with a noticeably dull color or a brownish cast does not seriously affect the appearance or edibility of the product.

(d) (*SStd*) *classification.* Canned grapes 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).

**§ 52.4030 Uniformity of size.**

(a) (*A*) *classification.* Canned grapes that are practically uniform in size may be given a score of 17 to 20 points. "Practically uniform in size" means that the weight of the 5 percent, by count, consisting of the largest intact grapes in the sample unit is not more than twice the weight of the 5 percent, by count, consisting of the smallest intact grapes in the sample unit.

(b) (*B*) *classification.* If the canned grapes are reasonably uniform in size, a score of 14 to 16 points may be given. "Reasonably uniform in size" means that the grapes may vary in size as to appearance and weight provided such variation in size does not seriously affect the appearance of the product.

(c) (*SStd*) *classification.* Canned grapes that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule).

**§ 52.4031 Absence of defects.**

(a) *General.* The factor of absence of defects refers to the degree of freedom from main stems (or portions thereof), harmless extraneous vegetable material, attached or loose capstems, mutilated grapes, blemished grapes, and any other defects not specifically mentioned that affect the appearance or edibility of the product.

(b) *Definition of defects.* (1) "Blemished" means any discolored area on or in the grape, which singly or in the aggregate, materially affects the appearance of the grape. Cracks without discoloration are considered processing cracks and are not scored as defects. (See § 52.4032.)

(2) "Seriously blemished" means any blemished area on or in the grape (such as scab, scar tissue, and discolored cracks), which singly or in combination with other defects, seriously affects the appearance or edibility of the grape.

(3) "Mutilated" means that the grape is so spread open, crushed, or broken that it cannot be restored to its original shape or that the grape is severed into two or more separate parts.

(c) (*A*) *classification.* Canned grapes that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" means that:

(1) There may be present not more than 1 main stem (or portion thereof) or 1 piece of other harmless extraneous vegetable material for each 100 ounces, on an average, of total contents;

(2) There may be present not more than 1 capstem (either attached or loose) for each 4 ounces of total contents;

(3) Not more than a total of 5 percent, by weight, of the drained grapes may be mutilated, blemished, or seriously blemished: *Provided*, That not more than 3 percent, by weight, of the drained grapes may be seriously blemished; and

(4) The presence of main stems (or portions thereof), other harmless extraneous vegetable material, loose or attached capstems, mutilated grapes, blemished or seriously blemished grapes, and any other defects, individually or collectively does not materially affect the appearance or edibility of the product.

(d) (*B*) *Classification.* Canned grapes that are reasonably free from defects may be given a score of 21 to 25 points. Canned grapes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that:

(1) There may be present not more than a total of 3 main stems (or portions thereof) or pieces of other harmless extraneous vegetable material for each 100 ounces, on an average, of total contents;

(2) There may be present not more than 1 capstem (either attached or loose) for each ounce of total contents;

(3) Not more than a total of 10 percent, by weight, of the drained grapes may be mutilated, blemished, or seriously blemished: *Provided*, That not more than 5 percent, by weight, of the drained grapes may be seriously blemished; and

(4) The presence of main stems (or portions thereof), other harmless extraneous vegetable material, loose or attached capstems, multilated grapes, blemished or seriously blemished grapes, and any other defects, individually or collectively does not seriously affect the appearance or edibility of the product.

(e) (*SStd*) *classification.* Canned grapes that fail to meet the requirements of paragraph (d) 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).

**§ 52.4032 Character.**

(a) *General.* The factor of character refers to the fleshiness and texture of the canned grapes and to the presence of serious processing cracks.

(1) "Serious processing crack" means a crack without any discoloration that is split to approximately the center of the grape but is not a mutilated grape. Processing cracks that are not serious are not scored.

(b) (*A*) *classification.* Canned grapes that possess a good character may be given a score of 25 to 30 points. "Good character" means that the grapes are reasonably uniform in texture and are generally thick-fleshed and tender but not soft or flabby; and that not more than 5 percent, by weight, of the drained grapes may be affected by serious processing cracks.

(c) (*B*) *classification.* If the canned grapes possess a reasonably good character, a score of 21 to 24 points may be given. Canned grapes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the grapes are fairly uniform in texture and may be slightly soft but are not flabby; and that not more than 10 percent, by weight, of the drained grapes may be affected by serious processing cracks.

(d) (*SStd*) *classification.* Canned grapes that fail to meet the requirement 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).

LOT INSPECTION AND CERTIFICATION

**§ 52.4033 Ascertaining the grade of a lot.**

The grade of a lot of canned grapes 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 of this title).

SCORE SHEET

**§ 52.4034 Score sheet for canned grapes.**

| | | |
|---|---|---|
| Size and kind of container | | |
| Container mark or identification | | |
| Label | | |
| Net weight (ounces) | | |
| Vacuum (inches) | | |
| Drained weight (ounces) | | |
| Brix measurement | | |
| Sirup designation (extra heavy, heavy, etc.) | | |
| **Factors** | | **Score points** |
| Color | 20 | (A) 17–20<br>(B) [2] 14–16<br>(SStd.) [1] 0–13 |
| Uniformity of size | 20 | (A) 17–20<br>(B) 14–16<br>(SStd.) [2] 0–13 |
| Absence of defects | 30 | (A) 26–30<br>(B) [1] 21–25<br>(SStd.) [1] 0–20 |
| Character | 30 | (A) 25–30<br>(B) [1] 21–24<br>(SStd.) [1] 0–20 |
| Total score | 100 | |
| Flavor ( ) Normal ( ) Off Grade | | |

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

Dated: July 17, 1959.

ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F.R. Doc. 59–6019; Filed, July 21, 1959; 8:50 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Parts 40, 41, 42 ]

[Reg. Docket No. 65; Draft Release 59–10]

## AIRBORNE WEATHER RADAR FOR LARGE AIRCRAFT CARRYING PASSENGERS

### Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Parts 40, 41, and 42 of the Civil Air Regulations as hereinafter set forth.

A recent survey of air carrier aircraft accidents for the calendar years 1950 through 1958 has highlighted the importance of airborne weather radar as a safety measure in preventing aircraft accidents during severe weather conditions. Analysis showed a decrease in aircraft accidents occurring during severe weather conditions in calendar year 1955, which coincided with the initial installation and use of airborne weather radar by some air carrier operators. Today a considerable number of air carrier aircraft are equipped with airborne weather radar and practically all new transport-type aircraft have provisions for the installation of airborne weather radar. Particularly noteworthy is the fact that at least one large air carrier has its entire aircraft fleet fully equipped with airborne weather radar. In a two-year period this particular air carrier has not experienced a single passenger or crew injury or any appreciable aircraft damage due to thunderstorms or hail. At the same time the carrier completed a high percentage of scheduled trips. The advantage which airborne weather radar can provide for the safety of operations is well known in the industry. This is particularly true with high-performance aircraft which are operating at speeds considerably in excess of the turbulent air penetration speeds. These higher speeds make mandatory early detection and location of severe weather conditions which can be encountered at all altitudes in order to avoid them or to reduce aircraft penetration speeds before reaching such areas. Several airborne weather radars have already been type certificated and are available for use. In view of the excellent safety record attained by those air carriers which have been operating one of the several approved weather radars, it is believed that regulatory action is necessary and should be developed to require airborne weather radar on all air carrier passenger-carrying aircraft certificated under transport category rules and used in air transportation. Also, consideration will be given to making this requirement applicable to all other large aircraft carrying passengers engaged in air transportation.

*TSO requirements.* The tentative minimum performance standards for an airborne weather radar are contained in paper 155–58/SC 58–249 of the Radio Technical Commission for Aeronautics. Copies of this paper are available for study and review in the office of the Secretariat, Room 2035, Building T–5, 16th Street and Constitution Avenue NW., Washington 25, D.C.

If this proposal is adopted, it is expected that at least 6 months will be allowed for procurement and installation of required equipment.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. All communications received by October 8, 1959, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comment received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for return of comments has expired.

This amendment is proposed under the authority of sections 313(a), 601, and 604

of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424).

In consideration of the foregoing, it is proposed to amend Parts 40, 41, and 42 of the Civil Air Regulations by requiring the following:

All aircraft certificated under the transport category rules and carrying passengers shall be equipped with airborne weather radar, so installed as to be available to the pilot in command on the flight deck by radarscope, or other means of display of weather information received. Such equipment shall be in an operating condition for all IFR operations, and for night VFR operations when thunderstorms or severe weather conditions are forecast for the flight plan route during the time of flight.

Issued in Washington, D.C., on July 15, 1959.

WILLIAM B. DAVIS,
*Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 59-5988; Filed, July 21, 1959; 8:46 a.m.]

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## [ 14 CFR Part 507 ]

[Reg. Docket No. 67]

## AIRWORTHINESS DIRECTIVES

### Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring the incorporation of shroud drains to eliminate the possibility of fuel leakage creating a fire hazard in the air conditioning compartment of Fairchild F-27 aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed time for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) by adding the following airworthiness directive:

FAIRCHILD. Applies to all F-27 Series aircraft equipped with the heater system. Compliance required not later than September 15, 1959.

(a) In order to provide drainage of possible leakage at the heater fuel line fittings, remove three shroud assemblies, P/N 27-774575-1, attached to tube connections at top of heater fuel control, P/N 43C80, and heater P/N 49C65. Modify shroud assemblies by punching one (1) ⅛ inch diameter hole in side of shroud $1\frac{13}{64}$ inches from top.

(b) Remove fuel control drain tube assembly, P/N 27-774554-11 or -51, whichever installed.

(c) On airplanes Nos. 1 to 6 inclusive, drill ⅝ inch diameter hole in bottom fuselage skin between stringers Nos. 102 and 103, 2½ inches aft of station 731, and install AN 931-6-10 grommet removed from former location of drain line. Install flush skin patch over former drain hole location in accordance with Chapter 51-7 of F-27 Structural Repair Manual.

(d) On all affected airplanes, install new drain tube assembly, P/N 27-774750-11 in place of 27-774554-11 or -51.

(e) Install modified shroud assemblies, using three each new half clamp assemblies, P/N 27-774749-11, half clamp P/N 27-774749-3, bolt P/N AN3-3A, and nuts P/N MS 20365-1032.

(f) Install one each new hose, P/N 27-774094-3 and -5 between heater fuel control shrouds and drain tube, and P/N 27-774094-7 between heater shroud and drain tube, using six new clamps, P/N AN737RM22.

(g) Install two new plates, P/N 27-774749-9, on the heater fuel control unit, and four new clamps, P/N AN742-8, two on the plates at the fuel control unit to support 27-774094-3 and -5 hose and two on the flanges of the fuselage former at stations 730 and 731 to support 27-774094-7 hose. Use four each new screws P/N AN525-10R6, and nuts P/N MS20365-1032.

(Fairchild F-27 Service Bulletin No. 21-49 dated June 12, 1959, covers this same subject.)

Compliance with AD 59-12-1 no longer required after compliance with this directive.

Issued in Washington, D.C., on July 16, 1959.

BURLEIGH PUTMAN,
*Acting Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 59-6010; Filed, July 21, 1959; 8:48 a.m.]

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## [ 14 CFR Part 514 ]

[Reg. Docket No. 66]

## TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

### Life Rafts (Twin Tube)

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 514 of the regulations of the Administrator as hereinafter set forth.

This proposal is to amend § 514.22 (24 F.R. 2027) to incorporate additional inflation standards and data requirements for life rafts used on civil aircraft of the United States.

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 Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed time for return of comments has expired.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By amending § 514.22 to read as follows:

**§ 514.22 Life rafts (twin tube)—TSO-C12b.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for life rafts (twin tube) which specifically are required to be approved for use on civil aircraft of the United States. New models of life rafts manufactured on or after the effective date of this section shall meet the standards set forth in the ATA Specification No. 800, "Airline Life Rafts," dated May 1, 1958,[1] with the additional requirements shown in subparagraph (2) of this paragraph. Life raft models approved by the Administrator prior to the effective date of this section may continue to be used under the provisions of their original approval until they are no longer seaworthy.

(2) *Additional requirements.* The degree of inflation shall be such that the raft will be "rounded-out" (i.e., attain its design shape and approximate dimensions) to be able to receive the first occupant within one minute after the start of inflation. Thereafter, inflation during boarding by the remainder of occupants shall be sufficient to ensure a serviceable and rigid raft.

(b) *Marking.* In lieu of the marking requirements specified by § 514.3, the marking instructions contained in ATA Specification No. 800 shall be acceptable and, in addition, each life raft shall be permanently marked with the Technical Standard Order designation, FAA-TSO-C12b, to identify the life raft as meeting the requirements of this section.

(c) *Data requirements.* (1) One copy each of the manufacturer's operation and inflation instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(2) The raft manufacturer must also provide the purchaser with applicable limitations pertaining to installation of rafts on aircraft. These limitations shall include the minimum and maximum stowage area temperatures and any

[1] Copies may be obtained from the Air Transport Association, 1000 Connecticut Avenue NW., Washington 6, D.C.

other limitations which will prevent the raft from performing its intended function and complying with the minimum performance standards under all reasonably foreseeable emergency conditions.

Issued in Washington, D.C., on July 16, 1959.

WILLIAM B. DAVIS,
*Director,*
*Bureau of Flight Standards.*

[F.R. Doc. 59-5989; Filed, July 21, 1959; 8:46 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Part 3 ]

[Docket No. 12945, FCC 59-722]

## TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

### Notice of Proposed Rule Making

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Montgomery, Selma, Tuscaloosa and Birmingham, Alabama; Tupelo, Columbus and State College, Miss.); Docket No. 12945.

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

2. The Commission has before it for consideration certain requests for rule making to amend § 3.606, Table of Assignments, Television Broadcasting Stations, to wit:

(1) A petition for rule making, filed May 24, 1957, and amended July 3, 1957, by Capitol Broadcasting Company, licensee of Station WCOV-TV on Channel 20 at Montgomery, Alabama, to assign a second VHF channel to Montgomery as follows: [1]

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Montgomery, Ala. | 12, 20, *26+, 32 | 8−, 12, 20, *26+, 32 |
| Selma, Ala. | 8−, 58+ | 58+ |

Petitioner asks that the Commission order Deep South Broadcasting Company to show cause why its authorization for Station WSLA should not be modified to specify operation on Channel 58+ in lieu of Channel 8− in Selma. In addition, petitioner requests that it be ordered to show cause why its authorization for Station WCOV-TV should not be modified to specify operation on Channel 8− in lieu of Channel 20 in Montgomery.

[1] In an alternative proposal petitioner requests that Montgomery be made all-UHF as follows:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Montgomery, Ala. | 12, 20, *26+, 32 | *12, 20, 26+, 32 |
| Selma, Ala. | 8−, 58+ | 58+ |
| Tuscaloosa, Ala. | 45, 51− | *8−, 45, 51− |

WKY Television System, Inc., licensee of Station WSFA-TV on Channel 12 at Montgomery, filed an opposition to Capitol Broadcasting's petition. WKY contends that the deletion of the only VHF channel in Montgomery, as contemplated by Capitol's Plan 2, would result in the creation of a large "white area"; would result in a loss of service to large numbers of persons who have not converted their television sets to receive UHF signals, and would contravene the requirements of section 307(b) of the Communications Act. We are of the view that the alternative proposal of Capitol does not have sufficient merit to warrant rule making. Accordingly, it is denied.

(2) A petition for rule making, filed December 10, 1957, by the Washington Post Company, to provide a third commercial VHF channel at Birmingham, Alabama, as follows:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Birmingham, Ala. | 6−, *10−, 13−, 42+, 48 | 6−, 8−, *10−, 13−, 42+, 48 |
| Selma, Ala. | 8−, 58+ | 58+ |

Petitioner also asks that the Commission either provide for the termination of Deep South Broadcasting Company's construction permit for Station WSLA on Channel 8 in Selma or that it Order Deep South to Show Cause why its authorization for Station WSLA should not be modified to specify operation on Channel 58 at Selma.

(3) Proposals submitted as alternative counterproposals in the Columbus, Georgia, rule making proceeding (Docket No. 12054) on February 21, 1958, and on April 2, 1958, by Frank K. Spain, principal owner of Tupelo Citizens Television Co., permittee of Station WTWV on Channel 9 at Tupelo, Mississippi, to shift Channel 9 from Tupelo to Tuscaloosa or to Tuscaloosa-Birmingham, Alabama, as follows:

*Plan 1* [1]

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Tupelo, Miss. | 9−, 38 | 38 |
| Tuscaloosa, Ala. | 45, 51− | 9−, 45, 51− |

*Plan 2*

| | | |
|---|---|---|
| Tupelo, Miss. | 9−, 38 | 38 |
| Tuscaloosa-Birmingham Ala.[2] | | 4− |
| Columbus, Miss. | 4−, 28− | 9−, 28− |

[1] Mr. Spain's first plan also contemplated certain channel shifts in Columbus, Georgia and Eufaula and Dothan, Alabama, so that Columbus, Georgia would become an all-UHF market. These additional channel shifts are unnecessary. See paragraph 26 of the Report and Order released this date in the Columbus, Georgia rule making proceeding (Docket No. 12054).

[2] Tuscaloosa is now assigned Channels 45 and 51−; and Birmingham is assigned Channels 6−, *10−, 13−, 42+ and 48. No channels are now assigned to the hyphenated allocation "Tuscaloosa-Birmingham."

Both plans assumed that the Commission would adopt its proposal in another rule making proceeding to shift Channel 9 from Hattiesburg, Mississippi, to Baton Rouge, Louisiana (Docket No. 12281), in which case no further channel change would be required at Hattiesburg. The Commission has adopted a Report and Order in Docket No. 12281 in which the reassignment of Channel 9 from Hattiesburg to Baton Rouge was ordered. Mr. Spain also requests that the Commission order Tupelo Citizens Television Co. to Show Cause why its authorization for Station WTWV on Channel 9− at Tupelo should not be changed to specify operation on Channel 9− at Tuscaloosa, Alabama or on Channel 4− at Tuscaloosa-Birmingham, Alabama; and that Birney Imes, Jr., licensee of Station WCBI-TV on Channel 4− in Columbus, Mississippi, be ordered to Show Cause why his authorization should not be changed to specify Channel 9− in Columbus.

(4) A proposal, submitted as a counterproposal in the Columbus, Georgia, rule making proceeding (Docket No. 12054) on April 2, 1958, by Birmingham Television Corporation, authorized to operate Station WBMG on Channel 42 at Birmingham, Alabama, which would assign a third commercial VHF channel to Birmingham and a second VHF channel to Montgomery, Alabama, as follows: [2]

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Birmingham, Ala.[1] | 6−, *10−, 13−, 42+, 48 | 4−, 6−, *10−, 13−, 42+, 48 |
| Columbus, Miss. | 4−, 28− | 2+, 28− |
| State College, Miss. | *2+ | *8 |
| Montgomery, Ala. | 12, 20, *26+, 32 | 8−, 12, 20, *26+, 32 |
| Selma, Ala. | 8−, 58+ | 58+ |
| Columbus, Ga.[2] | 4, 28, *34 | 3, 9+, *34 |
| Dothan, Ala.[2] | 9+, 19− | 4, 19− |

[1] Birmingham Television submits that another way to assign a third commercial VHF channel to Birmingham would be to move Channel 8− from Selma to Birmingham, as urged by the Washington Post Company. Birmingham Television notes, however, that if Channel 8 is assigned to Birmingham, it could not be used in Montgomery to provide a second VHF service to that city.

[2] We are today adopting a Report and Order in the Columbus, Ga., rule making proceeding (Docket No. 12054) changing the Columbus, Ga., assignments to Channels 3, 9+, *28 and 34, and changing the Dothan, Ala., assignments to 4 and 19−.

Birmingham Television also asks that the Commission Order it to Show Cause why its authorization for Station WBMG on Channel 42+ at Birmingham should not be modified to specify temporary operation on either Channel 4− or 8− at Birmingham.

3. Oppositions to the Capitol Broadcasting and Washington Post petitions were filed by Deep South Broadcasting Company, permittee of Station WSLA, authorized to operate on Channel 8 at Selma, Alabama. Deep South contends that there is a greater need for a first VHF station in Selma than for a second VHF channel in Montgomery or a third commercial VHF in Birmingham; and that it has been prosecuting its application for a change of facilities for Station WSLA for several years, which applica-

[2] Birmingham Television also asserts that a second VHF channel (Channel 4) could be assigned to Macon, Ga., if the Dothan VHF channel is changed from Channel 9 to Channel 7 and the Panama City channel is changed from Channel 7 to Channel 4. This would, however, conflict with our decision in Docket 12054.

tion is in hearing status (File No. BMPCT-2100, Docket No. 11371).

4. Replies to these oppositions were tendered by Capitol Broadcasting Co. and the Washington Post Company.

5. On December 10, 1957, and on March 18, 1958, the Washington Post Company filed oppositions and motions to dismiss the presently pending application (File No. BMFET-171) of the Regents of the University System of Georgia for modification of the construction permit of non-commercial educational Station WGTV on Channel 8 at Athens, Georgia. The Washington Post Company alleges that a grant of the WGTV application would prevent the use of Channel 8 in Birmingham, since the applicant proposes to move the transmitter location of Station WGTV about 40.9 miles closer to Birmingham than the existing WGTV site.

6. On March 6, 1958, Capitol Broadcasting Co. (WCOV-TV) also filed a motion to dismiss the WGTV application. Capitol contends that if the WGTV application is granted, a Channel 8 station in Montgomery would have to locate its transmitter site 42.5 miles from the furthest city limit of Montgomery, and that a 1,500 foot antenna would be required to put a city-grade signal over Montgomery from that site.

7. The Commission is of the view that a rule making proceeding should be instituted and that interested parties should be invited to file comments on the foregoing proposals.

8. The proposed amendments, if adopted, would affect outstanding authorizations and existing stations. We do not believe, however, that we should direct any party so affected to show cause why its outstanding authorization should not be modified at this time. Any additional procedures which may be necessary in light of such outstanding authorizations can be instituted at a later date.

9. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (c), (d), (f), and (r) and 307(b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

10. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 24, 1959, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 15 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

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

Adopted: July 15, 1959.

Released: July 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,[a]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-6026; Filed, July 21, 1959; 8:50 a.m.]

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## [ 47 CFR Part 3 ]

[Docket No. 12946, FCC 59-724]

## TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

### Notice of Proposed Rule Making

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (San Francisco and Sacramento, California, and Reno, Nevada); Docket No. 12946.

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

2. The Commission has before it for consideration certain requests for rule making to amend § 3.606, Table of Assignments, Television Broadcast Stations, to wit:

(a) A petition for rule making, filed August 27, 1956, and amended May 8, 1957 and July 14, 1958, by Irving J. Schwartz, William Stephen George and John Matranga, d/b as Capitol Radio Enterprises, permittee of Station KGMS-TV on Channel 46 (not operating) at Sacramento, California, to assign a third commercial VHF channel to Sacramento, as follows:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Sacramento, Calif. | 3, *6, 10, 40-, 46+ | 3, *6, 10, 12-, 40- |
| Chico, Calif. | 12- | 11- |

Petitioner also requests that it be ordered to Show Cause why its authorization for Station KGMS-TV should not be changed to specify operation on Channel 12- at Sacramento.

(b) A proposal, submitted on October 9, 1956, as a counterproposal in the Fresno, California, rule making proceeding (Docket No. 11759) by S. H. Patterson (KSAN-TV) to assign an additional VHF channel to San Francisco, as follows:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| San Francisco, Calif. | 2+, 4-, 5+, 7-, *9+, 20-, 26-, 32+, 38, 44 | 2+, 4-, 5+, 7-, *9+, 11+, 20-, 26-, 32+, 38, 44- |
| San Jose, Calif. | 11+, 48, *54, 60 | 12+, 48, *54, 60 |

[a] Commissioner Bartley concurring and stating: "I would concur with the exception of proposal 4."

S. H. Patterson also requests that it be ordered to Show Cause why its authorization for Station KSAN-TV should not be changed to specify operation on Channel 11+ at San Francisco.

(c) A petition for rule making, filed on June 4, 1958, and amended on August 13, 1958, and October 28, 1958, by E. L. Cord, prospective applicant for a VHF channel in Reno, Nevada, to assign a third commercial VHF channel to Reno and a first educational VHF channel to that city as follows:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Reno, Nev. | 4, 8, *21+, 27- | 2, 4, 8, *11, 21+, 27- |

3. Either the Capitol Radio proposal to add Channel 12 to Sacramento or the S. H. Patterson proposal to add Channel 11 to San Francisco can be accomplished in compliance with the mileage separation requirements of our rules if Channel 12+ is removed from Fresno, California. The deletion of Channel 12+ from Fresno is proposed by the Commission in another rule making proceeding (Docket No. 11759). Capitol Radio's proposal is mutually exclusive with the S. H. Patterson proposal. Capitol Radio asks that Channel 12 be assigned to Sacramento; while the S. H. Patterson proposal would assign Channel 12 to San Jose; less than 90 miles from Sacramento. Cord's proposal is mutually exclusive with the Capitol Radio proposal. Cord requests that Channel 11 be assigned to Reno; while Capitol Radio would assign Channel 11 to Chico, about 110 miles from Reno.

4. Capitol Radio's proposal would require an operating station KHSL-TV at Chico, California, to shift from Channel 12 to Channel 11. S. H. Patterson's proposal would compel Station KNTV at San Jose, California, to shift from Channel 11 to Channel 12.

5. In support of its proposal, Capitol Radio asserts that the addition of a third VHF assignment at Sacramento would aid in the development of competitive television service in the Sacramento area; that UHF stations have no chance to succeed in markets such as Sacramento where two VHF stations are operating; that Sacramento is the 56th market in the nation, and is one of the most rapidly growing cities in California; and that such a market should have three equally competitive television services.

6. S. H. Patterson contends that the addition of another VHF station in the San Francisco area would fill an unsatisfied need of the San Francisco audience for non-network television programs oriented to local needs. Mr. Patterson asserts that, since he operates the only UHF station in the San Francisco market, he is unable to compete effectively against VHF stations there. He states that San Francisco has a greater need for an additional competitive television operation than does Sacramento.

7. E. L. Cord urges that Channel 11 may be assigned to Reno without disturbing any existing assignments or stations; that it should be reserved for educational use; and that Reno, the largest city in Nevada needs and merits additional television service.

8. Oppositions to the Capitol Radio proposal were filed by Sacramento Telecasters, Inc., permittee of Station KBET-TV on Channel 10 at Sacramento, Capitol City TV Corporation, former operator of UHF Station KCCC at Sacramento, Golden Empire Broadcasting Company's licensee of Station KHSL–TV on Channel 12 at Chico, and Television Diablo, Inc., licensee of Station KOVR at Stockton. KHSL–TV and KOVR oppose the required shifts in assignments made necessary by the proposal of Capitol Radio. A reply to the opposition was filed by Capitol Radio. These opponents contend that Capitol Radio has not made "even a token showing" why the changes which it seeks in the allocation table would serve the public interest. Sacramento Telecasters asserts that ample competitive television service already exists in the Sacramento market.

9. Standard Radio and Television Company, licensee of Station KNTV on Channel 11 at San Jose, has filed an opposition to the S. H. Patterson proposal, which would require KNTV to change from Channel 11 to Channel 12. KNTV states that such a forced move would place an intolerable economic burden upon it. KNTV asserts that it has already suffered substantial financial losses and cannot afford any further economic hardships. Since KNTV now operates from a site south of San Jose, and since most receiving antennas in the area are oriented to receive San Francisco stations, KNTV contends that its signal is not as well received in San Jose as it should be. KNTV is considering the advisability of moving its transmitter to a site further north so that its signal will be better received in San Jose. KNTV argues that this move would not meet the Commission's mileage separation requirements if, as S. H. Patterson proposes, Channel 11 were allocated to San Francisco. KNTV's consulting engineer asserts that the signal of a Channel 11 station in San Francisco at the minimum spacing distance would override the signal of KNTV on Channel 12, causing deterioration of the KNTV service to the San Jose community.

10. The Washoe County School District requests that in the event the Cord proposal for Reno is adopted that Channel 11 be reserved for educational use. Capitol Radio filed an opposition to the Cord request pointing out that the proposal to assign Channel 11 to Reno conflicts with its request for Channel 12 at Sacramento. Capitol Radio suggests that Channels 2 and 5 may be assigned to Reno to resolve this conflict.

11. The Commission is of the view that a rule making proceeding should be instituted and that interested parties should be invited to file comments on the foregoing proposals.

12. The proposed amendments, if adopted, would affect outstanding authorizations and existing stations. We do not believe, however, that we should direct any party so affected to show cause why its outstanding authorization should not be modified at this time. Any additional proceedings which may be necessary in light of such outstanding authorizations will be instituted at a later date.

13. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (c), (d), (f) and (r) and 307(b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

14. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 24, 1959, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 15 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

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

Adopted: July 15, 1959.

Released: July 17, 1959.

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

[F.R. Doc. 59-6027; Filed, July 21, 1959; 8:51 a.m.]

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## [ 47 CFR Part 3 ]

[Docket No. 11759; FCC 59-723]

## TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

### Memorandum Opinion and Order, Notice of Further Proposed Rule Making, and Orders To Show Cause

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Fresno, Bakersfield, and Santa Barbara, Calif., Goldfield, and Tonopah, Nevada); Docket No. 11759.

1. Notice is hereby given of further proposed rule making in the above-mentioned matter looking toward amendment of § 3.606 *Table of assignments*, Television Broadcast Stations.

2. The Commission has before it for consideration:

(a) Our Report and Order, and Order to Show Cause, issued in this proceeding on March 1, 1957 (22 FCC 365, 15 Pike & Fischer RR 1586i), in which we concluded that the Fresno market should be made all-UHF by the removal of VHF Channel 12 to Santa Barbara and the allocation of another UHF channel to Fresno, and issued an order to California Inland Broadcasting Company, then licensee of Station KFRE–TV, Fresno, to show cause why its license on Channel 12 should not be modified to specify operation on Channel 30;

(b) Pleadings directed to that decision, or relating either to channel assignments in Fresno or to assignments in Bakersfield and other cities which are involved with the Fresno assignments. Since all of these pleadings are interrelated, they are considered together here.

3. Before discussing the several proposals presented, it may be helpful to summarize briefly the background of this proceeding.

4. On June 26, 1956, the Commission released a Report and Order in its general television allocation proceeding (Docket No. 11532) in which, among other things, it gave consideration to an interim program, pending the development of longer-range TV reallocation possibilities. A number of rule making proceedings were undertaken to consider proposals for the reallocation of frequencies geared to improve, in the interim, the competitive television situation in specific communities and areas. In some cities the Commission proposed to enhance the opportunities for more effective competition by achieving deintermixture through deleting VHF channels in order to make the area completely or substantially dependent upon UHF; in other cities, where it was believed feasible, the Commission proposed to add VHF channels to accomplish its basic objective.

5. One VFH channel has been assigned to Fresno, Channel 12, on which Station KFRE–TV operates. We initially proposed to deintermix the Fresno area by substituting UHF Channel 30 for VHF Channel 12 at Fresno, and by shifting Channel 12 from Fresno to Santa Barbara, California. On March 1, 1957, the Commission released its Report and Order and Order to Show Cause, concluding that its initial proposal should be finalized. Since KFRE–TV was licensed to operate on Channel 12 at Fresno, final action with respect to the proposal to shift Channel 12 from Fresno to Santa Barbara was not taken; instead, the licensee was directed to Show Cause why its authorization should not be modified to specify operation on Channel 30.

6. Preliminarily, before turning to consideration of the various proposals and pleadings, we deal with several motions, filed by some parties and directed against pleadings filed by opposing parties, requesting that those pleadings be stricken or not be considered by us because they were not timely filed, were "further pleadings" not contemplated by our rules, were not properly served, contained sham or frivolous matter, or otherwise did not form to proper procedure. Such motions were directed against: (1) "Modification of Petition" and "Further Modification" filed by Bakersfield Broadcasting Company (KBAK–TV, Bakersfield Channel 29) in February and May 1958, in which that party amended the proposal contained in its original petition filed in April 1957; (2) "Motion to Vacate Order to Show Cause" filed by California In-

land Broadcasting Company (the licensee of KFRE–TV, Fresno Channel 12) in September 1958; (3) "Supplemental Petition" filed by O'Neill Broadcasting Company (KJEO, Fresno Channel 47) on April 16, 1959; (4) "Opposition" filed by O'Neill on October 14, 1958, directed against KFRE–TV's motion to vacate the show cause order; and (5) "Reply" filed by ABC in April 1957, directed to KFRE–TV's opposition to ABC's petition for reconsideration of our Report and Order herein. The motion to strike the last-mentioned pleading (of ABC) was on the grounds that it was frivolous, sham and impertinent; the other motions were on grounds of lack of timeliness, lack of proper service, etc.

7. Our rules governing the filing of rule making petitions and comments relating thereto (§§ 1.202 and 1.204) and other rules concerning pleadings, are intended to apply with reasonable strictness, so that our proceedings may be conducted in an orderly manner and terminated at a reasonably early date, with the interested parties having adequate notice of the proposals involved. It is at least arguable that some of the pleadings mentioned did not meet our procedural requirements. The same might be said of other pleadings relating to the matters under consideration here, to which no motion to strike was directed. But it must also be considered that the present series of situations, with all of their ramifications, are complex, and have changed from time to time as new proposals and counterproposals have been advanced, the possibility of new allocations has developed, and other factors have been altered. In the circumstances of this proceeding, and taking into account the unavoidable delays in disposing finally of the issues while we reviewed the nationwide TV allocation problem, we believe it is desirable to consider all the proposals and arguments filed in relation to this proceeding. We therefore need not determine whether the various pleadings which are questioned are in strict compliance with our rules. Accordingly, the pleadings mentioned in paragraph 6 are considered herein, and the motions to strike them are denied.

8. The petitions and other pleadings presenting various courses of action in these matters are as follows:

(a) Petition for reconsideration of our Report and Order, filed by American Broadcasting Company (ABC) on April 1, 1957, seeking the reassignment of Channel 12 to Bakersfield instead of Santa Barbara (and also the assignment of Channel 8 to Bakersfield).

(b) Petition for reconsideration of our Report and Order, filed April 1, 1957, by Fred M. Hall, Sidney M. Held and Carroll R. Hauser, seeking the reassignment of Channel 12 to Ventura or Ventura-Oxnard, California, instead of Santa Barbara,[1]

(c) "Request to Expedite Action" filed July 31, 1958, by O'Neill Broadcasting Company, requesting speedy action to make Fresno all-VHF or all-UHF.

(d) "Supplemental Petition" filed August 26, 1958, by McClatchy Newspapers, licensee of KMJ–TV, Fresno Channel 24, asking in the alternative that the Commission either assign Channels 2, 5, 7 (reserved for education) and 9 to Fresno and Channels 8 and 12 (from Fresno) to Bakersfield in addition to Channel 10 already there, or expedite action looking toward removal of Channel 12 from Fresno and Channel 10 from Bakersfield; and pleadings supporting this supplemental petition filed by ABC, O'Neill Broadcasting Company (licensee of Station KJEO, Fresno Channel 47) and Bakersfield Broadcasting Company (licensee of Station KBAK–TV, Bakersfield Channel 29);[2]

(e) "Further Modification of Petition" filed May 12, 1958, by Bakersfield Broadcasting Company (KBAK–TV), asking in the alternative deletion of Channel 10 from Bakersfield or assignment of Channels 8 and 12 (in addition to 10) to that city;[3]

(f) "Petition" of Coast Ventura Company, filed June 24, 1957, seeking deletion of Channel 10 from Bakersfield and its assignment to Ventura-Oxnard, or to Santa Barbara with Channel 12 reassigned to Ventura (Coast Ventura is the licensee of a Ventura radio station; its principals include Messrs. Hall et al., the petitioners mentioned above);

(g) "Reply to Supplemental Petition of McClatchy," etc., filed September 25, 1958, by California Inland Broadcasting Company, then licensee of Station KFRE–TV, Fresno Channel 12, inter alia proposing—in lieu of the McClatchy proposal mentioned as (d) above—the assignment of Channels 2, 5, and *7 and retention of 12 in Fresno and the assignment of Channels 6 and 8 (and retention of 10) in Bakersfield, Channel 6 to be removed from San Luis Obispo, California and Channels 4 and 9 substituted therefor there. Reduction of mileage separations in Zone II or the western part thereof is proposed as part of this plan.[4]

(h) "Motion to Vacate Order to Show Cause," filed September 25, 1958, by California Inland (KFRE–TV), asking the Commission to vacate the show-cause proceedings directed to it looking toward modification of its license to specify Channel 30 instead of Channel 12;

(i) "Supplemental Petition" of O'Neill (KJEO, Fresno Channel 47) filed April 16, 1959, asking prompt action to make Fresno and Bakersfield all–VHF;

(j) Comments, oppositions, and replies filed by the above parties directed to the pleadings of other parties, and similar pleadings filed by Kern County Broadcasters, Inc., Wrather-Alvarez Broadcasting, Inc., and Marietta Broadcasting, Inc., (past licensees and present licensee, respectively, of Station KERO–TV, Bakersfield Channel 10) Edward E. Urner, et al. tr/as Kern County Broadcasting Company, permittee of Station KICU, Bakersfield Channel 17 (whose construction permit has been stayed pending a protest proceeding); Channel City Television & Broadcasting Co., Inc., (potential applicant for Channel 12 at Santa Barbara); Salinas Valley Broadcasting Corporation, licensee of Stations KSBW–TV, Salinas Channel 8, and KSBY–TV, San Luis Obispo Channel 6; Westinghouse Broadcasting Company, Inc., licensee of KPIX, San Francisco Channel 5; and the Association of Maximum Service Telecasters, Inc., (MSTA).

(k) Various pleadings, discussed more fully in the Notice of Proposed Rule Making which we are issuing herewith relating to proposals to assign Channel 12 to Sacramento or to San Jose (with shift of Channel 11 from San Jose to San Francisco), and related proposals involving the assignment of Channels 2, 5 and/or 11 to Reno, Nevada.

*The alternative presented.* 9. The pleadings mentioned present us with several alternative courses of action, which may be summarized as follows:

(a) With respect to the Fresno market:

(1) Leave it in status quo, by vacating our show-cause proceeding and our Report and Order, leaving VHF Channel 12 (KFRE–TV), three UHF commercial channels (24, 47, 53) with two operating UHF stations, and one non-commercial educational channel (*18).

(2) Pursue our course looking toward making the market all-UHF, by deletion of Channel 12 (subject to show cause proceedings against KFRE–TV), and addition of Channel 30.

(3) Make the market substantially all-VHF, by adding Channels 2, 5, *7 and 9, removing Channel 12, and instituting show cause proceedings looking toward operation by KFRE–TV on one of the new channels (which would require a change in its site if existing mileage separations are to be maintained.

(4) Make the market substantially all-VHF by adding Channels 2, 5 and *7, and retaining Channel 12.

(b) With respect to the Bakersfield market:

(1) Leave it in status quo with VHF Channel 10 (KERO–TV), and UHF Channels 17, 29 and 39. There is one UHF station operating (KBAK–TV, Channel 29) and construction permits for the other two UHF channels have been granted but the grants have been stayed pending protest proceedings.

[1] Letters were filed by the Chambers of Commerce of Oxnard and Ventura, to the same effect as the Hall petition. This petition was opposed in a letter filed by the licensee of Radio Station KOXR, Oxnard, urging that Ventura County remain all-UHF.

[2] We also have before us earlier "Petitions" filed by McClatchy and O'Neill on February 6 and January 13, 1958, respectively, seeking the assignment of Channels 2, 5, and 7 (and by McClatchy also 9) to Fresno in addition to Channel 12.

[3] We also have before us Bakersfield's Petition (filed April 8, 1957), and "Modification of Petition" (filed February 6, 1958); in the former Bakersfield requested the deletion of Channel 10 from Bakersfield and the addition of UHF Channel 39; in the "Modification" it requested deletion of Channel 10 or, in the alternative, addition of Channel 8 to Bakersfield. There is also before us a petition filed by O'Neill supporting the deletion of Channel 10 and proposing the addition of Channel 17 as well as 39.

[4] The present licensee of KFRE–TV, Triangle Publications, Inc. (Radio & Television Division) takes essentially the same position as California Inland in pleadings filed April 29, May 14, and May 15, 1959, in relation to O'Neill's "Supplemental Petition."

(2) Make the market all-UHF by removing Channel 10, for assignment elsewhere, possibly on the coast.

(3) Add another VHF channel to the market, either Channel 12 if that is to be removed from Fresno, and we obtain Mexican concurrence, or possibly some other channel (Channels 8 and 6 have been mentioned as possible assignments).

(4) Add two VHF channels to the market (subject to the same conditions) such as 12 and either 8 or 6.

(c) If we decide to remove Channel 12 from Fresno (under alternatives (a)(2) or (a)(3) mentioned above) we could assign it either to Bakersfield or to Santa Barbara or Ventura-Oxnard.

(d) If we decide to remove Channel 10 from Bakersfield, a similar assignment in coastal California might be possible.

(e) If we decide to remove Channel 12 from Fresno, its use in Northern California (for example, at San Jose or Sacramento) is possible, under circumstances described in the Notice of Rule Making on that subject. If used at San Jose, Channel 11 now assigned there could be reassigned to San Francisco.

*Mileage separation and related considerations.* 10. When the Commission considered the Fresno case prior to the adoption of its March 1, 1957 Report and Order looking toward the deletion of Channel 12, it was not aware of any method of assigning multiple VHF channels in the Fresno area that would meet existing minimum mileage requirements. The Commission believed, therefore, that the only means of ensuring people of the Fresno area would be afforded at least three comparable television services was to make the area all-UHF. However, it appears from the petitions filed by McClatchy and O'Neill that Channels 2, 5, 7, and 9 may be assigned to Fresno, provided the stations operating on these channels place their transmitter sites some distance to the east of that city. It appears that operating from Mount Patterson, about 44 miles east-northeast of Fresno, where sites are available with a ground elevation of more than 8,000 feet above sea level, a station operating on any of these four channels would put a signal of more than the intensity required for principal-city service (77 dbu) over the entire city of Fresno. The use of Channels 5 and 9 at Fresno would necessitate the deletion thereof from the communities of Goldfield and Tonopah, Nevada, respectively. These communities are quite small (both having populations of less than 1,500); there are no existing or, as far as appears, prospective stations there, and no opposition to the removal of the channels from these places has been presented. In other respects, use of any of these four channels at Mount Patterson sites would meet all applicable mileage separation requirements. If Station KFRE-TV is to operate on one of these channels (Channel 9 is proposed for it by McClatchy), it would be required to move from its present transmitter site, which is closer to Fresno but of lesser elevation, in order to meet the separation requirements.

11. Aside from the question of whether or not Mexico would concur in the assignment of Channel 8 or Channel 12 to Bakersfield (see our Report and Order, para. 24 and footnote 12), it appears that the assignment of Channel 12 to that city (if deleted from Fresno) presents no substantial problems of mileage separation or site availability. As to Channel 8, the 190-mile separation requirement would limit a Bakersfield Channel 8 operation to an area some 25–30 miles east of the city; however, it appears that within this area there is a possible site (about 25 miles from the city) from which a Channel 8 station could provide a signal over the city of greater intensity than that required for principal city service.

12. The use of Channel 6 in Bakersfield, advanced by KFRE-TV as a counterproposal to provide 3 VHF channels to that city without Channel 12, would mean that that channel must be deleted from San Luis Obispo, where Station KSBY-TV is licensed and operates thereon. KFRE-TV proposes that Channels 4 and 9—both of which are in use in both San Francisco and Los Angeles—be assigned to San Luis Obispo instead, and that KSBY-TV operate on one of these. However, the present site of KSBY-TV is only about 167 miles from the Channel 4 and Channel 9 Los Angeles stations, considerably short of the 190-mile requirement. It appears that it is impossible to find any location in the San Luis Obispo area which would meet the separation requirement with respect to both the Los Angeles and San Francisco stations operating on these channels. McClatchy asserts, moreover, that the present KSBY-TV site (slightly north of San Luis Obispo) is located about as far north as it can be and still take advantage of favorable terrain to serve the city.

12a. With respect to the feasibility of using Channel 12 at Santa Barbara or Ventura, this matter was covered in our Report and Order (pars. 24, 25, 29). The subsequent pleadings herein do not furnish any material which requires further discussion. As to use of Channel 10 in this general area, if deleted from Bakersfield, its use would appear to be feasible, from a mileage standpoint, in some community on the California coast between a point about 10 miles north of Santa Barbara and a point north of San Luis Obispo (such as San Luis Obispo or Santa Maria).

*The contentions of the parties.* 13. We have carefully considered the various pleadings filed concerning the matters involved here, and the arguments and data advanced therein. Their chief lines of argument are as follows.

14. Citing the familiar history of UHF-VHF competition, the three existing Fresno and Bakersfield UHF stations (KJEO and KMJ-TV, Fresno, and KBAK-TV, Bakersfield) assert that a UHF station cannot successfully compete with a VHF station in the same market, and that therefore, if the goal of multiple competitive television services is to be achieved, the assignments in the respective markets must be made competitively comparable. They advocate the achievement of this end through making Fresno and Bakersfield essentially all-VHF, by the addition of Channels 2, 5, 7 (for education) and 9 to Fresno, the removal of Channel 12 from Fresno and its assignment to Bakersfield, and the assignment of Channel 8 to Bakersfield. It is urged that this solution to the problem is preferable to the all-UHF solution for Fresno which we adopted in our Report and Order and which some of them had advocated earlier, for the following reasons: (1) Fresno can never be made a UHF "island" because of VHF signals received in the area from Bakersfield and also from VHF stations in other cities in California; (2) loss of service which would be entailed by an all-UHF allocation because of lesser UHF coverage, particularly in the foothill areas where UHF does not always work satisfactorily (and similar loss in the Bakersfield area which, it is urged, would also have to be made all-UHF); (3) the decline in UHF viewing and development, both in the Fresno area (through nonreplacement of tubes and antennas) and generally in the United States; (4) unlike all-UHF solutions for Fresno and Bakersfield, which would take years to effectuate because of the litigation involved, an all-VHF solution could be implemented speedily (the only litigation beyond rulemaking being a possible show-cause proceeding looking toward KFRE-TV shifting from Channel 12 to Channel 9); (5) thus three competitive facilities, and three comparable network outlets, can be provided in both markets speedily.

15. With respect to the relationship between the Fresno and Bakersfield markets (the two cities are about 105 miles apart) the Fresno UHF stations argue that they are harmed by VHF competition from KERO-TV in Bakersfield and would be even more harmed by assignments there on Channel 8 and/or 12, and that these two markets should be treated as a unit. KBAK-TV, Bakersfield, likewise now supports a single VHF solution for the entire San Joaquin Valley; it also argued, earlier, that the similar Fresno and Bakersfield situations should at least be treated comparably—with deintermixture in both places—and points out that its plan to add Channels 8 and 12 to Bakersfield would be consistent with an all-UHF solution for Fresno. ABC, which originally sought the addition of Channels 8 and 12 to Bakersfield even if Fresno was to be made all-UHF, now supports the all-VHF solution for both markets as the speediest way to get three competitively comparable facilities in both places.

16. Station KFRE-TV, Fresno Channel 12, opposes this plan for an all-VHF solution because of the move in its site involved; it asserts that the move to Mt. Patterson (necessary for Channel 9 operation) would be costly and should not be required when the Commission may fairly soon decide on shorter separations which might make such a move unnecessary, and would result in service to the city of Fresno and the foothill areas poorer than that rendered by KFRE-TV from its present site closer to Fresno but lower. In reply, McClatchy asserts that the greater height from Mt. Patterson would mean better service in the area over-all. KFRE-TV does not oppose an all-VHF solution for Fresno and Bakersfield, and as a means of effectuating that

while still retaining Channel 12 in Fresno, it suggests its alternative of assigning Channel 8 and also Channel 6 to Bakersfield, through deletion of Channel 6 from San Luis Obispo. Since the substitution of channels at San Luis Obispo (described above) would involve co-channel mileage separations considerably shorter than the 190 miles specified for Zone II, KFRE–TV suggests that the Commission consider on a case-to-case basis assignments in the western portion of Zone II with no more than 170 miles separation—separations which, it is urged, are equal to those in Zone I, are appropriate for the mountainous terrain in the western portion of Zone II, and would make this and other reallocations possible. The opponents of KFRE–TV's alternative plan urge that the Fresno-Bakersfield problem should not be approached by considering such a fundamental change in our allocation principles (which is not necessary and which would inevitably be complex and time-consuming), and that their plan is the only workable one.

17. The past and present licensees of Station KERO–TV, Bakersfield Channel 10, oppose any of the proposed changes in Bakersfield assignments. It is argued that deintermixture is not needed in Bakersfield (or, for that matter, in Fresno either) since the UHF stations appear to be doing reasonably well, and, in this situation as elsewhere, the presence of only one VHF station does not render difficult the survival and development of UHF stations. As to the deletion of Channel 10 originally proposed, KERO–TV argues that this would cause loss of service to areas which UHF cannot serve, and that no suitable use of the channel could be made elsewhere in a substantial community. As to Channel 8, KERO–TV asserts that use thereof in Bakersfield would not be satisfactory because of shadowing in some directions and "ghosting" resulting from the mountainous terrain around the transmitter site; and that this assignment, like the proposed new Fresno VHF assignments, would be bad allocation policy because considerations of adequate service would be subordinated to "squeeze-ins" designed to meet mileage separation requirements. It is argued that the addition of one or two VHF channels in Bakersfield would mean the end of UHF there, and would limit the city to two stations until Channel 12 might be available after show-cause proceedings against KFRE–TV in Fresno, and forever to no more than three stations, whereas there are now two operating stations and two outstanding (though stayed) UHF construction permits (in reply, KBAK–TV asserts that UHF construction permits are not the equivalent of going, successful stations). It is also asserted that any additional VHF assignments in Bakersfield would injure the cause of UHF in Fresno. It is argued that comparable treatment of the two markets is not required, since the facts are different—UHF in Fresno being more appropriate because of the existence of two UHF stations (of high power) long before the VHF station commenced operation, unlike the Bakersfield situation.

18. The parties interested in assignment of Channels 12 and 10 on the California coast argue that the all-UHF plan is appropriate for Fresno (as we have held) and also for Bakersfield, and would make Channels 10 and 12 available for use on the California coast. It is pointed out that the Santa Barbara market could thereby have two or even three VHF outlets instead of one (and that no UHF station will ever survive there), and also that assignment of one of the channels to Ventura or Ventura-Oxnard would provide these communities and Ventura County with a first local outlet: (the respective parties of course differ as to where on the coast these channels should be assigned). ABC, urging the assignment of Channel 12 to Bakersfield instead of Santa Barbara, advances in support thereof the relative present population of the respective counties (Kern and Santa Barbara) and also greater area and population which would be served by a Bakersfield station on this channel (12,500 square miles and 329,000 persons as compared to 7,150 square miles of land area and 255,000 persons for a Santa Barbara station).[5]

*Conclusions.* 19. The basic alternatives which the parties have urged in Fresno and Bakersfield are to make these markets all-UHF or VHF. With one exception there was no support for the status quo of intermixed markets.

Our reconsideration of these markets in the light of the detailed data and arguments summarized in the preceding paragraphs leads us to the conclusion that the public interest would best be served by the addition of Channels 2, 5, 7, and 9 to Fresno (with Channel 7 reserved for educational use), the assignment of Channel 12 and Channel 8 to Bakersfield, and the incidental deletion of Channels 5 and 9 from Goldfield and Tonopah, Nevada, respectively.

20. We consider this course preferable to eliminating VHF outlets from this area, which would result in some—though no extensive—loss of service. It is, moreover, preferable to leaving the markets intermixed, a course which would neglect our interim objective of making comparative opportunities more nearly equal in important markets where it is feasible to do so with due regard for all local circumstances and applicable policies.

21. In the case of Fresno, we must also consider the time factor involved. Assignment of Channels 2, 5, *7, and 9 would permit Stations KMJ–TV and KJEO to prepare for VHF operation after the rule making proceedings are completed; and if KFRE–TV should maintain its right to a "show cause" hearing before modification of its license to specify Channel 12 (from the Mt. Patterson site) at least all of the operating stations in Fresno will be VHF during that period. Accordingly, we conclude that the Fresno area should be deintermixed by the assignment of four VHF channels (one reserved for education) to that city.

22. We turn to consideration of which course of action we should pursue with respect to additional Fresno VHF assignments, whether to add Channels 2, 5, 7 (for education) and 9, and remove 12, or add 2, 5, and 7 (for education) and keep Channel 12. We adopt, as a basis for further proceedings which may be necessary herein, the plan under which 2, 5, *7 and 9 are added and Channel 12 is removed. It presently appears that service from the more distant site at which these channels (including 9) would be used will be adequate to serve the city and the area. Moreover, the removal of Channel 12 from Fresno will make possible its use elsewhere, both in northern California and in Bakersfield.

For reasons set forth below, we conclude that its use in Bakersfield is preferable, in order to achieve deintermixture of that area. We do not propose as an alternative for Bakersfield the addition of Channel 6, as requested by KFRE–TV, because this course of action would involve the deletion of this channel from San Luis Obispo, without any satisfactory assignment to replace it. KFRE–TV has proposed that Channels 4 and 9 be assigned to San Luis Obispo; but this would involve very substantial violation of our mileage separation rules, and we are not disposed to alter these on a case-to-case basis when an alternative, which appears to have no substantial drawbacks affecting the public interest, appears available. We cannot accept KFRE–TV's argument that it would be subjected to substantial adjacent channel interference if operating on Channel 9 in Fresno, in view of the large distances from other adjacent channel assignments. We are not of course prejudging the further Fresno rule making which appears to be necessary, or whatever show cause proceeding may be involved with KFRE–TV; but as a basis upon which to proceed we favor the proposal which contemplates operation by the three Fresno stations on Channels 2, 5 and 9, and the deletion of Channel 12 from that city. Accordingly, in the attached Further Notice we propose to assign Channels 2, 5, 7 (educational) and 9 to Fresno, and to reassign Channel 12 elsewhere. We also issue show cause orders directed to KFRE–TV and the other Fresno stations.

23. We conclude that the public interest would be better served by the use of Channel 12 in Bakersfield, along with Channel 10 and Channel 8. The arguments for deintermixture of this market are the same as those applicable to Fresno. For similar reasons, it appears preferable not to make Bakersfield an all-UHF market or leave it intermixed. The course we adopt here necessitates

[5] Various parties herein refer to the respective populations of Bakersfield, Santa Barbara, Ventura, and Oxnard, and the counties wherein they are located. The pertinent facts appear to be as follows:

| | *1950 Census* | *Current (1958)* |
|---|---|---|
| Bakersfield | 34,784 | 54,300 |
| Kern County | 228,309 | 279,600 |
| Santa Barbara | 44,913 | 57,100 |
| Santa Barbara Co. | 98,220 | 121,300 |
| Oxnard | 21,567 | 34,600 |
| Ventura | *30,209 | 27,100 |
| Total | 51,776 | 61,700 |
| Ventura County | 114,647 | 163,100 |

*Township.

using Channel 12 at Bakersfield, rather than at Santa Barbara or Ventura-Oxnard. In our Report and Order (paragraph 30) we decided on the assignment of Channel 12 to Santa Barbara rather than Bakersfield inter alia because use thereof at Bakersfield would work to the disadvantage of UHF operation in Bakersfield and might have a similar effect in the Fresno area. Now, since we propose to make Fresno substantially all-VHF and contemplate similar action with respect to Bakersfield if it proves feasible, this reason no longer applies. Accordingly, we are of the view that, for the interim period with which our actions here are concerned, use of Channel 12 in Bakersfield, where it would help to solve the intermixture problem and would also make possible the provision of service to a much more populous county and a substantially greater total area and population, is to be preferred to its use at Santa Barbara. Likewise, use of this channel at Bakersfield we conclude to be more in accordance with our interim objectives than its assignment to Ventura or Ventura-Oxnard.

24. Use of Channels 8 and 12 at Bakersfield requires the concurrence of Mexico, since Bakersfield is within 250 miles of the Mexican boundary (see our Report and Order, paragraphs 24 and 25). Negotiations have been in progress looking toward such concurrence with respect to these channels, and it appears that there is substantial likelihood that formal concurrence will be obtained in these assignments. Accordingly—subject of course to the final outcome of these negotiations—we are instituting rule making proceedings looking toward these assignments.

25. Bakersfield Broadcasting Company has requested that it be issued a show cause order looking toward modification of the license of KBAK-TV to specify Channel 12 instead of Channel 29. While we are instituting rule making proceedings looking toward the assignment of Channels 8 and 12 to Bakersfield, we do not believe it appropriate to issue any show cause order in view of the fact that there are two UHF construction permits outstanding, even though not in effect at this time because of the protest proceeding. In this respect, KBAK's request is denied.

26. On October 2, 1958, Kern County Broadcasting Company (then an applicant for Channel 17) filed a petition requesting that Channel 39, Bakersfield, be reserved for educational use, so as to leave three commercial channels (1 VHF and 2 UHF) in that city. In view of the pending proceedings involving Bakersfield allocation, it is not necessary to pass upon that petition at this time. Kern County Broadcasting Company, or any other party, is of course free to assert in rule making proceedings relating to Bakersfield that one channel should be reserved for education.

27. As noted above, if Channel 12 is deleted from Fresno, an additional VHF channel may be assigned to a city north of Fresno. Two proposals have been submitted looking toward the assignment of a new VHF channel to San Francisco, and a conflicting proposal requests an additional VHF assignment to Sacramento. We are today instituting rule making on two proposals, together with interrelated proposals for additional VHF outlets at Reno. In connection with proposals involving Reno, we note that that city is 192 air miles north of Fresno. Since the proposal for use of Channels 2, 5, *7 and 9 at Fresno involves use of a site east-northeast of that city, it is possible that the assignment of Channels 2 and 5 to Fresno may involve some limitation upon the site at which these channels could be used at Reno. Despite this possible interrelationship, we conclude upon full consideration of all relevant factors that the rule making on Fresno and Bakersfield assignments should proceed separately from our review, in a different proceeding, of allocation proposals affecting Reno, Sacramento, San Francisco and other California cities. A consolidated proceeding would be unduly cumbersome. Moreover, we attach more urgency to an interim solution for the currently intermixed markets of Fresno and Bakersfield than to the interim problems in Reno, a smaller market with two VHF assignments. It follows that if a site conflict should arise between Reno and Fresno—and this is an uncertain eventuality—we would be compelled to resolve it in favor of Fresno.[6]

28. In view of the foregoing: *It is ordered*, That the Commission's Report and Order and Order to Show Cause, adopted in this proceeding on February 26, 1957 and released on March 1, 1957 (22 FCC 365, 15 Pike and Fischer RR 1586i), is vacated.

29. Notice is hereby given of further proposed rule making to amend § 3.606 *Table of assignments*, Television Broadcast Stations, as follows:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Bakersfield, Calif. | 10−, 17, 29, 39+ | 8, 10−, 12+, 17, 29, 39+ |
| Fresno, Calif. | 12+, *18−, 24, 47, 53 | 2−, 5−, *7+, 9−, 53 |
| Goldfield, Nev. | 5− | |
| Tonopah, Nev. | 9− | |

30. The Commission is of the view that interested parties should be invited to file comments on the foregoing proposal before further action is taken in the subject proceeding.

[6] We also note a pleading filed very recently (May 19, 1959) on behalf of Station KCCC-TV, Sacramento Channel 40, which asks us to consider lowering the Zone II co-channel mileage separation requirements to 100 to 125 miles, in lieu of the present 190 miles. The pleading also proposes numerous changes in assignments in California on the basis of such reduced separations. While we are considering the possible reduction of mileage separations in situations where the critical shortage of VHF channels can be alleviated only by this means, it is not appropriate to consider, in a proceeding relating to individual cities, a drastic reduction in separations throughout the largest of the three zones. Accordingly, this pleading is denied insofar as it proposes concurrent consideration of reassignments in Fresno, Bakersfield, and elsewhere which involve such radical reduction in separations.

31. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h), and (r) and 307(b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

32. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 24, 1959, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 15 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

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

34. *It is ordered*, That, pursuant to the provisions of sections 303(f) and 316 of the Communications Act of 1934, as amended:

(a) O'Neill Broadcasting Company is ordered to show cause why its authorization for Station KJEO on Channel 47 in Fresno should not be modified to specify operation on Channel 2.

(b) McClatchy Newspapers is ordered to show cause why its license for Station KMJ-TV on Channel 24 in Fresno should not be modified to specify operation on Channel 5−.

(c) Triangle Publications, Inc., is ordered to show cause why its license for Station KFRE-TV on Channel 12+ in Fresno should not be modified to specify operation on Channel 9−.

35. Responses to the Show Cause Orders issued herein should be filed on or before August 24, 1959. If a respondent consents to the proposed modification of its authorization, it will be helpful if the response includes all data necessary for the preparation of engineering specifications covering the modified authorization.

36. *It is further ordered*, That each respondent should file an original and 14 copies of its response, and should indicate therein whether or not it requests a hearing in the matter, and if so, whether it intends to appear and present evidence at such hearing on the matters specified herein and in said response.

37. *It is further ordered*, That failure to file a response by August 24, 1959 shall be deemed consent by the respondent to the modification of its authorization as proposed, and a final order will issue accordingly.

38. *It is further ordered*, That failure to indicate said response that respondent requests a hearing will be deemed a waiver of its right to a hearing, and if the response is filed and the right to request a hearing has been waived by

respondent, the Commission may, depending upon the facts alleged and proof offered, either call upon respondent to furnish additional information under oath, designate the matter for hearing on its own motion or issue without further proceedings an order modifying respondent's authorization, as proposed herein.

39. *It is further ordered*, That the proposals inconsistent with those adopted herein for further rule making are denied.

(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: July 15, 1959.

Released: July 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
*Secretary.*

[F.R. Doc. 59-6020; Filed, July 21, 1959; 8:50 a.m.]

# NOTICES

## DEPARTMENT OF DEFENSE

### Department of the Army

### RALPH M. BESSE

### Employment Without Compensation

Pursuant to section 101(a) of Executive Order 10647 (section 710(b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Ralph M. Besse on July 2, 1959 in the Department of the Army. Mr. Besse is serving as Chief of the Cleveland Ordnance District, Cleveland, Ohio.

Mr. Besse is presently employed by the Cleveland Electric Illuminating Company, Cleveland, Ohio.

Mr. Besse's statement of his personal business interests is set forth below.

Dated: July 16, 1959.

JOHN W. MARTYN,
*Administrative Assistant.*

STATEMENT OF PERSONAL BUSINESS INTERESTS

The following statement lists the names of concerns required by section 302(b) of Executive Order 10647, dated November 28, 1955 (subsection 710(b)(6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director:

The Cleveland Electric Illuminating Co.—Executive Vice President and Director.
The CEICO Company—President.
The Cleveland Trust Co.—Director.
American Management Assn.—Director.
(Charitable and educational organizations not listed.)

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds, or other financial interests:

American Vitrified Products.
Cleveland Electric Illuminating Co.
Cleveland Trust Co.
Controls Co. of America.
Diamond Portland Cement.
Dow Chemical Co.
Gerber Products Co.
Great American Life Underwriters.
National Screw & Mfg. Co.
Nationwide Corp. "A".
Ohio Oil Co.
One William Street Fund.
Prince Marine Drilling & Exploration.
Producing Properties.
Royal Dutch Petroleum.
Standard Oil of New Jersey.
Television Electronic Fund.
Travelers Insurance Co.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner:

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

None.

Dated: June 29, 1959.

RALPH M. BESSE.

[F.R. Doc. 59-5982; Filed, July 21, 1959; 8:45 a.m.]

### ALBERT W. GILMER

### Employment Without Compensation

Pursuant to section 101(a) of Executive Order 10647 (section 710(b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Albert W. Gilmer on July 1, 1959 in the Department of the Army. Mr. Gilmer is serving as Chief of the Philadelphia Ordnance District, Philadelphia, Pennsylvania.

Mr. Gilmer is presently employed as a partner with Barnes, Dechert, Price, Myers and Rhoades, Philadelphia, Pennsylvania.

Mr. Gilmer's statement of his personal business interests is set forth below.

Dated: July 16, 1959.

JOHN W. MARTYN,
*Administrative Assistant.*

STATEMENT OF PERSONAL BUSINESS INTERESTS

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director:

(a) Commercial Banking Corp., Director, Philadelphia, Pa.
(b) Airdesign Corp., Director, Secretary, Upper Darby, Pa.
(c) William Freihofer Baking Co., Director, Philadelphia, Pa.
(d) Gates Engineering Co., Secretary, Wilmington, Del.
(e) Wilmington Realty Co., Secretary, Wilmington, Del.

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds or other financial interests:

(a) Chicago & Northwestern Railway, Stockholder, Chicago, Ill.
(b) East Sugar Loaf Coal Co., Stockholder, Philadelphia, Pa.
(c) Petroleum Conversion Corp., Stockholder, Wilmington, Del.
(d) Lehigh Coal & Navigation Co., Stockholder, Bethlehem, Pa.
(e) The Macco Chemical Co., Stockholder, Cleveland, Ohio.
(f) Crown Cork & Seal Co., Inc., Stockholder.
(g) Airdesign Corp., Stockholder, Upper Darby, Pa.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner:

(a) Barnes, Dechert, Price, Myers & Rhoads (Law Firm), Partner, Philadelphia, Pa.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

None.

Dated: June 1, 1959.

ALBERT W. GILMER.

[F.R. Doc. 59-5983; Filed, July 21, 1959; 8:45 a.m.]

### EDWARD F. McCROSSIN

### Employment Without Compensation

Pursuant to section 101(a) of Executive Order 10647 (section 710(b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Edward F. McCrossin on July 1, 1959 in the Department of the Army. Mr. McCrossin is serving as Chief of the New York Ordnance District.

Mr. McCrossin is self-employed. He is the sole owner of McCrossin and Company, New York.

Mr. McCrossin's statement of his personal business interests is set forth below.

Dated: July 16, 1959.

JOHN W. MARTYN,
*Administrative Assistant.*

STATEMENT OF PERSONAL BUSINESS INTERESTS

The following statement lists the names of concerns required by section 302(b) of Executive Order 10647, dated November 28, 1955 (subsection 710(b)(6) of the Defense Production Act of 1950, as amended).

1. The names of any corporations of which I am, or within 60 days preceding this appointment have been, an officer or director:

Seaboard Fire & Marine Insurance Company of New York, Director.
Yorkshire Insurance Company of New York, Director.
Yuba Consolidated Industries, Director.

2. The names of any corporations in which I own, or within 60 days preceding

this appointment have owned, any stocks, bonds or other financial interests:

Stockholder (Investments).
Alabama Power Company.
American Metals, Ltd.
American Tel. & Tel. Co.
American Equitable Assurance Co.
Crown Cotton Mills of Dalton, Ga.
Cherokee Royalty Co., Beaumont, Tex.
General Electric Company.
Irving Trust Co. of New York City.
Inland Steel Company.
Kennecott Copper Company.
Mississippi River Fuel Corp.
Mountain Fuel Supply Company.
National Steel Corp.
Pacific Gas & Electric Co.
Seaboard Fire & Marine Insurance Co.
Socony Mobile Oil Company.
Standard Oil of California.
Standard Oil of Indiana.
Standard Oil of New Jersey.
Union Carbide & Carbon Corp.
F. W. Woolworth Company.
Yorktown Products Corp.
Yuba Consolidated Industries.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner:

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

McCrossin & Company, Consulting Engineers, sole owner.

Dated: June 30, 1959.

EDWARD F. MCCROSSIN.

[F.R. Doc. 59-5984; Filed, July 21, 1959; 8:45 a.m.]

## JOHN S. PFEIL

### Employment Without Compensation

Pursuant to section 101(a) of Executive Order 10647 (section 710(b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. John S. Pfeil on July 1, 1959 in the Department of the Army. Mr. Pfeil is serving as Chief of the Boston Ordnance District, Boston, Massachusetts.

Mr. Pfeil is presently retired.

Mr. Pfeil's statement of his personal business interests is set forth below.

Dated: July 16, 1959.

JOHN W. MARTIN,
*Administrative Assistant.*

STATEMENT OF PERSONAL BUSINESS INTERESTS

The following statement lists the names of concerns required by section 302(b) of Executive Order 10647, dated November 28, 1955 (subsection 710(b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director:

None.

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds or other financial interests:

Home Insurance Company.
Newton-Waltham Bank.
Incorporated Investors.
Eastern Utility Associates.
Massachusetts Investors Trust.
Norfolk County Trust Company.
General Motors.
Bank of America.
Tennessee Gas Transmission.
Eaton & Howard.
Manufacturers Trust Company.
Continental Baking Company.
Massachusetts Port Authority.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment, have been, a partner:

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

None.

Dated: July 1, 1959.

JOHN S. PFEIL.

[F.R. Doc. 59-5985; Filed, July 21, 1959; 8:45 a.m.]

## HARRY S. ROBINSON

### Employment Without Compensation

Pursuant to section 101(a) of Executive Order 10647 (section 710(b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Harry S. Robinson on July 1, 1959 in the Department of the Army. Mr. Robinson is serving as Chief of the Cincinnati Ordnance District, Cincinnati, Ohio.

Mr. Robinson is retired.

Mr. Robinson's statement of his personal business interests is set forth below.

Dated: July 16, 1959.

JOHN W. MARTYN,
*Administrative Assistant.*

STATEMENT OF PERSONAL BUSINESS INTERESTS

The following statement lists the names of concerns required by Section 302(b) of Executive Order 10647, dated November 28, 1955 (subsection 710(b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director:

Treasurer & Director, Technical Equipment Company, Cincinnati, Ohio.

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds, or other financial interests:

Borg-Warner Corporation.
Food Machinery & Chemical Company.
General Electric Company.
General Portland Cement Company.
Halliburton Oil Well Cementing Co.
McGraw Hill Publishing Company.
Monarch Machine Tool Company.
Republic Steel Company.
Southern Company.
Standard Oil of California.
Standard Oil of Indiana.
Standard Oil of New Jersey.
West Penn Electric Co.
Central Trust Co., Cincinnati.
Fifth-Third Union Trust, Cincinnati.
U.S. Shoe Corp., Cincinnati.
Technical Equipment Co., Cincinnati.
American Gas & Electric Co.
Cincinnati Enquirer.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner:

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

None.

Dated: July 1, 1959.

HARRY S. ROBINSON.

[F.R. Doc. 59-5986; Filed, July 21, 1959; 8:45 a.m.]

## WILLIAM J. RUSHTON

### Employment Without Compensation

Pursuant to section 101(a) of Executive Order 10647 (section 710(b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. William J. Rushton on July 1, 1959 in the Department of the Army. Mr. Rushton is serving as Chief of the Birmingham Ordnance District.

Mr. Rushton is presently employed by the Protective Life Insurance Company, Birmingham, Alabama.

Mr. Rushton's statement of his personal business interests is attached:

Dated: July 16, 1959.

JOHN W. MARTYN,
*Administrative Assistant.*

STATEMENT OF PERSONAL BUSINESS INTERESTS

The following statement lists the names of concerns required by section 302(b) of Executive Order 10647, dated November 28, 1955 (subsection 710(b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director:

First National Bank of Birmingham, Birmingham, Ala.
Gulf, Mobile & Ohio Railroad.
Alabama Power Company.
Moore Handley Hardware.
Protective Life Insurance Company.

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds, or other financial interests:

First National Bank of Birmingham, Birmingham, Ala.
Gulf, Mobile & Ohio Railroad.
Alabama Power Company.
Moore Handley Hardware.
Protective Life Insurance Company.
South Georgia Gas Company.
Southern Company.
Chattanooga Coca-Cola Bottling Company.
Darlington-Hartsville Coca-Cola Company.
Coca-Cola Bottling Company of Lake Charles.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been a partner:

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

None.

Dated: July 1, 1959.

WILLIAM J. RUSHTON.

[F.R. Doc. 59-5987; Filed, July 21, 1959; 8:46 a.m.]

# DEPARTMENT OF JUSTICE

## Office of Alien Property

[Dissolution Order 127]

### EMPIRE IMPORT & EXPORT CORPORATION

Whereas, by virtue of the issuance of Vesting Order No. 177, dated September 28, 1942, as amended May 21, 1943 (7 F.R. 8569; 8 F.R. 7204), and other actions taken under the Trading With the Enemy Act, as amended, the Attorney General of the United States, (hereinafter referred to as "Attorney General"), successor to the Alien Property Custodian, holds all of the capital stock of Empire Import & Export Corporation (hereinafter referred to as the "Company"), a corporation organized under the laws of the State of New York; and

Whereas, by virtue of the issuance of Vesting Order No. 734, dated January 23, 1943 (8 F.R. 1658), and other actions taken under the Trading With the Enemy Act, as amended, there is vested in the Attorney General all right, title, interest and claim of Local Filatures Corporation, Kobe, Japan, in and to all obligations owing to it by the Company, which obligations have been determined to aggregate $99,917.14; and

Whereas, the Company has been substantially liquidated.

Now, therefore, under authority of the Trading With the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the assets of the Company, after write-off of uncollectible items, consist of cash in the amount of $18,988.99 and are insufficient to pay in full its liabilities listed below; and

2. Finding that the claims of all known creditors of the Company have been paid except:

(a) The aforesaid vested obligation due the Attorney General in the amount of $99,917.14;

(b) Account payable to Butter & Silverman, Attorneys at Law, 291 Broadway, New York 7, New York, in the amount of $350.00;

(c) Account payable to Harry Feldman, Certified Public Accountant, 11 West 42d Street, New York, New York, in the amount of $200.00;

(d) Account payable to New York Telephone Co. (E. Newton Wellington, Attorney, 104 Broad Street, New York 4, N.Y.) in the amount of $15.72;

(e) Account payable to the Attorney General for advances made or services rendered to the Company by the Office of Alien Property prior to date of dissolution of the Company (October 30, 1943) in the amount of $314.75; and

3. Having determined that it is in the national interest of the United States that the Company be dissolved, that its affairs be wound up, and that its assets be distributed as hereinafter provided, and a Certificate of Dissolution having been issued by the Secretary of State of the State of New York on October 30, 1943, upon application of the Alien Property Custodian as sole stockholder of said Company

*Hereby orders*, That the officers and directors of the Company (to wit, Lewis M. Reed, President and Director, and Stanley B. Reid, Secretary and Director, or their successors or any of them) wind up the affairs of the Company and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay all current expenses and reasonable and necessary charges, if any, of winding up the affairs of the Company; and

(b) They shall then pay all known federal, state, and local taxes or fees, if any, owed by or accrued against the Company; and

(c) They shall then apply all funds of the Company remaining in their hands after making the payments, if any, specified in (a) and (b) above, to the payment, on a *pro rata* basis, of the claims and obligations owing to the Attorney General and each of the other creditors listed in subparagraphs (a) through (e) of paragraph 2 hereof; and

(d) They shall then deliver to the Attorney General an assignment of all remaining assets or property (if any) of the Company of whatever kind or nature (including any after-discovered assets or property and all claims or causes of action of whatever kind or nature). The Attorney General, if and when such assets or property (if any) are liquidated, will apply the net proceeds thereof to the purposes and with priorities specified by paragraphs (a), (b), and (c) hereof, and will retain any remaining balance as a liquidating distribution of assets to the sole stockholder; and

*Further orders*, That nothing herein set forth shall be construed as prejudicing the rights under the Trading with the Enemy Act, as amended, of any person who may have a claim against the Company to file such claim with the Attorney General against any assets or property received by the Attorney General hereunder; *Provided, however*, That nothing herein contained shall be construed as creating additional rights in such person; *Provided further*, That any such claim against said Company shall be filed with or presented to the Attorney General within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and

*Further orders*, That all actions taken and acts done by the officers and directors of the Company pursuant to this Order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to section 5(b)(2) of the Trading with the Enemy Act, as amended (50 U.S.C. App. 5), and the acquittance and exculpation provided therein.

Executed at Washington, D.C., on July 14, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 59-6001; Filed, July 21, 1959; 8:47 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-136]

## GENERAL ELECTRIC CO.

### Notice of Filing of Application for Facility Export License

Please take notice that International General Electric Company, a Division of General Electric Company, 150 East 42d Street, New York 17, New York, has submitted an application dated June 4, 1959, and amendment thereto dated June 12, 1959, for a license authorizing the export of a 62,000 thermal kilowatt (15,000 kilowatt electrical) boiling water power reactor to Allgemeine Elektricitats-Gesellschaft AG, Frankfurt/Main AEG-Hochhaus, Federal Republic of Germany.

Pursuant to section 104 of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", and upon finding that (a) the reactor proposed to be exported is a utilization facility as defined in said Act and regulations, and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an Agreement for Cooperation with the Government of the Federal Republic of Germany, the Commission may issue an export license authorizing the export of the reactor to West Germany.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactor.

In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2) a petition for leave to intervene in these proceedings must be served upon the parties and filed with the Atomic Energy Commission within 30 days after the filing of this notice with the Federal Register Division.

A copy of the application and amendment is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 15th day of July 1959.

For the Atomic Energy Commission.

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

[F.R. Doc. 59-5981; Filed, July 21, 1959; 8:45 a.m.]

# FEDERAL AVIATION AGENCY

[Amdt. 27]

## ORGANIZATIONS AND FUNCTIONS

### Establishment of New Aircraft Engineering District Offices

In accordance with the public information requirements of the Administrative Procedure Act, section 22(b) of the Organizations and Functions of the Federal Aviation Agency as published on December 24, 1957 (22 F.R. 10499), is amended to add Aircraft Engineering District Offices located as follows to the list of such offices for Region 2:

1. Marietta, Georgia, mailing address: c/o Lockheed Aircraft Corporation, Georgia Division, Marietta, Georgia.
2. International Airport, mailing address: International Airport, San Antonio 9, Texas.

Issued in Washington, D.C., on July 15, 1959.

ALAN L. DEAN,
*Acting Administrator.*

[F.R. Doc. 59-6011; Filed, July 21, 1959; 8:49 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12879; FCC 59M-897]

## FREDERIC C. DOUGHTY

### Order Continuing Hearing

In the matter of Frederic C. Doughty, Springfield, Pennsylvania, Docket No. 12879; suspension of Amateur Radio Operator License (W3PHL).

On the Hearing Examiner's own motion: *It is ordered*, This 14th day of July 1959, that the hearing in this proceeding heretofore scheduled for July 24, 1959, is postponed to Tuesday, September 29, 1959, at 10:00 a.m., in the offices of the Commission, Washington, D.C.[1]

Released: July 15, 1959.

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

[F.R. Doc. 59-6028; Filed, July 21, 1959; 8:51 a.m.]

[Docket No. 12860 etc.; FCC 59M-904]

## WILLIAM PARMER FULLER, III, ET AL.

### Order Advancing Hearing Date

In re applications of William Parmer Fuller, III, Salt Lake City, Utah, Docket No. 12860, File No. BP-11727; James C. Wallentine, tr/as Kanab Broadcasting Co., Kanab, Utah, Docket No. 12861, File No. BP-11813; Cache Valley Broadcasting Company (KVNU), Logan, Utah, Docket No. 12863, File No. BP-12017; for construction permits.

The Hearing Examiner having under consideration oral request of William Parmer Fuller, III, for the advancement of the hearing herein;

It appearing that all participating parties have consented to a grant of the request;

*It is ordered*, This 15th day of July 1959, that the request is granted, and the hearing scheduled herein for September 11, 1959, is advanced to July 31, 1959, at 10:00 a.m.

Released: July 15, 1959.

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

[F.R. Doc. 59-6029; Filed, July 21, 1959; 8:57 a.m.]

[Docket No. 12777; FCC 59M-909]

## SEASIDE BROADCASTING CO.

### Order Scheduling Hearing

In re application of Ronald L. Rule, James L. Dennon and Seldon Mason, d/b as Seaside Broadcasting Company, Seaside, Oregon, Docket No. 12777, File No. BP-11200; for construction permit.

The Hearing Examiner having under consideration the motion of Seattle, Portland and Spokane Radio made at the prehearing conference held in the above-entitled proceeding on July 13, 1959, to rule applicant Seaside Broadcasting Company in default for failure to attend said conference, close the record, and issue an initial decision denying the application;

It appearing, that Seaside Broadcasting Company is represented by counsel having offices in Portland, Oregon; and

It further appearing, that, the proceeding involving a single applicant and intervenor, the failure herein is not sufficiently disruptive to orderly disposition of the proceeding to warrant invoking the sanction of default if it be assumed said motion would properly lie at this point in the proceeding;

*It is ordered*, This 15th day of July 1959 that the said motion to rule applicant in default is denied;

*It is further ordered*, That hearing herein is scheduled to commence on July 30, 1959, at 10:00 a.m. in the offices of the Commission, Washington, D.C.

Released: July 16, 1959.

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

[F.R. Doc. 59-6030; Filed, July 21, 1959; 8:51 a.m.]

[Docket No. 12897; FCC 59M-912]

## SHERRILL C. CORWIN (KFMC)

### Order Following Prehearing Conference

In re application of Sherrill C. Corwin (KFMC), Santa Barbara, California, Docket No. 12897, File No. BMPH-5408; for modification of construction permit for FM broadcast station.

A prehearing conference in the above-entitled matter having been held on July 14, 1959, and it appearing that certain agreements were reached therein which properly should be formalized in an Order;

*It is ordered*, This 16th day of July 1959, that:

(1) The affirmative case of the applicant and the rebuttal case of the respondent (if any) shall be presented by written, sworn exhibits;

(2) The applicant shall make a preliminary exchange of its exhibits with the other parties herein on August 21, 1959;

(3) The applicant and respondent shall make an exchange of their respective exhibit in final form (with copies to be supplied to counsel for the Broadcast Bureau and the Hearing Examiner) on September 9, 1959; and

*It is further ordered*, That the hearing in this proceeding heretofore scheduled to commence on September 3, 1959, is continued to Wednesday, September 16, 1959, at 9:30 a.m., in the offices of the Commission, Washington, D.C.

Released: JULY 16, 1959.

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

[F.R. Doc. 59-6031; Filed, July 21, 1959; 8:51 a.m.]

[Docket No. 12813; FCC 59M-903]

## SOUTHBAY BROADCASTERS

### Order Continuing Hearing

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

The Hearing Examiner having under consideration the petition for continuance of procedural dates filed in the above-entitled proceeding on July 13, 1959, by Southbay Broadcasters;

It appearing that pursuant to the order released herein on June 11, 1959, the direct case of Southbay Broadcasters was to be supplied the other parties and the Hearing Examiner on or before July 13, 1959; the direct affirmative or rebuttal evidence of KFWB Broadcasting Company was to be supplied the other parties and the Examiner on or before July 20, 1959; notification of witnesses for cross-examination was to be given on or before July 23, 1959; and the hearing was scheduled to commence on July 27, 1959, which dates the instant petition requests be continued as specified in the said petition;

It further appearing that all parties to the proceeding have consented to immediate consideration and grant of the said petition and good cause for a grant thereof has been shown in that additional time is required for the making of field intensity measurements;

*It is ordered*, This 14th day of July 1959 that the petition for continuance of procedural dates is granted and the dates for exchange of applicant's direct case,

[1] The instant order does not affect respondent's pending request for the transfer of the place of hearing to Philadelphia, Pennsylvania, which request is a matter for consideration by the Chief Hearing Examiner.

for exchange of respondent's direct affirmative or rebuttal evidence, and for notification of witnesses for cross-examination are continued to September 15, 1959; September 22, 1959; and September 25, 1959, respectively;

*It is further ordered*, That the hearing presently scheduled for July 27, 1959 is continued to September 29, 1959, commencing at 10:00 a.m.

Released: July 15, 1959.

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

[F.R. Doc. 59-6032; Filed, July 21, 1959; 8:51 a.m.]

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[Docket No. 11997; FCC 59-714]

## ALLOCATION OF CERTAIN FREQUENCIES TO NON-GOVERNMENT SERVICES

### Order Extending Time for Filing Exhibits

In the matter of statutory inquiry into the allocation of frequencies to the various non-governmental services in the radio spectrum between 25 Mc and 890 Mc; Docket No. 11997.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 15th day of July 1959.

The Commission having before it for consideration, requests for extension of time in which to file exhibits in the above referenced docket by the National Committee for Utilities Radio and the Association of American Railroads, the latter association requesting an extension of time to September 1, 1959, in which to file its reserved exhibit:

It appearing that the Commission desires to have the exhibits to be received in this proceeding in their most complete and useful form;

It further appearing that the request appears to be reasonable and would aid the Commission in its deliberations in this matter and that an extension of time is considered necessary and would be in the public interest;

*It is ordered*, That the request for an extension of time to September 1, 1959, in which to file exhibits in the subject docket is granted.

Released: July 17, 1959.

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

[F.R. Doc. 59-6028; Filed, July 21, 1959; 8:50 a.m.]

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# GENERAL SERVICES ADMINISTRATION

## ZINC OXIDE PELLETS HELD IN NATIONAL STOCKPILE

### Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 53 Stat. 811, as amended, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 165,273 pounds of zinc oxide pellets now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that, because of obsolescence of said pellets for use in time of war, there is no longer any need for stockpiling said material.

GSA proposes to offer said zinc oxide pellets for sale on a competitive basis. It is proposed to offer the entire quantity for sale at one time since the quantity is very small in relation to domestic consumption.

This plan of disposition has been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

It is proposed to make the zinc oxide pellets covered by this notice available for sale beginning six months after the date of publication of this notice in the FEDERAL REGISTER.

Dated: July 16, 1959.

FRANKLIN FLOETE,
*Administrator of General Services.*

[F.R. Doc. 59-6005; Filed, July 21, 1959; 8:47 a.m.]

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# INTERSTATE COMMERCE COMMISSION

[Notice 26]

## APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OR PERMIT

JULY 17, 1959.

The following applications and certain other procedural matters relating thereto are filed under the "grandfather" clause of section 7 of the Transportation Act of 1958. These matters are governed by special rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provides, among other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

These notices reflect the operations described in the applications as filed on or before the statutory date of December 10, 1958.

No. MC 119055, filed November 28, 1958. Applicant: DAVE BYER, doing business as DAVE BYER FRUIT XPRESS, 201 West 24th, Hutchinson, Kans. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables*, and *bananas*, in straight and in mixed loads with *certain exempt commodities*, from Galveston, Tex., New Orleans, La., Mobile, Ala., Miami, Fla., and Alamosa, Colo., to Wichita, Pittsburg, Coffeyville, and Topeka, Kans., Kansas City and Springfield, Mo., Denver and Billings, Mont., Oklahoma City, Okla., and Carter, Tex.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 59-5998; Filed, July 21, 1959; 8:47 a.m.]

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[Notice 93]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 17, 1959.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 986 (Deviation No. 2), KANSAS-NEBRASKA EXPRESS, INC., 1229½ Union Avenue, Kansas City 1, Mo., filed July 9, 1959. Attorney, Tom B. Kretsinger, 1014–18 Temple Building, Kansas City 6, Mo. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: from Kansas City, Mo., over U.S. Highway 71 to junction City U.S. Highway 71, thence over City U.S. Highway 71 to junction U.S Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 73, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following

pertinent route: from Kansas City over U.S. Highway 24 to junction U.S. Highway 73, thence over U.S. Highway 73 to junction U.S. Highway 36, thence over U.S. Highway 36 to points within a 15-mile radius of Morrowville, Kans., and return over the same route.

No. MC 6945 (Deviation No. 2), THE NATIONAL TRANSIT CORPORATION, 1687 West Fort Street, Detroit 16, Mich., filed July 6, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: from Fostoria, Ohio, over Ohio Highway 199 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Ohio Highway 120, thence over Ohio Highway 120 to junction U.S. Highway 24A, in Toledo, Ohio, 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 pertinent authorized service routes as follows: from Perrysburg, Ohio, over U.S. Highway 23 to Marion, Ohio; and from Toledo, Ohio, over U.S. Highway 23 to Perrysburg; and return over the same routes.

No. MC 13123 (Deviation No. 5), WILSON FREIGHT FORWARDING CO., 3636 Follett Avenue, Cincinnati 23, Ohio, filed July 6, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over two deviation routes, (A) from junction U.S. Highway 22 and New Jersey Highway 24 at or near Phillipsburg, N.J., over New Jersey Highway 24 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction New Jersey Highway 93, thence over New Jersey Highway 93 to junction U.S. Highway 1, (B) from junction U.S. Highway 22 and New Jersey Highway 24 at or near Phillipsburg, N.J., over New Jersey Highway 24 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction U.S. Highway 1, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from Phillipsburg, N.J., over U.S. Highway 22 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction New Jersey Highway 93; from Phillipsburg, N.J., over U.S. Highway 22 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction New Jersey Highway 3; and return over the same routes.

No. MC 71478 (Deviation No. 5), THE CHIEF FREIGHT LINES, COMPANY, 1229½ Union Avenue, P.O. Box 4049, Station A, Kansas City, Mo., filed July 9, 1959. Attorney, Tom B. Kretsinger, 1014–18 Temple Building, Kansas City 6, Mo. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: from Oklahoma City, Okla., over Oklahoma Highway 74 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 177, thence over U.S. Highway 177 to the Kansas Turnpike, thence over the Kansas Turnpike and access routes to Kansas City, Mo., 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 authorized service route: from Oklahoma City over the Turner Turnpike to Tulsa, Okla., and thence over U.S. Highway 169 to Kansas City, Mo., and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-5999; Filed, July 21, 1959; 8:47 a.m.]

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[Notice 279]

## MOTOR CARRIER APPLICATIONS

JULY 17, 1959.

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

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

### APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

#### MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub No. 328), filed April 30, 1959. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New trucks*, and *truck chassis*, in initial movements, in truckaway and driveaway service, from points in Wayne County, Ind., to points in the United States, including the new State of Alaska, and the District of Columbia. Applicant is authorized to conduct operations throughout the United States.

*HEARING:* September 18, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Michael B. Driscoll.

No. MC 4405 (Sub No. 331), filed June 10, 1959. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers*, and *trailer and semi-trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial movements by truckaway service, from Perkasie and Falls Township, Bucks County, Pa., to points in the United States, including Alaska; and (2) *cargo containers*, from Trevose, Perkasie, and Falls Township, Bucks County, Pa., to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

*HEARING:* September 15, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas J. Kilroy.

No. MC 21120 (Sub No. 1), filed April 29, 1959. Applicant: PANTHER CARTAGE CO., 1041 Front Street, Cleveland 13, Ohio. Applicant's attorney: Oliver H. Wolf, Jr., Leader Building, Cleveland, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (a) between points in Lake, Geauga, Summit, Medina, and Lorain Counties, Ohio, on the one hand, and, on the other, the Cleveland Hopkins Airport located in Cuyahoga County, Ohio. (b) Between Cleveland Hopkins Airport, on the one hand, and, on the other, the Akron Airport, Columbus Airport, and Dayton Airport. Applicant states all authority requested in (a) and (b) above is to be restricted to shipments having a prior or subsequent movement by aircraft. Applicant has filed Motion to Dismiss this application on the grounds that the requested authority is within the exemption provided in 49 U.S.C., section 303(b)(7a) respecting transportation of property by motor vehicle when incidental to transportation by aircraft. Applicant is authorized to conduct operations in Ohio.

NOTE: Applicant states as follows: This is a pickup and delivery service for authorized air freight carriers and is supplementary to such transportation by aircraft. Applicant will be paid out of revenues payable for transportation by aircraft. All freight moves on airline bills of lading from or through Cleveland Hopkins Airport to destination or from origin to or through Cleveland Hopkins Airport. Freight moves between the five county Ohio area and the Cleveland Hopkins Airport. Movements between the four airports set forth in (b) above will be either by air or motor vehicle whichever is more practical to accomplish the particular movement.

*HEARING:* September 10, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 21623 (Sub No. 80), filed June 24, 1959. Applicant: W. J. DILLNER TRANSFER CO., 601 Melwood Street, Pittsburgh 13, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys* and *alloying metals*, in bulk, in dump or other unloading vehicles, loose or in packages on pallets with or without standing sides, or specially designed containers on flat bed or specially designed trailers, and *empty containers* used in the transportation of the above commodities, (1) between points in Pennsylvania west of U.S. Highway 15, on the one hand, and, on the other, points in Delaware, Southern Peninsula of Michigan, Ohio, New

York, New Jersey, and West Virginia; (2) between points in Ohio on the one hand, and, on the other, points in West Virginia. Applicant is authorized to conduct operations in Ohio, Pennsylvania, West Virginia, New York, Michigan, Delaware, New Jersey, and Tennessee.

*HEARING:* September 29, 1959, at the Fulton Building, 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Alfred B. Hurley.

No. MC 29886 (Sub No. 145), filed May 4, 1959. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment* and *machinery* used in the construction and maintenance of streets and highways, from the plant site of Littleford Bros., Inc., in Cincinnati, Ohio, to points in the United States, including Alaska, and on return, such of the above-described commodities which are being returned to said plant for repair or reconditioning, or which are used for shows or advertising purposes. Applicant is authorized to conduct operations throughout the United States.

*HEARING:* September 28, 1959, at the Federal Building, Room 712, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 29886 (Sub. No. 149), filed May 7, 1959. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rollers* and *machinery* and *equipment* used in the construction and maintenance of streets and highways, from Springfield, Ohio, to points in the United States, including Alaska, and on return, such of the above-described commodities which are being returned to Springfield for repair or reconditioning, and which are used for advertising or display purposes. Applicant is authorized to conduct operations throughout the United States.

*HEARING:* September 24, 1959, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 29886 (Sub No. 150), filed May 7, 1959. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement mixers, compressors, pumps,* and *machinery* and *equipment* used in the construction of streets and highways, from the plant site of Jaeger Machine Company in Columbus, Ohio, to points in the United States, including Alaska, and on return, such of the above-described commodities which are being returned to said plant for repair or reconditioning, and which are used for shows or advertising purposes. Applicant is authorized to conduct operations throughout the United States.

*HEARING:* September 25, 1959, at the Federal Building, Room 712, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 33448 (Sub No. 1), filed May 1, 1959. Applicant: PAUL'S DELIVERY & TRUCKING CORP., 20 West 17th Street, New York, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, and *empty hangers*, between Springfield (Delaware County), Pa., and New York, N.Y. Applicant is authorized to conduct operations in Delaware, New Jersey, New York, and Pennsylvania.

*HEARING:* September 15, 1959, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

No. MC 44639 (Sub No. 9), filed April 27, 1959. Applicant: 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. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* and *supplies* used in the manufacture of wearing apparel, and *wearing apparel*, on hangars, between New York, N.Y., on the one hand, and, on the other, Bedford, Roanoke, and New Castle, Va. Applicant is authorized to conduct similar operations from and to specified points in New York, New Jersey, Virginia, and Maryland.

*HEARING:* September 14, 1959, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

No. MC 48386 (Sub No. 8), filed May 6, 1959. Applicant: HERBERT GRAVER, CLAIR GRAVER, CARL GRAVER AND JOHN GRAVER, doing business GRAVER TRUCKING, 1007 North 9th Street., Stroudsburg, Pa. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from points in New Jersey, other than Carteret, N.J., to points in Pennsylvania bounded by a line beginning at the intersection of the Pennsylvania-Maryland State line and U.S. Highway 15 and extending along U.S. Highway 15 to its intersection with the Pennsylvania-New York State line, thence east along the Pennsylvania-New York State line to the intersection with U.S. Highway 11, thence south along U.S. Highway 11 to Northumberland, Pa., thence along Pennsylvania Highway 14 to Sunbury, Pa., thence along U.S. Highway 122 to Oxford, Pa., and thence along U.S. Highway 1 to the Pennsylvania-Maryland State line, thence along the Pennsylvania-Maryland State line to the intersection with U.S. Highway 15, the point of beginning, including points on the indicated portion of U.S. Highway 15. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

*HEARING:* September 11, 1959, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

No. MC 50069 (Sub No. 210), filed May 6, 1959. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Detroit and Trenton, Mich., to points in Indiana, Illinois, and Ohio. Applicant is authorized to conduct operations in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

*HEARING:* September 16, 1959, at the U.S. Custom Building, 100 West Larned Street, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 52657 (Sub No. 559), filed June 10, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers,* and *trailer and semi-trailer chassis* (other than those designed to be drawn by passenger automobiles), in initial movements, in truckaway and driveaway service, from points in Snyder County, Pa., to points in the United States; (2) *truck tractors*, in secondary movements, in driveaway service, only when drawing trailers in initial driveaway service, from points in Snyder County, Pa., to points in Alabama, Alaska, 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; (3) *Containers, cargo containers, cargo container bodies, cargo container boxes,* and *truck and trailer bodies*, from points in Snyder County, Pa., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

*HEARING:* September 18, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas J. Kilroy.

No. MC 52657 (Sub No. 560), filed June 10, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, cargo containers, cargo container bodies, cargo container boxes, truck bodies, trailer bodies,* and the truckaway of *trucks* and *fire engines*, in initial movements, from points in Che-

mung County, N.Y., to points in the United States including Alaska. Applicant is authorized to conduct operations throughout the United States.

*HEARING:* September 17, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas J. Kilroy.

No. MC 52657 (Sub No. 561), filed June 10, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials handling equipment, including mobile cranes, fork trucks, winches, hoists, car pullers, and straddle crane vehicles*, and *parts* and *attachments* of same when accompanying shipment, from Brooklyn, N.Y., and Milford, Conn., to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

*HEARING:* September 16, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas J. Kilroy.

No. MC 52657 (Sub No. 563), filed June 15, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement mixers, compressors, pumps, concrete finishing machines, concrete spreaders, aggregate spreaders, finishing floats*, and *machinery* and *equipment* used in the construction of streets and highways, from the plant site of the Jaeger Machinery Company, Columbus, Ohio, to points in the United States, including Alaska, and on return, such of the above-described commodities which are being returned to said plant for repair or reconditioning, and which are used for shows or advertising purposes. Applicant is authorized to conduct operations throughout the United States.

*HEARING:* September 25, 1959, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 52657 (Sub No. 564), filed June 17, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment* and *machinery* used in the construction and maintenance of streets and highways, from the plant site of Littleford Bros., Inc., in Cincinnati, Ohio, to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

*HEARING:* September 28, 1959, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 52657 (Sub No. 565), filed June 22, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck cabs*, from points in the Cincinnati, Ohio Commercial Zone, as defined by the Commission, to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

*HEARING:* September 30, 1959, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 55811 (Sub No. 52), filed June 15, 1959. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between Fremont, Mich., and points in Indiana, Illinois, Ohio, points in Iowa within ten miles of the Illinois-Iowa State line, points in Missouri within ten miles of the Missouri-Illinois State line, including points in St. Louis County, Mo., points in Kentucky within ten miles of the Kentucky-Illinois State line, the Kentucky-Indiana State line and the Kentucky-Ohio State line, including points in Jefferson County, Ky., points in West Virginia within ten miles of the West Virginia-Ohio State line, and points in Pennsylvania within ten miles of the Pennsylvania-Ohio State line, including points in Allegheny, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa., and Jeannette, Schenley, and South Connellsville, Pa. and points within ten miles thereof. Applicant is authorized to conduct operations in Indiana, Michigan, Kentucky, Missouri, Pennsylvania, Illinois, Ohio, Iowa, Wisconsin, and West Virginia.

NOTE: Applicant states any duplication of authority will constitute only one authority.

*HEARING:* September 11, 1959, at the Olds Hotel, Lansing, Mich., before Examiner Alfred B. Hurley.

No. MC 56213 (Sub No. 6), filed June 15, 1959. Applicant: WILLIAM H. BRILLHART, doing business as H & B TRUCKING COMPANY, Codorus, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from Spring Grove and Codorus, Pa., to points in Illinois, Indiana, Michigan, and Ohio, and *rejected, refused or damaged shipments* of food products, on return. Applicants authorized to conduct operations in Pennsylvania, New Jersey, Delaware, Maryland, New York, the District of Columbia, West Virginia, Massachusetts, Connecticut, and Rhode Island.

*HEARING:* September 2, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 59759 (Sub No. 11), filed April 23, 1959. Applicant: FOOD PRODUCTS TRUCKING CO., a Corporation, 500 West Edgar Road, Linden, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, except liquids in bulk, in tank vehicles, from New York, N.Y., to points in New Jersey on and north of New Jersey Highway 33 (except those in a territory in eastern New Jersey bounded by a line beginning at Barnegat Inlet, N.J., and extending in a northwesterly direction across Barnegat Bay and through Forked River, N.J., to Lakehurst, N.J., thence north through Englishtown and Spotswood, N.J., to New Brunswick, N.J., thence in a northwesterly direction through Raritan and Clinton, N.J., to Washington, N.J., thence east to Stirling, N.J., thence in a northeasterly direction along the western boundary lines of Union and Essex Counties, N.J., to the Essex-Morris-Passaic Counties, N.J. lines at a point two miles north of Fairfield, N.J., thence in a southeasterly direction through Lyndhurst, N.J., to Hoboken, N.J., and thence south along all east bay and river shores and along the Atlantic Coast to Barnegat Inlet, N.J.), and points in Middlesex, New Haven, and New London Counties, Conn. Applicant is authorized to conduct operations in New York, New Jersey, Connecticut, Maryland, Delaware, and Pennsylvania.

NOTE: Applicant states that the above transportation will be under contract with persons who operate retail stores, the business of which is the sale of food.

*HEARING:* September 16, 1959, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

No. MC 66753 (Sub No. 1), filed June 5, 1959. Applicant: CHAIN HAULAGE, INC., 160 Washington Street, Brighton District, Boston, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith *equipment, materials* and *supplies* used in the conduct of such business, between Norwood and Boston, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and those in Westchester County, N.Y. Applicant is authorized to conduct operations in Vermont, Massachusetts, Connecticut, New Hampshire, New York, and Rhode Island.

NOTE: Duplication should be eliminated.

*HEARING:* September 29, 1959, at the New Post Office and Court House Building, Boston, Mass., before Examiner Alton R. Smith.

No. MC 67646 (Sub No. 51), filed May 18, 1959. Applicant: HALL'S MOTOR TRANSIT COMPANY, a Corporation, Fifth and Vine Streets, Box 738, Sun-

bury, Pa. Applicant's attorney: John E. Fullerton, 131 State Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Tamarack, Clinton County, Pa., and points within six (6) miles thereof, as off-route points in connection with applicant's authorized regular route operations between Lock Haven, Pa., and Du Bois, Pa. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, and the District of Columbia.

*HEARING:* September 16, 1959, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

No. MC 76478 (Sub No. 3), filed June 8, 1959. Applicant: CHESTER CARRIERS, INC., East Petersburg, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities in so called mixer trucks where commodities are mixed or agitated in transit*, between points in New Jersey, Delaware, and those in Berks, Bucks, Philadelphia, Delaware, Chester, Montgomery, Lancaster, Lebanon, Dauphin, and Perry Counties, Pa., and those in Cecil, Kent, Queen Annes, Talbot, Harford, and Caroline Counties, Md.; (2) *Stone* and *soil or earth*, in bulk, (a) from points in Lancaster and Berks Counties, Pa., to points in Delaware, New Jersey, and those in Cecil, Kent, Queen Annes, Talbot, Harford, and Caroline Counties, Md., (b) from points in East Caln Township, Chester County, Pa., to points in Harford County, Md.; (3) *Sand*, in bulk, from points in Cecil County, Md., to points in Bucks, Berks, Philadelphia, Delaware, Montgomery, Lancaster, Lebanon, Dauphin, and Perry Counties, Pa., and those in Delaware and New Jersey; (4) *Sand*, in bulk, from points in Delaware and New Jersey to points in Berks County, Pa. Applicant is authorized to conduct operations in Pennsylvania, New Jersey, Delaware, and Maryland.

*HEARING:* September 1, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 82336 (Sub No. 19), filed June 8, 1959. Applicant: UNITED PARCEL DELIVERY, INC., 663 Bryson Street, Youngstown, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by mill supply houses*, from Warren, Ohio, to points in Beaver, Butler, Crawford, Erie, Lawrence, Mercer, and Venango Counties, Pa., and *returned and rejected shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Ohio and Pennsylvania.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 82336 (Sub No. 18).

*HEARING:* September 10, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Michael B. Driscoll.

No. MC 83539 (Sub No. 52), filed July 13, 1959. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Missiles, space vehicles, space satellites*, and *parts thereof* requiring special equipment for their transportation, *equipment* and *parts* of such missiles, space vehicles and satellites and *mobile launching guidance, monitoring*, and *control units*, when such equipment, parts and units are incidental to, and transported in connection with such missiles, space vehicles, or satellites, and the return of *shipper-owned* or *Government-owned trailers* which have been used in the out-bound transportation of the foregoing commodities, between points in San Diego County, Calif., and Patrick Air Force Base, Cape Canaveral, Fla. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

*HEARING:* July 28, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 87523 (Sub No. 76), filed June 8, 1959. Applicant: FRANK COSGROVE TRANSPORTATION COMPANY, INC., 393 Mystic Avenue, Medford, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid lard*, in bulk, in tank vehicles, from Boston, Mass., to Portland, Maine. Applicant is authorized to conduct operations in Massachusetts, Vermont, New Hampshire, New York, Virginia, Tennessee, Illinois, Indiana, Ohio, Michigan, Maine, Connecticut, Rhode Island, Pennsylvania, Delaware, New Jersey, and Maryland.

*HEARING:* September 30, 1959, at the New Post Office & Court House Building, Boston, Mass., before Joint Board No. 69, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 95540 (Sub No. 306), filed June 24, 1959. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, P.O. Box 785, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Saugatuck, Mich., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, and South Carolina. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

*HEARING:* September 23, 1959, at the U.S. Custom Building., 100 West Larned Street, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 96448 (Sub No. 5), filed May 18, 1959. Applicant: BROOK LEDGE, INC., 210 Main Street, Hackensack, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses* (other than ordinary livestock), and *equipment and paraphernalia incidental to the transportation, care, and display of such horses*, between points in Connecticut, Indiana, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont, on the one hand, and, on the other, points in Maine, New Hampshire and Vermont. Between points in Connecticut, Indiana, Massachusetts, New Jersey, New York, and Rhode Island.

NOTE: Applicant states it now holds authority between all of the points applied for, and that the purpose of the application is to clarify the description in the operating rights now held, in order to secure a uniform commodity description in all the authority presently held. Applicant is authorized to conduct operations in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

*HEARING:* September 18, 1959, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

No. MC 100148 (Sub No. 16), filed May 13, 1959. Applicant: THOMAS E. BUBER, INC., 308 Antoine Street, Wyandotte, Mich. Applicant's attorney: John M. Veale, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pre-cast artificial stone*, from points in the Detroit, Mich., Commercial Zone, as defined by the Commission, in Michigan to points in Indiana, Ohio, Pennsylvania, New York, Illinois, Kentucky, and Wisconsin; (2) *Conduit*, from Drayton Plains, Mich., to ports of entry on the International Boundary line between the United States and Canada at or near Detroit and Port Huron, Mich., and to points in Fulton, Ottawa, Huron, Lorain, Cuyahoga, and Williams Counties, Ohio; and (3) *Damaged, defective, returned or rejected shipments* of the

commodities described in (1) and (2) above, from the above-specified destination points to the respective origin points. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, and West Virginia.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 100148 (Sub No. 13) to determine whether applicant's status is that of a common or contract carrier.

*HEARING:* September 17, 1959, at the U.S. Custom Building, 100 West Larned Street, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 100148 (Sub. No. 17), filed June 8, 1959. Applicant: THOMAS E. BUBER, INC., 308 Antoine Street, Wyandotte, Mich. Applicant's attorney: John M. Veale, 2150 Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay* and *refractory products*, from Goose Lake, Ill., to Detroit, Mich., and *damaged, defective, returned or rejected clay* and *refractory products*, on return. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Ohio, and Pennsylvania.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 100148 (Sub No. 13).

*HEARING:* September 10, 1959, at the Olds Hotel, Lansing, Mich., before Joint Board No. 73, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 101126 (Sub No. 54), STILLPASS TRANSIT COMPANY, INC., EXTENSION—SPECIFIED LIQUID COMMODITIES (Cincinnati, Ohio). The following covers an Order of the Commission, division 1, entered in the subject proceeding June 23, 1959: *It appearing*, That by report and order entered in this proceeding on August 13, 1958, Division 1 authorized issuance to applicant of an interim permit to perform certain operations as a for-hire carrier by motor vehicle in interstate or foreign commerce; *It further appearing*, That an interim permit was issued to applicant on January 9, 1959: *It further appearing*, That by petition filed May 6, 1959, applicant seeks to add Colgate Palmolive Company, of New York, N.Y., to the list of shippers applicant already may serve; Upon consideration of the record in the above-entitled proceeding, and of said petition; and good cause appearing therefor: *It is ordered*, That § 1.101(e) of the general rules of practice be, and it is hereby, waived, and said petition be, and it is hereby, accepted for filing: *It is further ordered*, That the findings in said report be, and it is hereby, modified by adding "and Colgate Palmolive Company, of New York, N.Y.", after the word "the" on line 29 of sheet 16 of such report: *It is further ordered*, That the notice of this action be published in the FEDERAL REGISTER.

No. MC 101126 (Sub No. 88), STILLPASS TRANSIT COMPANY, INC., EXTENSION—ANIMAL AND VEGETABLE OILS (Cincinnati, Ohio). The following covers an Order of the Commission, division 1, entered in the subject proceeding June 23, 1959: *It appearing*, That by report and recommended order of the examiner, served May 5, 1958, which order became effective as the order of the Commission, by operation of law on May 26, 1958, the issuance to applicant of an interim permit was authorized to perform certain operations as a for-hire carrier by motor vehicle in interstate or foreign commerce: *It further appearing*, That an interim permit was issued to applicant on July 21, 1958: *It further appearing*, That by petition, filed May 6, 1959, applicant seeks to add to the said permit the name of Procter and Gamble Company, of Cincinnati, Ohio, as a shipper it is authorized to serve thereunder; Upon consideration of the record in the above-entitled proceeding, and of said petition; and good cause appearing therefor: *It is ordered*, That § 1.101(e) of the general rules of practice be, and it is hereby, waived, and said petition be, and it is hereby, accepted for filing: *It is further ordered*, That the findings in the said report be, and they are hereby, modified by adding "and Procter and Gamble Company of Cincinnati, Ohio" after "and Emery Industries, Inc., of Cincinnati, Ohio," on line 54 of sheet 3 of such report: *It is further ordered*, That notice of this action be published in the FEDERAL REGISTER.

No. MC 101126 (Sub No. 121), filed April 28, 1959. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oil products* and *blends thereof*, in bulk, in insulated, stainless steel tank vehicles, from St. Bernard and Cincinnati, Ohio to points in Virginia, Maryland, Delaware, and New Jersey, and *rejected shipments* of the above commodities on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 101126 (Sub No. 86).

*HEARING:* September 24, 1959, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 101126 (Sub No. 122), filed June 1, 1959. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Grain* and *grain products, animal* and *poultry feeds, drugs*, and *antibiotics*, in bulk, and in bags, between points in Indiana, Ohio, Kentucky, and Illinois. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 101126 (Sub No. 86).

*HEARING:* September 23, 1959, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 101219 (Sub No. 39), filed May 18, 1959. Applicant: MERIT DRESS DELIVERY, INC., 524 West 30th Street, New York, N.Y. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies*, used in connection therewith, between New York, N.Y., and Portland, Maine. Applicant is authorized to conduct operations in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia.

*HEARING:* September 15, 1959, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

No. MC 102295 (Sub No. 3), filed June 3, 1959. Applicant: GUY HEAVENER, INC., School Street, Harleysville, Pa. Applicant's attorney: Robert H. Shertz, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone, gravel, slag, sand, lime, limestone, limestone products, flyash*, and *bituminous concrete*, in dump vehicles, from points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., to points in Mercer County, N.J., and those in New Jersey on and south of New Jersey Highway 33, points in Delaware, Maryland, and the District of Columbia, (2) *sand, stone* and *gravel* in dump vehicles, from points in Mercer County, N.J., and those in New Jersey on and south of New Jersey Highway 33 to points in Berks, Bucks, Carbon, Chester, Delaware, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Pike, and Schuylkill Counties, Pa., and (3) *cinders* and *waylite*, in dump vehicles, from points in Lehigh and Northampton Counties, Pa., to points in Mercer County, N.J., and those in New Jersey on and south of New Jersey Highway 33, and points in Delaware, Maryland, and the District of Columbia. Applicant is authorized to conduct operations in Pennsylvania and New Jersey.

*HEARING:* September 17, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

No. MC 102295 (Sub No. 4), filed June 3, 1959. Applicant: GUY HEAVENER, INC., School Street, Harleysville, Pa.

Applicant's attorney: Robert H. Shertz, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in dump or spreader vehicles, (1) from Baltimore, Md., to points in Delaware, those in Pennsylvania east of the Susquehanna River, points in Mercer County, N.J., and those in New Jersey on and south of New Jersey Highway 33, and points in New York on and south of New York Highway 7, and (2) from Philadelphia, Pa., to points in Delaware, Maryland, the District of Columbia, and those in Mercer County, N.J., and points in New Jersey on and south of New Jersey Highway 33. Applicant is authorized to conduct operations in Pennsylvania and New Jersey.

*HEARING:* September 16, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

No. MC 102295 (Sub No. 5), filed June 3, 1959. Applicant: GUY HEAVENER, INC., School Street, Harleysville, Pa. Applicant's attorney: Robert H. Shertz, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bird food, bird feeders, seed, seeds, seed inoculant, seed preservative, bacteria, fertilizer, plant food, insecticides, fungicides, weed killers* and *soil*, in bags or other containers, and *spreaders*, from the plant and warehouse of Seaboard Seed Company, Philadelphia, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, and (2) *weed killer, plant foods* and *fertilizer*, in bags or other containers, from Lebanon, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Pennsylvania and New Jersey.

*HEARING:* September 15, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

No. MC 102616 (Sub No. 678), filed June 23, 1959. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquer, lacquer thinners and sealers*, and *furniture finishing compounds*, in bulk, in tank vehicles, from Grand Rapids, Mich., to points in North Carolina and Virginia. Applicant is authorized to conduct operations in Connecticut, Indiana, Massachusetts, New York, Pennsylvania, Tennessee, Wisconsin, Delaware, Kentucky, Michigan, North Carolina, Rhode Island, Virginia, the District of Columbia, Illinois, Maryland, New Jersey, Ohio, South Carolina, and West Virginia.

*HEARING:* September 18, 1959, at the U.S. Custom Building, 100 West Larned Street, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 105187 (Sub No. 7), filed June 18, 1959. Applicant: CHARLES FARKAS, 101 Parkway, White Oak, McKeesport, Pa. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar*, in bulk, in shipper-owned trailers, and in bags, from the plant site of Sucrest Sugar Division, American Molasses Co., in Brooklyn, N.Y., to points in Allegheny, Armstrong, Beaver, Butler, Lawrence, Mercer, Westmoreland, and Washington Counties, Pa., and *empty shipper-owned trailers* which have been used in the outbound transportation of the foregoing commodities and *returned* or *rejected shipments*, on return. Applicant is authorized to conduct operations in Pennsylvania.

NOTE: Applicant states that, transportation service restricted under a continuing contract with Sucrest Sugar Division, American Molasses Co. of Brooklyn, N.Y.

*HEARING:* September 15, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 105813 (Sub No. 38), filed April 28, 1959. Applicant: BELFORD TRUCKING CO., INC., 1299 North West 23d Street, Miami 42, Fla. Applicant's attorney: Sol H. Proctor, Suite 713–17, Professional Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *citrus products*, not canned and not frozen, in vehicles equipped with mechanical refrigeration, from points in Florida to the International Boundary between the United States and Canada at Detroit, Mich., and Buffalo and Niagara Falls, N.Y. Applicant is authorized to conduct operations in Delaware, the District of Columbia, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Virginia, and Wisconsin.

NOTE: Applicant states the proposed service will be in foreign commerce.

*HEARING:* September 15, 1959, at the U.S. Custom Building, 100 West Larned Street, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 106398 (Sub No. 123), filed May 28, 1959. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Box 8096 Dawson Station, Tulsa, Okla. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Pennsylvania except Irwin, Meadville, Mansfield, State College, Chambersburg, West Pittston, Clarion, Montoursville, Camp Hill, and Clearfield to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

*HEARING:* September 18, 1959, at the U.S. Custom Building, 100 West Larned Street, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 107107 (Sub No. 121), filed June 24, 1959. Applicant: ALTERMAN TRANSPORT LINES, INC., Office address: 2424 Northwest 46th Street, Miami, Fla. Mailing address: P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, unfrozen, requiring refrigeration in transit, and *dairy products*, as described by the Commission, from Baltimore, Md., to points in Florida. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

*HEARING:* September 16, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 107128 (Sub No. 20), filed March 25, 1959. Applicant: FAST FREIGHT, INC., 2612 West Morris Street, Indianapolis 21, Ind. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cartons*, knocked down, or folded flat, from Newcastle, Ind., and Middletown, Ohio to Vienna, W. Va.; (2) *Glassware*, with or without closures, and *fibreboard cartons*, knocked down or folded flat, in mixed shipments with glass containers, from Vienna, W. Va., to Chicago, Ill., and points in the Chicago, Ill., Commercial Zone, as defined by the Commission, and *empty pallets, refused, rejected or damaged* shipments of the above specified commodities on return; (3) *Alfalfa meal*, from Blissfield, Mich., and points within 5 miles thereof to points in Indiana, Ohio, Kentucky and West Virginia. Applicant is authorized to conduct operations in Kentucky, Indiana, Wisconsin, Illinois, Missouri, Michigan, West Virginia, and Ohio.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine applicant's status is that of a common or contract carrier in No. MC 107128 (Sub No. 10).

*HEARING:* October 2, 1959, at the City Council Chamber, City Hall, 501 Virginia Street East, Charleston, W. Va., before Examiner Michael B. Driscoll.

No. MC 107323 (Sub No. 33), filed May 11, 1959. Applicant: GILLILAND

TRANSFER CO, a Corporation, 21 West Sheridan, Fremont, Mich. Applicant's attorney: Leonard D. Verdier, Jr., Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby supplies of all kinds*, which are manufactured and/or distributed by baby food manufacturers, between Fremont, Mich., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE: Any duplication with present authority to be eliminated.

*HEARING:* September 10, 1959, at the Olds Hotel, Lansing, Mich., before Examiner Alfred B. Hurley.

No. MC 107409 (Sub No. 21), filed June 17, 1959. Applicant: RATLIFF AND RATLIFF, INC. Mailing address: P.O. Box 399, Wadesboro, N.C. Office address: Highway 742, Wadesboro, N.C. Applicant's attorneys: Stanley Winborne and Vaughan S. Winborne, Security Bank Building, Raleigh, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured iron and steel products and articles*, in flat-bed or open-top vehicles, equipped with safety fastenings, bindings, or devices to secure the lading to the bottom of the trailer during shipment, from the plant site of the Armco Steel Division, in Ashland, Ky., to points in Virginia, Tennessee, North Carolina, South Carolina, Georgia, and Florida, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

*HEARING:* September 15, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Michael B. Driscoll.

No. MC 107515 (Sub No. 321), filed May 18, 1959. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat by-products*, from Covington, Ky., to points in Georgia, Florida, North Carolina, and South Carolina. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, and Wisconsin.

NOTE: Section 210, dual operations, may be involved.

*HEARING:* September 22, 1959, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 108125 (Sub No. 14), filed June 10, 1959. Applicant: CENTRAL MOTOR TRUCKING, INC., 85 Central Street, Waltham, Mass. Applicant's attorney: Jeanne M. Hession, 64 Harvest Street, Dorchester, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Porcelain enamel panels*, uncrated and crated, from Milford, Mass., to points in Rhode Island, Arkansas, Missouri, Iowa, Minnesota, Texas, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Wisconsin, Louisiana, Illinois, Mississippi, Alabama, Georgia, North Carolina, South Carolina, Tennessee, Florida, Colorado, and Michigan, and *damaged and rejected shipments* of the above specified commodities on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

*HEARING:* September 28, 1959, at the New Post Office and Court House Building, Boston, Mass., before Examiner Alton R. Smith.

No. MC 108678 (Sub No. 32), filed April 30, 1959. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511–14 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Gluconic acid*, in bulk, in tank vehicles, from Terre Haute, Ind., and points within six miles thereof, to points in Georgia, Iowa, Illinois, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. Applicant is authorized to conduct operations in California, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Missouri, North Carolina, Ohio, Tennessee, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 108678 (Sub No. 21).

*HEARING:* September 16, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Michael B. Driscoll.

No. MC 108678 (Sub No. 33), filed April 30, 1959. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511–14 Fletcher Trust Building., Indianapolis, Ind. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, between points in Indiana, Illinois, Ohio, and Missouri on the one hand, and, on the other, points in Iowa, Nebraska, Kansas and Missouri. Applicant is authorized to conduct operations in California, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Missouri, North Carolina, Ohio, Tennessee, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 108678 (Sub No. 21).

*HEARING:* September 17, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Michael B. Driscoll.

No. MC 108678 (Sub No. 34), filed May 4, 1959. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511–14 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Varnishes, nitro cellulose lacquers, baking enamels, finishing materials*, and *industrial finishes*, in bulk, in tank vehicles, from the site of Lilly Varnish Co., Indianapolis, Ind., to points in Indiana, Illinois, Michigan, Ohio, Pennsylvania, Missouri, New York, New Jersey, Maryland, Kentucky, West Virginia, Mississippi, and Wisconsin. Applicant is authorized to conduct operations in California, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Missouri, North Carolina, Ohio, Tennessee, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 108678 (Sub No. 21).

*HEARING:* September 16, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Michael B. Driscoll.

No. MC 109448 (Sub No. 6), filed June 18, 1959. Applicant: WESLEY A. PARKER, doing business as PARKER TRANSFER, 622 West Street, Elyria, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sandstone, sandstone products, grindstone frames and fixtures*, and *power grindstones*, and *damaged, defective, rejected or returned shipments* of such commodities, between Amherst, Ohio, and points within five (5) miles thereof, on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New York, New Jersey, Ohio, Pennsylvania, West Virginia, Georgia, North Carolina, South Carolina, Virginia, Tennessee, the District of Columbia, Texas Connecticut, Massachusetts, Rhode Island, and Ports of Entry on the boundary between the United States and Canada at Detroit, Mich., and Buffalo, N.Y.

NOTE: Pursuant to transfer proceedings in MC–FC 61779, applicant is authorized, in Certificate MC 109448,, to conduct a portion of the above-described operations. He pro-

poses by the instant application to substantially extend these operations, and states that he will surrender the said certificate when and if an amended certificate is granted. Applicant is authorized in Certificate MC 109448 to transport the above-described commodities from Amherst and points within five miles thereof, to points in South Carolina, North Carolina, Virginia, Georgia, Indiana, Michigan, Illinois, Kentucky, and West Virginia, and points in Pennsylvania and New York with certain exceptions.

*HEARING:* September 28, 1959, at the Old Post Office Building, Public Square and Superior Ave., Cleveland, Ohio, before Examiner Alfred B. Hurley.

No. MC 109451 (Sub No. 98), filed June 12, 1959. Applicant: ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Ficklin, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

*HEARING:* September 18, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Michael B. Driscoll.

No. MC 109761 (Sub. No. 22), filed May 7, 1959. Applicant: CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, Fla. Applicant's attorneys: Herbert Baker, 50 W. Broad Street, Columbus 15, Ohio, and Benjamin J. Brooks, Washington Loan and Trust Building, Washington 4, D.C. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and fruit juices, vegetable and vegetable juices, fruit and vegetable drink, fruit and vegetable drink base, prune drink base, fruit and vegetable juice concentrates*, and *citrus products*, with or without additives, in bulk, from points in California and those in Texas on and south of a line beginning at Corpus Christi and extending along Texas Highway 44 to Freer and thence along U.S. Highway 59 to Laredo to points in Illinois, Indiana, Kentucky, Michigan, Missouri, and Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in Florida, Michigan, Illinois, Wisconsin, Minnesota, Indiana, Ohio, Georgia, Maine, New Hampshire, and Vermont.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 109761 (Sub No. 12).

*HEARING:* September 11, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Michael B. Driscoll.

No. MC 110104 (Sub No. 2), filed June 22, 1959. Applicant: MELVIN ASTON TRUCKING CO., 3363 Nandale Drive, Cincinnati 39, Ohio. Applicant's attorney: Olive L. Holmes, 705 Tri-State Building, 432 Walnut Street, Cincinnati 2, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oils and greases*, in containers, from Bradford, Pa., to Columbus, Ohio. Applicant is authorized to conduct operations in Ohio, Pennsylvania, and West Virginia.

*HEARING:* September 23, 1959, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 111350 (Sub No. 9), filed May 14, 1959. Applicant: LIQUID TRANSIT, INC., Rhinebeck, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrups, blends or mixtures of corn syrup*, and *liquid sugar* and/or *invert sugar*, in bulk, in tank vehicles, from Yonkers and New York, N.Y., to points in Ohio. Applicant is authorized to conduct operations in New York, Ohio, Illinois, and Pennsylvania.

NOTE: Applicant states it presently holds authority to transport liquid sugar in bulk, in tank vehicles, within the same area; and that authority is sought to clarify the commodity description.

*HEARING:* September 17, 1959, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

No. MC 111450 (Sub No. 12), filed May 28, 1959. Applicant: GRANT TRUCKING, INC., Oak Hill, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys* and *pig iron*, in bulk, in dump trucks, from Jackson, Ohio, to points in New York, Wisconsin and Illinois, and *damaged, rejected and returned shipments* of the above-specified commodities from points in New York, Wisconsin and Illinois to Jackson, Ohio. Applicant is authorized to conduct operations in Alabama, Connecticut, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

*HEARING:* September 14, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Michael B. Driscoll.

No. MC 112696 (Sub No. 12), filed June 12, 1959. Applicant: HARTMANS, INCORPORATED, P.O. Box 468, Harrisonburg, Va. Applicant's attorney: Francis W. McInerny, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shoes, leather, rubber heels and soles*, and *supplies* and *equipment* used in a shoe factory, (1) between Harrisonburg and Winchester, Va., Hagerstown, Md., Gettysburg, Lancaster, York, Dillsburg, Berlin, and Littlestown, Pa., and Boston, Mass.; and (2) from Harrisonburg and Winchester, Va., Hagerstown, Md., Gettysburg, Lancaster, York, Dillsburg, Berlin, and Littlestown, Pa., and Boston, Mass., to Worcester, Malden, and Athol, Mass., New York, N.Y., Baltimore, Md., and Lynchburg, Va. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Indiana, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states it is authorized to conduct operations in the transportation of the commodities described above to and from all points involved in the instant application except Berlin, Pa. Duplication with present authority to be eliminated.

*HEARING:* September 2, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 112750 (Sub No. 39), filed May 5, 1959. Applicant: ARMORED CARRIER CORPORATION, De Bevoise Building, 222–17 Northern Boulevard, Bayside, L.I., N.Y. Applicant's attorney: James K. Knudson, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents* and *written instruments* (except coin, currency, bullion, and negotiable securities) as are used in the business of bank and banking institutions, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, (1) between Detroit, Mich., on the one hand, and, on the other, Cleveland, Ohio, (2) between Toledo, Ohio, on the one hand, and, on the other, points in Monroe, Lenawee, and Wayne Counties, Mich., (3) between points in Berrien County, Mich., on the one hand, and, on the other, points in St. Joseph County, Ind. Applicant is authorized to conduct operations in Connecticut, Delaware, the District of Columbia, Illinois, Iowa, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia.

*HEARING:* September 9, 1959, at the Olds Hotel, Lansing, Mich., before Joint Board No. 9, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 112813 (Sub No. 2), filed June 23, 1959. Applicant: GRANT BRUCE AND HAROLD BRUCE, doing business as RIVERSIDE MARINE, 1016 St. Rose, Riverside, Ontario, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used boats*, between ports of entry on the International Boundary line between the United States and Canada in Minnesota, Michigan, and New York, on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Pennsylvania, Kentucky, Tennessee, New York, Maryland, Connecticut, Wisconsin, Minnesota, Missouri, New Jersey, and Delaware.

NOTE: Duplication with present authority to be eliminated.

*HEARING:* September 22, 1959, at the U.S. Custom Building, 100 West Larned Street, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 114015 (Sub No. 11), filed June 16, 1959. Applicant: RUSS, INCORPORATED, Chase City, Va. Applicant's attorney: Jno. C. Goddin, State-Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shooks, pallets* and *pallet material*, from Chase City and Keysville, Va., to Charleston, S.C., Detroit, Mich., Wheeling, W. Va., and points in New York, and *refused and damaged shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Indiana, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia, and the District of Columbia.

*HEARING:* September 15, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 114106 (Sub No. 16), filed June 17, 1959. Applicant: MAYBELLE TRANSPORT COMPANY, a corporation, Box 461, 1820 South Main Street, Lexington, N.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint, lacquers, lacquer sealer, enamels, varnishes, stains, thinners*, and *finishing materials* used in the manufacture of furniture, in bulk, in tank vehicles, between Grand Rapids, Mich., on the one hand, and, on the other, points in New York, Pennsylvania, Virginia, Tennessee, Kentucky, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi. Applicant is authorized to conduct operations in Georgia, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: Applicant has contract carrier authority under Permit No. MC 115176, dated May 14, 1956. Section 210 (dual authority) may be involved.

*HEARING:* September 11, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 114227 (Sub No. 8), filed May 11, 1959. Applicant: ALBERT MEEUSEN AND CLIFFORD RUSSELL, doing business as A & C CARRIERS, 2955 East Laketon Avenue, Muskegon, Mich. Applicant's attorney: James F. Flanagan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Enamel, varnish, lacquers, lacquer thinner and sealer, stains, commercial finishes*, and *resins*, in bulk, in tank vehicles, from Grand Rapids, Mich., to points in Virginia, Pennsylvania, Georgia, Tennessee, and Arkansas. Applicant is authorized to conduct operations in Indiana, Michigan, and North Carolina.

*HEARING:* September 16, 1959, at the U.S. Custom Building, 100 West Larned Street, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 115883 (Sub No. 5), filed June 11, 1959. Applicant: ROBERT A. WELSH, White Mills, Pa. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer*, from Trenton, N.J., and Shamokin, Pa., to Baltimore, Md.; and (2) *Empty containers*, from Baltimore, Md., to Trenton, N.J., and Shamokin, Pa. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

*HEARING:* September 10, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 115911 (Sub No. 1), filed June 12, 1959. Applicant: BOULEVARD TRANSFER COMPANY, a Corporation, 1955 West Edsel Ford Expressway, Detroit 8, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel fuel tanks and fuel tank accessories, heavy machinery and equipment*, and *supplies used in construction work*, between points in Michigan, on the one hand, and, on the other, points in Ohio, Indiana, Kentucky, Illinois, Minnesota, and Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Minnesota, and Wisconsin.

NOTE: Duplication with present authority to be eliminated.

*HEARING:* September 21, 1959, at the U.S. Custom Building, 100 West Larned Street, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 116930 (Sub No. 1), filed June 8, 1959. Applicant: THE ZENITH TRUCKING AND SALES COMPANY, a Corporation, P.O. Box 163, Crownsville, Md. Applicant's attorney: William J. Little, 1513 Fidelity Building, Baltimore 1, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, piling, poles* and *posts*, from Baltimore, Md., and points in Howard, Anne Arundel, Prince Georges, Charles, Calvert, and St. Marys Counties, Md., and points on the Delmarva Peninsula, to points in Maryland, Virginia, the District of Columbia, Delaware, New Jersey, Pennsylvania, New York, Rhode Island, Connecticut, and Massachusetts. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and the District of Columbia. Any duplication with present authority to be eliminated.

*HEARING:* September 1, 1959, at the Offices of the Interstate Commerce Commission, before Examiner C. Evans Brooks.

No. MC 117632 (Sub No. 1), filed April 23, 1959. Applicant: TREMBLAY TRANSPORT, INC., New Montgomery Road, Chicopee (Willimansett), Mass. Applicant's attorney: Arthur M. Marshall, 145 State Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used or reconditioned drums or containers*, (1) between Chicopee and Springfield, Mass., on the one hand, and, on the other, points in Hillsboro and Rockingham Counties, N.H., and points in Connecticut, New York and Rhode Island; (2) between New York, N.Y., Philadelphia, Pa., and points in New Jersey, exclusive of Newark and Ridgefield, N.J., on the one hand, and, on the other, points in Hillsboro and Rockingham Counties, N.H., and points in Connecticut, Massachusetts, New York, and Rhode Island; and (3) between Newark and Ridgefield, N.J., on the one hand, and, on the other, points in Hillsboro and Rockingham Counties, N.H., points in New York, exclusive of Albany County, and points in Rhode Island; *new drums or containers*, (1) from New York, N.Y., Philadelphia, Pa., and points in New Jersey, exclusive of Linden, N.J., to points in Hillsboro and Rockingham Counties, N.H., and points in Connecticut, Massachusetts, New York, and Rhode Island; and (2) from Linden, N.J., to points in Hillsboro and Rockingham Counties, N.H., and points in New York and Rhode Island. Applicant is authorized to transport new steel Drums or containers from Linden, N.J., to points in Connecticut and Massachusetts, and used or reconditioned steel drums or containers between Ridgefield and Newark, N.J., on the one hand, and, on the other, points in Albany County, N.Y., Connecticut, and Massachusetts.

*HEARING:* September 17, 1959, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

No. MC 117788 (Sub No. 2), filed June 4, 1959. Applicant: JOHN K. RAMSEY, doing business as RAMSEY PRODUCE TRUCKING, 29150 Bretton, Livonia, Mich. Applicant's attorney: Bernard L. Walsh, 1632 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Offal* for animal food and medicinal purposes, from Detroit, Mich., to points in Pennsylvania, Illinois, Wisconsin, Ohio, South Carolina, New Jersey, New York, and Indiana, and *rejected offal* on return.

*HEARING:* September 17, 1959, at the U.S. Custom Building, 100 West Larned Street, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 118465 (Sub No. 2), filed April 30, 1959. Applicant: COMMERCIAL OIL TRANSPORT OF OKLAHOMA, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank truck loads and packages, from Ardmore, Cyril, Cushing, Enid, Grandfield, Stroud, and Wynnewood, Okla., to points in New Mexico on and north of U.S. Highway 60, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, and *rejected shipments* of Asphalt on return. Applicant is authorized to conduct operations in Iowa, Nebraska, Oklahoma, and South Dakota.

*HEARING:* July 30, 1959, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 210.

No. MC 118844, filed April 2, 1959. Applicant: PERCY EAGAN, 5216 Kentucky Street, Charleston, W. Va. Applicant's attorney: Charles E. Anderson, United Carbon Building, Charleston 25,

W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes* or *house trailers*, between points in West Virginia, on the one hand, and, on the other, points in all States east of the Mississippi, namely, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, North Carolina, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and Wisconsin, and the District of Columbia.

*HEARING*: October 1, 1959, at the City Council Chamber, City Hall, 501 Virginia Street East, Charleston, W. Va., before Examiner Michael B. Driscoll.

No. MC 118879, filed April 17, 1959. Applicant: CHARLES ATKINSON, 6400 MacCorkle Avenue, St. Albans, W. Va. Applicant's attorney: Charles E. Anderson, United Carbon Building, Charleston 25, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes* or *house trailers*, designed to be drawn by passenger automobiles, in initial and secondary movements, between points in Kanawha, Wood, Pleasants, Ritchie, Wirt, Jackson, Roane, Putnam, Lincoln, Boone, Raleigh, Fayette, and Clay Counties, W. Va., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Michigan, Mississippi, North Carolina, New Hampshire, New Jersey, and New York.

*HEARING*: October 1, 1959, at the City Council Chamber, City Hall, 501 Virginia Street East, Charleston, W. Va., before Examiner Michael B. Driscoll.

No. MC 118920, filed May 5, 1959. Applicant: ROBERT H. WHITING, 5 Point Road, Edinburg, Pa. Applicant's attorneys: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C., and Errol Fullerton, 701 L. S. & T. Building, New Castle, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *China, ceramic and refractory products* and *materials and supplies* used in the manufacture of china, ceramic and refractory products, between the plant site of Shenango China, Inc., New Castle, Pa., and points in Alabama, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

*HEARING*: September 29, 1959, at the Fulton Building, 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Alfred B. Hurley.

No. MC 118993, filed June 12, 1959. Applicant: L. R. McDONALD & SONS LTD., 843 Sydney Street, Cornwall, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, 1110–1114 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boats and their accessories* between ports of entry on the International Boundary line between the United States and Canada at New York and Vermont, on the one hand, and, on the other, points in New York, New Hampshire, Vermont, Maine, and Massachusetts. (2) *Boats* and *moulds* therefor, between ports of entry on the International Boundary line between the United States and Canada at Michigan, on the one hand, and, on the other, Little Falls, Minn. Applicant states the proposed service shall be restricted to the transportation of property moving to and from points in the Dominion of Canada in international commerce.

*HEARING*: September 11, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 118999, filed June 15, 1959. Applicant: ROBT. KNIPFEL TRANSPORT LIMITED, Petersburg, Ontario, Canada. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods, concentrates, fresh fruits and vegetables, canned fruit juices* and *shrimp*, from points in Florida to ports of entry in New York, Vermont, New Hampshire, and Maine on the International Boundary between the United States and Canada; and (2) *poultry*, from points in Georgia to ports of entry in New York, Vermont, New Hampshire, and Maine on the International Boundary between the United States and Canada.

*HEARING*: September 10, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harry Ross, Jr.

No. MC 119005, filed June 17, 1959. Applicant: PAUL GREENFIELD, doing business as PAUL'S TOWING SERVICE, 8606 Lanier Drive, Silver Spring, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles* and *trailers*, in towaway service, by use of wrecker equipment, between Washington, D.C., and points in Frederick, Montgomery, Howard, Prince Georges, Anne Arundel, Calvert, St. Mary's, and Charles Counties, Md., Alexandria, Va., Arlington, Fairfax, Loudoun, Prince William, Stafford, Culpeper, and Fauquier Counties, Va., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, and North Carolina.

*HEARING*: September 2, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 119017, filed June 22, 1959. Applicant: GEORGE E. ISABEL, 99 Talbot Street, Fall River, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Homing and racing pigeons*, in seasonal operations between April 1 and October 30 inclusive, of each year, from Fall River and Norwood, Mass., and Pawtucket, R.I., to Providence, Chepachet and Greenville, R.I., Putman, Conn., Southbridge, Westfield, Pittsfield, Mass., Albany, Little Falls, Lyons, Buffalo, and East Buffalo, N.Y., Yastabula and Sandusky, Ohio, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

*HEARING*: September 30, 1959, at the New Post Office and Court House Building, Boston, Mass., before Examiner Alton R. Smith.

No. MC 119028; filed June 26, 1959. Applicant: VIVIAN EARL DICKINSON AND ROBERT EZRA DICKINSON, doing business as DICKINSON BROTHERS LUMBER COMPANY, Mineral, Va. Applicant's attorney: Jno. C. Goddin, State-Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and equipment*, from Peoria and Danville, Ill., to Richmond, Roanoke, and Norfolk, Va., and Baltimore, Md., and *refused and damaged shipments* on return.

*HEARING*: September 17, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

MOTOR CARRIERS OF PASSENGERS

No. MC 1940 (Sub No. 37), filed June 11, 1959. Applicant: TRAILWAYS OF NEW ENGLAND, INC., 400 Trailways Building, 1200 Eye Street NW., Washington, D.C. Applicant's attorney: Julian P. Freret, Continental Building, 14th at K NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *mail* and *express* in the same vehicle with passengers, between Concord, N.H., and Laconia, N.H., from the intersection of U.S. Highway 4 at Everett Toll Highway in Concord over U.S. Highway 4 to the intersection with New Hampshire Highway 106, thence over New Hampshire Highway 106 to Laconia, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Hampshire, New York, and Rhode Island.

*HEARING*: October 1, 1959, at the New Hampshire Public Service Commission, Concord, N.H., before Joint Board No. 186, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 117806 (Sub. No. 1), filed May 25, 1959. Applicant: ANTIETAM TRANSIT COMPANY, INC., 437 East Baltimore Street, Hagerstown, Md. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between Hagerstown, Md., and State Line, Pa., over U.S. Highway 11, serving all intermediate points.

*HEARING*: October 20, 1959, at Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 74.

No. MC 118926, filed May 7, 1959. Applicant: SAMUEL OLSON, doing business as ASHLAND CITY LINES, 628 East Main Street, Ashland, Ohio. Applicant's attorneys: Ewald E. Kundtz and Stephen E. Parker, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at points in Ashland County, Ohio, and extending to points in Indiana, Illinois, Michigan, Missouri, Kansas, Colorado, New Mexico, Texas, Oklahoma Arkansas, Tennessee, Kentucky, Pennsylvania, Maryland, Virginia, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, Iowa, West Virginia, North Carolina, South Carolina, Georgia, Florida, Wisconsin, and the District of Columbia.

*HEARING:* September 24, 1959, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Alfred B. Hurley.

APPLICATION FOR BROKERAGE LICENSE MOTOR CARRIER OF PASSENGERS

No. MC 12706, filed April 20, 1959. Applicant: ANTHONY A. COSTA, doing business as WORLDWIDE TRAVEL BUREAU, 1094 Flatbush Avenue, Brooklyn 26, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. For a license (BMC 5) to engage in operations as a *broker* at New York N.Y. in arranging for the transportation by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, in the same vehicle with passengers, in round-trip, special and charter, all-expense tours, beginning and ending at New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., and extending to points in the United States.

NOTE: Applicant states that it will arrange for the transportation of passengers and their baggage to points in foreign countries and to possessions and territories of the United States.

*HEARING:* September 24, 1959, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 4761 (Sub No. 13), filed July 15, 1959. Applicant: LOCK CITY TRANSPORTATION COMPANY, a Corporation, 327 Sixth Avenue, Menominee, Mich. Applicant's attorney: Michael D. O'Hara, Spies Building, Menominee, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, and household goods as defined by the Commission, (1) between the junction of U.S. Highway 2 and Michigan Highway 117, near Engadine, Mich., and the junction of U.S. Highway 2 and Michigan Highway 28, near Dafter, Mich., from the junction of U.S. Highway 2 and Michigan Highway 117 over Michigan Highway 117 to the junction of Michigan Highway 28 near Roberts Corner, thence over Michigan Highway 28 to the junction of U.S. Highway 2, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (2) between the junction of U.S. Highway 41 and Michigan Highway 35 at Menominee, Mich., and the junction of Michigan Highway 35 and U.S. Highway 41 at Escanaba, over Michigan Highway 35, serving no intermediate points, as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Michigan, Wisconsin, Illinois, Indiana, Minnesota, Ohio, Pennsylvania, Kentucky, Kansas, Missouri, Iowa, Alabama, and Tennessee.

No. MC 30894 (Sub No. 6), filed July 6, 1959. Applicant: JACK COOPER TRANSPORT COMPANY, INC., 3636 Ewing Avenue, Kansas City, Mo. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, except trailers, in initial movements by truckaway and driveaway, and *parts* and *show paraphenalia* when accompanying such vehicles, from the site of the Chevrolet Division (General Motors Corporation) plant at Kansas City, Mo., to points in Arizona. Applicant is authorized to conduct operations in Missouri, Kansas, Nebraska, Iowa, Arkansas, Colorado, Oklahoma, Texas, New Mexico, Utah, Wyoming, South Dakota, Idaho, and Montana.

No. MC 52917 (Sub No. 27), filed July 14, 1959. Applicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore 17, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products* as defined in Appendix I, subheading A and B in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *perishable foods*, in vehicles equipped with temperature control devices, from points in that part of Maryland on and east of U.S. Highway 1 and north of Baltimore to Baltimore, Md. Applicant is authorized to conduct operations in Maryland, Virginia, Delaware, New York, Pennsylvania, and the District of Columbia.

No. MC 61403 (Sub No. 42), filed July 10, 1959. Applicant: THE MASON AND DIXON TANK LINES, INC., Wilcox Drive, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid* and *phosphatic fertilizer solutions*, in bulk, in tank vehicles, from Charleston, S.C., to points in Indiana and Kentucky. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Common control may be involved.

No. MC 66562 (Sub. No. 1519), filed July 6, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Morristown, N.J., and Washington, N.J., from Morristown over U.S. Highway 511 to junction New Jersey Highway 10, thence over New Jersey Highway 10 to junction New Jersey Highway 53, thence over New Jersey Highway 53 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction New Jersey Highway 57, thence over New Jersey Highway 57 to junction New Jersey Highway 24, thence over New Jersey Highway 24 to Washington, and return over the same route, serving the intermediate or off-route points of Denville, Netkong, Dover, Hackettstown, Wharton, Newton, and Branchville, N.J. Applicant states the service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub. No. 1521), filed July 6, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORTED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Malone, N.Y., and Rouses Point, N.Y., from Malone over U.S. Highway 11 to Rouses Point, and return over the same route, serving no intermediate points. Applicant indicates the proposed service will be subject to the following conditions: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1523), filed July 8, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle,

over a regular route, transporting: *General commodities, including Class A and B explosives,* moving in express service, between Bluefield, W. Va., and Norton, Va., from Bluefield over combined U.S. Highways 19 and 460 to Claypool Hill, Va., thence over U.S. Highway 460 to Raven, Va., thence over Virginia Highway 67 to Honaker, Va., thence over Virginia Highway 80 to junction U.S. Highway 19, thence over U.S. Highway 19 to Lebanon, Va., thence over Virginia Highway 71 to junction Alternate U.S. Highway 58 approximately two miles south of Dickensonville, Va., and thence over Alternate U.S. Highway 58 to Norton, and return over the same route, also return from Norton over Alternate U.S. Highway 58 to junction Virginia Highway 71, thence over Virginia Highway 71 to Lebanon, Va., thence over U.S. Highway 19 to Claypool Hill, Va., and thence over combined U.S. Highways 19 and 460 to Bluefield, serving the intermediate points of Pounding Mill, Cedar Bluff, Richlands, Raven, Honaker, St. Paul and Coeburn, Va., and the off-route points of North Tazewell, Swords Creek, Finney, Cleveland, and Castlewood, Va. The application indicates the service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1524), filed July 9, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives,* moving in express service, between Allentown, Pa., and Lehighton, Pa., from Allentown over city streets to Catasauqua, Pa., thence over unnumbered streets to Northampton, Pa., thence over Pennsylvania Highway 329 to junction Pennsylvania Highway 145, thence over Pennsylvania Highway 145 to Walnutport, Pa., thence over unnumbered streets to Slatington, Pa., thence over Pennsylvania Highway 29 via Palmerton, Pa., to Lehighton, and return over the same route, serving the intermediate points of Slatington, Catasauqua, Northampton, and Palmerton, Pa. Applicant states the service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1525), filed July 10, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Rail Express Agency, Incorporated (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives,* moving in express service, between Franklin, N.H., and Potter Place, N.H., from Franklin over New Hampshire Highway 11 to Potter Place, and return over the same route, serving no intermediate points. Applicant states the service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1526), filed July 11, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, Railway Express Agency, Incorporated, 1220 The Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier,* by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives,* moving in express service, between Mobile, Ala., and Thomasville, Ala., from Mobile over U.S. Highway 43 to junction U.S. Highway 84, thence over U.S. Highway 84 to Whatley, Ala., thence return over U.S. Highway 84 to junction U.S. Highway 43, thence over U.S. Highway 43 to junction unnumbered county road, thence over unnumbered county road 3.1 miles to Fulton, Ala., thence return over unnumbered county road to junction U.S. Highway 43, thence over U.S. Highway 43 to Thomasville, and return over the same route to Mobile, serving the intermediate points of Mount Vermon, Calvert, McIntosh, Jackson, Whatley, and Fulton, Ala. Applicant states the proposed service is subject to the following conditions: 1. The service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, air or railway express service. 2. 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 immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1527), filed July 13, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, Railway Express Agency, Incorporated, 1220 The Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier,* by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives,* moving in express service, between Birmingham, Ala., and Selma, Ala., from Birmingham over U.S. Highway 11 to Bessemer, Ala., thence over Alabama Highway 150 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction Alabama Highway 119, thence over Alabama Highway 119 to Montevallo, Ala., thence east over Alabama Highway 25 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction Alabama Highway 191, thence over Alabama Highway 191 to junction Alabama Highway 22, thence over Alabama Highway 22 to Selma, and return over the same route, serving the intermediate points of Plantersville, Maplesville, Montevallo, and Bessemer, Ala. Applicant indicates the proposed service is subject to the following conditions: 1. The service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, air or railway express service. 2. 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. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1528), filed July 13, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives,* moving in express service, (1) between Boston, Mass., and Woburn, Mass., from Boston over city streets to Somerville, Mass., thence over Massachusetts Highway 38 to Woburn, and return over the same route, serving no intermediate points. (2) Between Concord, Mass., and Ayer, Mass., from Concord over Massachusetts Highway 2 to junction Massachusetts Highway 27, thence over Massachusetts Highway 27 to junction Massachusetts Highway 2A, thence over Massachusetts Highway 2A to Ayer, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states the proposed route between Concord and Ayer is an extension of and in connection with its authorized regular route operations between Boston and Concord, Mass., in MC 66562 (Sub No. 1337).

No. MC 107002 (Sub No. 146), filed July 9, 1959. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, P.O. Box 547, Kenner, La. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Resin compound surface coating,* in bulk, in tank vehicles, from Fox, Ala., to Pauline, Kans. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri,

New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 107002 (Sub No. 147), filed July 9, 1959. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, P.O. Box 547, Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phenol*, in bulk, in tank vehicles, from Oak Point, La., to points in Oklahoma and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 108973 (Sub No. 3), filed July 9, 1959. Applicant: INTERSTATE EXPRESS, INC., 2334 University Avenue, St. Paul, Minn. Applicant's attorney: W. P. Knowles, New Richmond, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh citrus juices*, in cartons, from Columbia, Mo., to points in Illinois, Iowa, Nebraska, North Dakota, South Dakota, Minnesota, and Wisconsin, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: Applicant states it will serve all accounts of the Central States Processors, Inc.

No. MC 112955 (Sub No. 1), filed July 13, 1959. Applicant: J. R. GRANHAM, doing business as GRAHAM TRANSFER, 1401 Heistan Place, Memphis, Tenn. Applicant's attorney: Leo Bearman, Suite 1140, Sterick Building, Memphis, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: (1) *Meat, packing house products*, and *commodities used by packing houses*, as described in Appendix I, A, B, C, and D, to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, by means of refrigerated trucks, from Memphis, Tenn., to Millington, Tenn., over U.S. Highway 51 North, serving all intermediate points; and (2) *empty containers or other such incidental facilities*, used in transporting the above-described commodities, from Millington, Tenn., to Memphis, Tenn., over U.S. Highway 51 North, serving all intermediate points.

No. MC 118563 (Sub No. 2), filed April 22, 1959. Applicant: GARY T. FULK, Gulks Run, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone* and *sand*, in dump trucks, from quarries located approximately one mile from Harrisonburg, Va., on U.S. Highway 33 to points in Pendleton County, W. Va.



PETITIONS

No. MC 30837 (Sub No. 220) KENOSHA AUTO TRANSPORT CORPORATION EXTENSION—FOREIGN CARS (Kenosha, Wis.)

No. MC 8989 (Sub No. 159) HOWARD SOBER, INC., EXTENSION—BALTIMORE, MD. (Lansing, Mich.)

No. MC 52657 (Sub No. 485) ARCO AUTO CARRIERS, INC., EXTENSION—BALTIMORE FOREIGN TRAFFIC (Chicago, Ill.)

Upon consideration of petitions of applicants and other parties these proceedings were reopened for further hearing by order of the Commission entered April 6, 1959. The issues involved were published in the FEDERAL REGISTER as follows: No. MC 30837 (Sub No. 220), May 22, 1957; No. MC 8989 (Sub No. 159), June 13, 1956; and No. MC 52657 (Sub No. 485), July 11, 1956.

*FURTHER HEARING:* September 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Burroughs.

PETITIONS

Any person or persons desiring to participate in these proceedings may file representations supporting or opposing the relief sought within 30 days after the date of this publication in the FEDERAL REGISTER.

No. MC 30319 (Sub No. 63) PETITION TO MODIFY A RESTRICTION, dated August 22, 1958, and amended PETITION dated September 26, 1958. Petitioner: SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto Street, Houston, Tex. Petitioner's attorney: Edwin N. Bell, 1600 Esperson Building, Houston 2, Tex. The restriction reads: "The motor carrier service to be performed by carrier shall be limited to service which is auxiliary to or supplemental of train service of the Texas and New Orleans Railroad Company. 'Carrier shall not serve any point not a station on the rail lines of the Texas and New Orleans Railroad Company, except Bowie, Brownsville, Bunkie, Cecelia, Cleon, Deroven, Gray, Humphreys, Henderson Landing, Leleux, Long Bridge, Maurice, Milton, Porte Barre, Shuteston, and Tulieu, La., and points between Houma, La., on the one hand, and, on the other, Montegut, Dulac, and Theriot, La.'" Petitioner prays that the above restriction be changed to read: "The motor carrier service to be performed by carrier shall be limited to service which is auxiliary to or supplemental of train service of the Texas and New Orleans Railroad Company, except at Leonville". And further, that Leonville be added to the list of stations not on the Texas and New Orleans Railroad.

No. MC 95540 (Sub No. 130) and Subs 142, 157, 160, 164, 175, 179, 180, 181, 183, 184, 187, 190, 191, 192, 195, 207, and 208, PETITION FOR WAIVER OF RULE 101(e) and PETITION FOR RECONSIDERATION. Petitioner: WATKINS MOTOR LINES, INC., Thomasville, Ga. Petitioner's attorneys: Joseph H. Blackshear, Gainesville, Ga., and Wrape and Hernly, 1624 Eye Street NW., Washington 6, D.C. The above-numbered certificates issued to petitioner contain a restriction reading: "The authority granted herein is subject to the condition that neither said carrier, nor any person or persons controlling, controlled by or under common control with said carrier, shall at any time in the future engage in any commercial enterprise involving the performance of transportation as a private carrier." By petition dated July 14, 1959, petitioner prays that the condition or restriction be vacated or stricken and that an appropriate amended certificate be issued in each proceeding covered by the instant petition. Failing this, the restriction in question be modified or revised to conform to those imposed in the *Geraci* case.

No. MC 103926 (Sub No. 8) (PETITION FOR CLARIFICATION AND INTERPRETATION OF OPERATING AUTHORITY AND DECLARATORY ORDER), dated June 17, 1959. Petitioner: W. T. MAYFIELD SONS TRUCKING CO., 3881 Bankhead Highway, Atlanta 18, Ga. Petitioner's attorney: R. J. Reynolds, Jr., 1403 C & S Bank Building, Atlanta 3, Ga. Certificate issued October 25, 1946 in No. MC 104932 (Sub No. 8) authorizes the transportation of: *"Contractors' machinery and equipment*, over irregular routes, between points and places in Georgia, on the one hand, and, on the other, points and places in Alabama, Florida, North Carolina, South Carolina, and Tennessee. *Concrete pipe*, over irregular routes, from Atlanta, Ga., to points and places in Alabama, Florida, North Carolina, South Carolina and Tennessee, with no transportation for compensation on return except as otherwise authorized." Petitioner states that at all times petitioner and its predecessor in interest have transported under said commodity authority contractors' machinery and equipment regardless of whether same is being transported for or used by private contractors or whether such commodities were to be used by military or civilian agencies of the Federal Government or by Agencies of the State, County and Municipal Governments and sub divisions thereof that are located within the territory served by petitioner. Petitioner, James J. Mayfield, President, states that he has been advised that there is a question as to their legal authority to transport the above-named commodities when they were not going to be used by a private contractor. Petitioner prays "(a) That its existing operating authority as described in its certificate of public convenience and necessity issued to it by this Honorable Commission in Docket No. MC 103926 Sub 8 be formally clarified and interpreted and held to authorize the transportation of the commodities referred to hereinabove regardless of whether or not the same are transported from or to, or are to be used by a private contractor, and that a declaratory order to such effect be issued herein, and that in the alternative, petitioner's existing operating authority be so formally modified or amended as to specifically authorize it to transport such commodities regardless of the nature of the business or occupation of the consignor, the con-

signee, or the user thereof, and in such an event a declaratory order to such effect be issued; and (b) For such other and further relief as to this Honorable Commission seems just and proper in the premises."

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY § 1.240 TO THE EXTENT APPLICABLE

No. MC 2472 (Sub No. 3), filed June 24, 1959. Applicant: THE BLAKE MOTOR LINES, INCORPORATED, 65 Grant Street, Torrington, Conn. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including *commodities in bulk*, but excluding articles of unusual value, Class A and B explosives, household goods as defined by the Commission, and those requiring special equipment, between Torrington, Conn., and Philadelphia, Pa., as follows: From Torrington over Connecticut Highway 25 to New Milford, Conn., thence over U.S. Highway 7 to Danbury, Conn., thence over U.S. Highway 6 to Brewster, N.Y., thence over U.S. Highway 202 to Somers, N.Y., thence over New York Highway 100 to junction New York Highway 35, thence over New York Highway 35 to Katonah, N.Y., thence over New York Highway 117 to junction New York Highway 128, thence over New York Highway 128 to Armonk, N.Y., thence over New York Highway 22 to New York; (also from Torrington over Connecticut Highway 8 to Stratford, Conn., thence over U.S. Highway 1 to New York, thence continue over U.S. Highway 1 to Philadelphia, Pa.), (also from New York over U.S. Highway 1 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction New Jersey Highway 73 near Palmyra, N.J., thence over New Jersey Highway 73 to Philadelphia), and return over the above routes to Torrington, serving no intermediate points. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania.

NOTE: Applicant states that the purpose of this application is to convert its irregular route authority between Torrington, Conn., on the one hand, and, on the other Philadelphia, Pa. to regular route authority. This matter is directly related to MC-F 7214.

No. MC 119049, filed July 10, 1959. Applicant: T.E.K. VAN LINES, INC., 316 North Bedford Drive, Beverly Hills, Calif. Applicant's attorney: John C. Bradley, 618 Perpetual Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) between points in Arizona, California, Idaho, Nevada, Oregon, Utah and Washington, and (2) between points in Arizona, California, Idaho, Nevada, Utah, Oregon, and Washington, on the one hand, and, on the other, points in Colorado, Louisiana, Missouri, Montana, New Mexico, Texas, and Wyoming.

NOTE: This matter is directly related to MC-F7252.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC-F-7247, DENVER-COLORADO SPRINGS-PUEBLO MOTOR WAY, INC.—PURCHASE (PORTION)—AMERICAN BUSLINES, INC., published in the JULY 15, 1959, issue of the FEDERAL REGISTER. Application filed JULY 13, 1959, for temporary authority under section 210a(b).

No. MC-F-7251. Authority sought for purchase by MATSON, INCORPORATED, 2519 16th Ave. (P.O. Box 43), Cedar Rapids, Iowa, of a portion of CURTIS KEAL TRANSPORT COMPANY, INC., East 54th Street and Cleveland Shoreway, Cleveland, Ohio, and for acquisition by EDWIN D. MATSON, P.O. Box 43, Cedar Rapids, Iowa, of control of such rights through the purchase. Applicants' attorneys: G. H. Dilla, 3350 Superior Ave., Cleveland 14, Ohio, and William A. Landau, 1307 East Walnut Street, Des Moines, Iowa. Operating rights sought to be transferred: *Road building and earth moving machines*, as a *common carrier* over irregular routes, from Cedar Rapids, Iowa, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Illinois and Iowa. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7252. Authority sought for control by TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Ave., Chicago 20, Ill., ENGEL BROTHERS, INC., 1179 East Grand Street, Elizabeth, N.J., and KINGS VAN & STORAGE, INC., 916 North Broadway, Oklahoma City, Okla., of T.E.K. VAN LINES, INC., 360 North Bedford Drive, Beverly Hills, Calif., and for acquisition by JOHN J. RAPP, also of Chicago, WILLIAM E. ENGEL, JOSEPH W. ENGEL and ANNA ENGEL, all of Elizabeth, GLADYS THEUS, WAYNE THEUS and MARILYN F. CORSI, all of Oklahoma City, respectively, of control of T.E.K. VAN LINES, INC., through the acquisition by TRANS-AMERICAN VAN SERVICE, INC., ENGEL BROTHERS, INC., and KINGS VAN & STORAGE, INC. Applicants' attorney: John C. Bradley, c/o Rice, Carpenter & Carraway, 618 Perpetual Building, Washington, D.C. Concurrently with the filing of this application, T.E.K. VAN LINES, INC., filed an application on Form BMC-78 (Docket No. MC-119049) for a *common carrier* certificate to transport *household goods* as defined by the Commission, over irregular routes, between points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, and between points in those States identified above, on the one hand, and, on the other, points in Colorado, Louisiana, Missouri, Montana, New Mexico, Texas, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC-119049 is a matter directly related.

No. MC-F-7254. Authority sought for purchase by ROSS TRANSFER, a Washington Corporation, East 41 Gray Avenue, Spokane, Washington, of the operating rights and property of DALE L. ROSS, LESTER E. ROSS and EMMETT A. ROSS, a partnership, doing business as ROSS TRANSFER COMPANY, West 409 Graves Road, Spokane, Washington, and for acquisition by F. K. HASLUND, JR., 2 Hanford Street, Seattle 4, Washington, of control of such rights and property through the purchase. Applicants' attorney and representative, respectively: George W. Shoemaker, 1327 Old National Bank Building, Spokane, Washington, and E. B. Wellman, Secretary-Treasurer, ROSS TRANSFER, East 41 Gray Avenue, Spokane, Washington. 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 Spokane, Washington, and Post Falls, Idaho, and the intermediate and off-route points of Dishman, Vera, Spokane, Bridge, Greenacres, Newman, Liberty Lake, Trentwood, Velox, Otis Orchard, and East Farms, Washington, and Heutter, Hauser, East Greenacres, Bates Corner, Pleasant View, and Ross Point, Idaho. Vendee holds no authority from this Commission, however, F. K. HASLUND, JR., is the principal stockholder of (1) RIVERSIDE WAREHOUSES, INC., and (2) SEATTLE TRANSFER & STORAGE COMPANY, which are authorized to operate as *common carriers* in (1) Washington, and (2) Washington and Oregon. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7255. Authority sought for purchase by ROSS TRANSFER, a Washington Corporation, East 41 Gray Avenue, Spokane, Washington, of the operating rights of RIVERSIDE WAREHOUSES, INC., East 41 Gray Avenue, Spokane, Washington, and for acquisition by F. K. HASLUND, JR., 2 Hanford Street, Seattle 4, Washington, of control of such rights through the purchase. Applicants' attorney and representative, respectively: George W. Shoemaker, 1327 Old National Bank Building, Spokane, Wash., and E. B. Wellman, Secretary-Treasurer, ROSS TRANSFER, East 41 Gray Avenue, Spokane 2, Washington. Operating rights sought to be trans-

ferred: *General commodities* with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points within three miles of Spokane, Wash., including Spokane, and between Spokane, Wash., on the one hand, and, on the other, points not less than three nor more than fifteen miles of Spokane. Vendee holds no authority from this Commission, however, F. K. HASLUND, JR., is the principal stockholder of vendor herein, and SEATTLE TRANSFER & STORAGE COMPANY, which 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. 59-6000; Filed, July 21, 1959; 8:47 a.m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 16, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35559: *Grain and grain products—Northern Illinois and Wisconsin to the east.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2408), for carriers parties to schedules listed or referred to below. Rates on corn, oats, soybeans, sorghum grains, and their products, carloads from points in northern Illinois and Wisconsin to Chicago, Ill., Kewaunee, and Milwaukee, Wis., and group points, on traffic destined to the East.

Grounds for relief: Across country competition with like traffic from nearby origins in northern Illinois from which depressed barge-truck competitive rates are maintained, and maintain relationships.

Tariff: Supplement 138 to Central Territory Railroads Tariff Bureau tariff I.C.C. 4403 and other schedules named in the application.

FSA No. 35560: *Fine coal from Alabama points to Port Wentworth, Ga.* Filed by O. W. South, Jr., Agent (SFA No. A3827), for interested rail carriers. Rates on bituminous fine coal, in carloads from Ealine, Fox, Holt and Northport, Ala., to Port Wentworth, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 15 to Southern Freight Association tariff I.C.C. S-39.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-5997; Filed, July 21, 1959; 8:46 a.m.]

# OFFICE OF CIVIL AND DEFENSE MOBILIZATION

## AMERICAN SAFETY RAZOR CORP.

### Deletion From Membership in Integration Committee on Small Arms Ammunition

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is published the following deletion from the list of companies which have accepted the request to participate in the voluntary plan entitled, "Plan and Regulations of the Ordnance Corps Governing the Integration Committee on Small Arms Ammunition," as amended. The request and complete list of acceptances were published in 24 F.R. 2759, April 9, 1959.

*Deletion*

American Safety Razor Corporation, New York, New York.

(Sec. 708, 64 Stat. 818, as amended; 50 U.S.C. App. Sup. 2158; E.O. 10480, Aug. 14, 1953, 18 F.R. 4939; Reorg. Plan No. 1 of 1958, 23 F.R. 4991, as amended; E.O. 10773, July 1, 1958, 23 F.R. 5061; E.O. 10782, Sept. 6, 1958, 23 F.R. 6971)

Dated: July 7, 1959.

LEO A. HOEGH, *Director, Office of Civil and Defense Mobilization.*

[F.R. Doc. 59-6003; Filed, July 21, 1959; 8:47 a.m.]

# CUMULATIVE CODIFICATION GUIDE—JULY

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