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Title 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 6—LIMITATIONS AGAINST POLITICAL ACTIVITY FOR BANK PERSONNEL

PART 7—VETERANS' PREFERENCE IN THE BANKS

Section 201 of Public Law 86–168, approved August 18, 1959, amends the Farm Credit Act of 1937 so that, effective January 1, 1960, section 6(d) of the 1937 Act provides as follows: "Section 9 of the Hatch Act, as amended (5 U.S.C. 118i), and the Veterans' Preference Act of 1944, as amended (5 U.S.C. 851–869), shall not be deemed to apply to a Federal land bank, Federal intermediate credit bank, or bank for cooperatives, or to its directors, officers, or employees."; and § 6(a)(1) of the 1937 Act includes the following sentence: "The district farm credit board shall, under rules and regulations prescribed by the Farm Credit Administration, provide for veterans' preference and limitations against political activity for such officers and employees substantially similar to the preference and limitations to which such officers and employees were subject upon enactment of this sentence."

Title 6 of the Code of Federal Regulations is hereby amended to include as Part 6 the rules and regulations prescribed by the Farm Credit Administration on limitations against political activity for officers and employees of the Federal land banks, Federal intermediate credit banks, and banks for cooperatives, and to include as Part 7 the rules and regulations prescribed by the Farm Credit Administration for veterans' preference in the Federal land banks, Federal intermediate credit banks, and banks for cooperatives, both such parts being as hereinafter set forth.

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AUTHORITY: §§ 6.1 to 6.10 issued under sec. 6(a)(1) of Farm Credit Act of 1937 as amended by sec. 201(b) of Public Law 86–168, approved August 18, 1959, 73 Stat. 387.

§ 6.1 Basis.

Under section 6(a)(1) of the Farm Credit Act of 1937, as amended by section 201(b) of the Farm Credit Act of 1959, effective January 1, 1960, appointments, promotions, and separations of officers and employees of the Federal land banks, Federal intermediate credit banks, and banks for cooperatives (hereinafter sometimes referred to as "Farm Credit banks" or simply "banks") shall be consistent with the laws under which such banks are organized and operate; shall be based on merit and efficiency and no political test or qualification shall be permitted or given consideration; and each district farm credit board shall, under rules and regulations prescribed by the Farm Credit Administration, provide limitations against political activity by officers and employees of such banks.

§ 6.2 General limitation.

No employee (as used throughout these rules and regulations the term "employee" includes an "officer") of a Farm Credit bank shall use his official authority or influence for the purpose of interfering with an election or affecting the result thereof; neither shall he take any active part in political management or in political campaigns; but all such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates. Specific activities which are considered to be prohibited by the general limitation are listed in § 6.3 and specific activities which are considered to be permissible under the general limitation are listed in § 6.4.

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§ 6.3 Prohibited activities.

The general limitation against political activities is considered to prohibit the following specific activities:

(a) Being a candidate for nomination or for election to a national or a State office, although running for a community office is permitted as noted in § 6.4(g);

(b) Soliciting others to become candidates for nomination or election to partisan offices;

(c) Campaigning for or against a political party or candidate;

(d) Using automobile to transport voters, except customary riders or members of immediate family, to the polls;

(e) Distributing campaign material;

(f) Marching in a political parade;

(g) Selling tickets for or otherwise actively promoting such activities as political dinners;

(h) Writing for publication or publishing any article or letter soliciting votes for or against any political party or candidate;

(i) Soliciting or receiving any assessment or contribution for any political purpose;

(j) Making a political contribution in the bank building or to some other bank officer or employee.

§ 6.4 Permissible activities.

The following specific activities are considered to be permissible under the general limitation against political activities:

(a) Registering and voting as preferred;

(b) Expressing opinions on all political subjects and candidates as long as it is not done in such a manner as to take an active part in political management or political campaigns of a partisan nature;

(c) Making a voluntary campaign contribution to any regularly constituted political organization;

(d) Displaying a political sticker on a private automobile if the use of stickers is permitted by local ordinance, but this should not be done while on duty conducting bank business;

(e) Wearing a political badge or button while not on duty performing bank business;

(f) Accepting appointment to such positions as justice of the peace and member of boards of education, school committees, and boards of public libraries and religious or charitable institutions if the farm credit board of the district decides the holding of these local offices will not conflict or interfere with the discharge of bank duties, but if such offices are elective, participation in a partisan political election is not permitted;

(g) Participating in a nonpartisan local election in which party designation, nomination, and sponsorship are completely absent, and being a candidate for office in such an election and holding the office after election if the farm credit board of the district decides that holding it will not interfere with the bank employment;

(h) Petitioning Congress or any Member of Congress, for example, writing the local Congressman and telling him how it is thought he should vote on any issue;

(i) Signing petitions, including nominating petitions, but not initiating them or canvassing for the signature of others if they are identified with partisan political management or campaigns;

(j) Attending political rallies and joining political clubs, but not taking an active part in the conduct of a rally or the operation of the club or acting as chairman, officer, committee member, or delegate, and voting on issues but not speaking for or against them.

§ 6.5 Activity through another person.

Any political activity that is prohibited in the case of an employee acting independently is also prohibited in the case of an employee acting in open or secret cooperation with others. Whatever the employee may not do directly or personally, he may not do indirectly or through an agent chosen by him or subject to his control. Employees are, therefore, accountable for political activity by persons other than themselves, including wives or husbands if, in fact, the employees are thus accomplishing by collusion and indirection what they may not lawfully do directly and openly. Political activity in fact, regardless of the methods or means used by the employee, constitutes the violation.

§ 6.6 Employees on leave.

In general, an employee who is subject to the limitations against political activity while on active duty is subject to them while on leave with pay, leave without pay, or furlough, and incurs the same penalties for an offense committed while in leave or furlough status as for an offense committed while on active duty. This is true even though the leave is terminal leave, and even though the employee's resignation has been submitted and accepted. However, if lump-sum payment is made for accrued annual leave the person involved is not subject to the limitations against political activity during the period covered by the lump-sum payment or thereafter. It is not permissible for an employee to take leave of absence for the purpose of working with a political candidate, committee, or organization, or for the purpose of becoming a candidate for office with the understanding that he will resign his position if nominated or elected.

§ 6.7 Part-time and intermittent employees.

Any person whose employment with a bank is only part-time and intermittent, not in any case occupying a substantial portion of his time and not affording his principal means of livelihood, is subject to the limitations against political activity while in active-duty status, and not otherwise. Such an employee may be listed as a candidate for a public elective office provided that he does not engage in political activity on any day on which he performs duty as a bank employee. The period of active duty embraces the whole period of status as a paid employee, rather than just the working hours of the day.

§ 6.8 Penalties for violation.

An employee found to have violated the limitations against political activity shall be immediately removed from the position held by him and shall not be reemployed in any position in a Farm Credit bank, but if the farm credit board of the district determines by unanimous vote that the violation does not warrant such removal it may impose a lesser penalty, but the penalty so imposed shall not be less than a 90-day suspension without pay.

§ 6.9 Further application of limitations.

If there is uncertainty as to whether proposed activities by an employee would violate the limitations against political activity, a complete statement of the matter should be presented in writing to the Deputy Governor, Farm Credit Administration, Washington 25, D.C., for a ruling before the employee engages in the activities.

§ 6.10 District board action.

The action taken by the farm credit board in each district to provide limitations against political activity under these rules and regulations, and any changes therein, shall be reported to the Farm Credit Administration. In the case of the Central Bank for Cooperatives, any corresponding action shall be by its board of directors.

Sec.

7.1 Basis.
7.2 Persons entitled.
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7.4 Reductions in force.
7.5 Discharge, suspension, etc., only for cause.
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7.7 District board action.

AUTHORITY: §§ 7.1 to 7.7 issued under sec. 6(a)(1) of Farm Credit Act of 1937 as amended by sec. 201(b) of Public Law 86–168, approved August 18, 1959, 73 Stat. 387.

§ 7.1 Basis.

Under section 6(a)(1) of the Farm Credit Act of 1937, as amended by section 201(b) of the Farm Credit Act of 1959, effective January 1, 1960, appointments and separations of officers and employees in the Federal land banks, Federal intermediate credit banks, and banks for cooperatives (hereinafter sometimes referred to as "Farm Credit banks" or simply "banks") shall be consistent with the laws under which such banks are organized and operate; shall be based on merit and efficiency; and shall be subject to veterans' preference to be provided for by each district farm credit board under rules and regulations prescribed by the Farm Credit Administration.

§ 7.2 Persons entitled.

The following, upon establishing their status as such to the satisfaction of the employing bank, are entitled to the veterans' preference to be provided for under these rules and regulations:

(a) *Veterans.* Honorably separated veterans who served on active duty in the armed forces of the United States during any war, or during the period April 28, 1952, through July 1, 1955, or in any campaign or expedition for which a campaign badge or service medal has been authorized.

(b) *Disabled veterans.* An honorably separated veteran who served on active duty in the armed forces at any time, and who (1) has a service-connected disability or (2) is receiving compensation, disability retirement benefits, or pension under laws administered by the Veterans Administration, Army, Navy, Air Force, Coast Guard, or Public Health Service. A veteran who has been awarded the Purple Heart for wounds received in action is considered to have a service-connected disability.

(c) *Wives of disabled veterans.* The wife of a veteran whose service-connected disability disqualifies him for appointment to positions along the general line of his usual occupation.

(d) *Widows of veterans.* Until she remarries, the widow of an honorably separated veteran who served on active duty during any war, or during the period April 28, 1952, through July 1, 1955, or in a campaign or expedition for which a campaign badge or service medal was authorized. This includes the widow of a man who died in service, unless the circumstances surrounding his death would have been cause for other than honorable separation.

(e) *Mothers of veterans.* The mother of a veteran who lost his life under honorable conditions while on active duty in a war or in a campaign or expedition for which a campaign badge or service medal has been authorized, or during the period April 28, 1952, through July 1, 1955, or who became permanently and totally disabled because of a service-connected disability, provided that she is widowed, divorced, or separated from the father of the veteran, or the father is permanently and totally disabled. An otherwise eligible mother who has remarried may be granted preference only if, with reference to the subsequent marriage, her husband is permanently and totally disabled, or she is divorced or legally separated, or she has been widowed.

§ 7.3 Preference in appointments.

(a) *Applicability.* Subject to the procedural modifications contained in paragraph (g)(1) of this section, the provisions of this section respecting the examination, rating, and selection for appointment of applicants are required to be followed whenever a qualified person entitled to veterans' perference under § 7.2 applies for employment by a Farm Credit bank or by two or more such banks jointly.

(b) *Handling of applications.* The handling of applications for employment in positions covered by this section shall be uniform. Incomplete applications and applications for positions in which there is no vacancy and to which it is not expected that any appointment will be made in the near future may be returned. If an application is retained but there is no occasion to process it for consideration under paragraph (d) of this section within 12 months after it was received, the application may thereafter be considered inactive.

(c) *Qualification standards.* The requirements inherent in the duties and responsibilities of each position shall constitute the qualification standards of the position. Whenever a position is being filled and one of the applicants is a person entitled to preference under § 7.2, the qualification standards shall be decided upon before the applicants are rated. Information concerning the standards for any position shall be furnished upon request. The qualification standards effective for each position shall be applied uniformly to all applicants for such position. Under the standards established, it may be provided that certain factors will disqualify applicants for employment. These may include, among others, the following: (1) Dismissal from employment for delinquency or misconduct; (2) criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct; (3) intentional false statements as to any material fact, or deception or fraud in connection with an application; (4) habitual use of intoxicating beverages to excess; (5) reasonable doubt as to the loyalty of the person involved to the Government of the United States; (6) any legal disqualification for appointment; and (7) lack of United States citizenship.

(d) *Rating.* (1) The qualifications of all applicants for a position may be evaluated at any time prior to appointment being made to such position. Numerical ratings shall be assigned on a scale of 100 and all applicants rated 70 or more shall be eligible for appointment. In the case of persons rated 70 or more who are entitled to veterans' preference under § 7.2, 5 points shall be added if such persons are within paragraph (a) of § 7.2 and 10 points shall be added if such persons are within paragraph (b) (c), (d), or (e) of § 7.2. No numerical ratings need be assigned whenever all qualified applicants will be offered immediate employment. Whenever there is an excessive number of applicants, only a sufficient number of the highest qualified applicants to meet the anticipated needs within a reasonable time need be given numerical ratings; in such cases procedures shall be followed which will insure consideration of all preference applicants in the order in which they would have been considered if all applicants had been assigned numerical ratings.

(2) For the positions of elevator operator, messenger, guard, and custodian, the application of a nonpreference applicant shall not be rated or given consideration unless there are no active applications on hand from qualified persons entitled to preference.

(3) Whenever experience is a factor in determining eligibility, an applicant entitled to 5-point or 10-point preference shall be credited with time spent in the military or naval service of the United States when the position for which he is applying is similar to that he held immediately prior to his entrance into the military or naval service; credit shall also be given such applicant for all valuable experience, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether any compensation was received therefor.

(e) *Employment list.* All applicants assigned eligible numerical ratings shall have their names entered on an employment list in accordance with their ratings, except that the names of applicants entitled to a 5- or 10-point preference shall be entered on such list in accordance with their respective augmented ratings, and the name of a preference applicant shall be entered ahead of all others having the same rating. An employment list may be considered inactive if and when no appointment has been made from it within 12 months and it is not expected that any appointment will be made from it in the near future.

(f) *Selection and appointment*—(1) *Order of consideration.* The names of all applicants on the employment list for a given position shall be considered in the order in which their names appear thereon but every effort shall be made to utilize a person entitled to veterans' preference before a nonpreference applicant is appointed.

(2) *Passing over a preference applicant.* Whenever in making a selection of a nonpreference applicant, the name of a preference applicant who is entitled to prior consideration in the order that his name appears on the employment list is passed over, the reasons for so doing shall be recorded in writing. A copy of such reasons shall upon request be sent to the preference applicant or his designated representative. When in making appointments to a position, the name of a preference applicant has been passed over on three occasions and the reasons for so doing have been recorded, consideration of his name for such position may thereafter be discontinued.

(g) *General provisions*—(1) *Procedural modifications.* In view of the circumstances and conditions surrounding employment in the following classes of positions, the appointment procedures in this section need not be followed as to such positions: (i) Intermittent positions; (ii) positions paid on a fee basis; and (iii) positions of a confidential or policy-determining character such as the principal officers and any confidential assistants.

(2) *Special plans.* Any district farm credit board may submit to the Farm Credit Administration a system for making appointments which will result in granting preference to veterans but which does not conform to all of the procedural requirements set forth in this section, but no such system may be put into effect until it has received the prior approval of the Administration.

§ 7.4 Reductions in force.

When a reduction in personnel is to be made in any type and level of work, due to lack of work, shortage of funds,

reorganization, or exercise of reemployment rights, and an employee entitled to veterans' preference under § 7.2 is among the competing employees, any preference employees whose performance is satisfactory may not be separated unless or until all nonpreference employees in the same type and level of work and with the same type of appointment are separated, but employees with temporary appointments for one year or less, or who have not completed their probationary period, may be separated without regard to the regulations in this section. Between preference employees with the same type of appointment and whose performance is equally satisfactory, the employee with least service in the banks, including active military service in the armed forces of the United States, shall be separated before an employee who has more such service. Only in unusual cases where the preference just indicated for reductions in force would cause undue interruptions in the activity involved may there be a variance from such preference. In any such case, the variance should be substantiated in writing, with a copy thereof to be given any employee whose preference is denied upon his so requesting.

§ 7.5 Discharge, suspension, etc., only for cause.

For the purposes of this section, employees during their first year of current continuous service, employees appointed for periods specifically limited to one year or less, and employees whose annuity under the Civil Service Retirement Act was continued upon reemployment on or after October 1, 1956, shall not be deemed to be permanent or indefinite preference eligibles. No permanent or indefinite preference eligible shall be discharged, suspended for more than 30 days, furloughed without pay, reduced in rank or compensation, except as provided in the preceding section, or for such cause as will promote the efficiency of the service and for reasons given in writing, and the person whose discharge, suspension for more than 30 days, furlough without pay, or reduction in rank or compensation is sought shall have at least 30 days advance written notice (except where there is a reasonable cause to believe the employee to be guilty of a crime for which a sentence of imprisonment can be imposed), stating any and all reasons, specifically and in detail, for any such proposed action. Such preference eligible shall be allowed 10 days for answering the same personally and in writing, and for furnishing affidavits in support of such answer, and from an adverse decision thereon shall have the right to appeal locally as provided in the next sentence. Such appeal shall be made in writing within 10 days after receipt of notice of such adverse decision and shall be made to the farm credit board of the district unless the board shall have designated the general agent or a senior officer not connected with the employing bank to hear such appeals locally. On such local appeal, the matter shall be reviewed with the preference eligible and the appropriate bank officers and such recommendation shall be made (or conclusion reached in the case of the board) as is deemed advisable. The preference eligible shall be notified in writing of the action taken as a result of the local appeal. If this does not conclude the matter satisfactorily, such preference eligible, may, within 30 days after receiving notice of the action on the local appeal, further appeal in writing to the Deputy Governor, Farm Credit Administration, Washington 25, D.C. Such preference eligible shall have the right to make a personal appearance, or an appearance through a designated representative, as may be arranged with the Deputy Governor. After investigation and consideration of the evidence submitted, the Deputy Governor shall submit his decision to the bank and shall send copies of the same to the appellant or to his designated representative. Such decision of the Deputy Governor shall be final and binding upon all parties concerned and the bank shall take such corrective action as the Deputy Governor determines.

§ 7.6 Appeals generally.

In addition to the appeal provided for discharge, suspension, etc., cases under the preceding section, any person considering he has not received the preference provided for him under these rules and regulations may appeal locally, as provided in the next sentence, within 10 days after receiving notice of the action deemed adverse. Such appeal shall be made in writing to the farm credit board of the district unless the board shall have designated the general agent or a senior officer not connected with the employing bank to hear such appeals locally. On such local appeal, the matter shall be reviewed with such person and the appropriate bank officers and such recommendation shall be made (or conclusion reached in the case of the board) as is deemed advisable. If this does not conclude the matter satisfactorily, such person may, within 10 days after receiving notice of the action on the local appeal, further appeal in writing to the Deputy Governor of the Farm Credit Administration, Washington 25, D.C. The decision of the Deputy Governor in respect to such appeal shall be made known to and shall be final and binding upon all parties concerned.

§ 7.7 District board action.

The action taken by the farm credit board in each district to provide for veterans' preference under these rules and regulations, and any changes therein, shall be reported to the Farm Credit Administration. In the case of the Central Bank for Cooperatives, any corresponding action shall be by its board of directors.

(Sec. 6(a)(1) of Farm Credit Act of 1937 as amended by sec. 201(b) of Pub. Law 86-168, approved August 18, 1959, 73 Stat. 387)

HAROLD T. MASON,
Acting Governor,
Farm Credit Administration.

[F.R. Doc. 60-271; Filed, Jan. 12, 1960; 8:45 a.m.]

Title 7—AGRICULTURE

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

PART 722—COTTON

Proclamation of Results of Marketing Quota Referendum for 1960 Crop of Upland Cotton

§ 722.304 Basis and purpose.

The purpose of this proclamation is to announce the results of the marketing quota referendum for the 1960 crop of upland cotton. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture on October 14, 1959, proclaimed a national marketing quota for the 1960 crop of upland cotton (24 F.R. 8407), and on October 26, 1959, announced that a referendum would be held on December 15, 1959, to determine whether cotton farmers were in favor of or opposed to such quota (24 F.R. 8857). Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that, with respect to the proclamation, application of the notice and public procedure requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is unnecessary.

§ 722.305 Proclamation of results of the marketing quota referendum for the 1960 crop of upland cotton.

In a referendum held on December 15, 1959, of farmers engaged in the production of the 1959 crop of upland cotton, 188,349 farmers voted. Of those voting, 179,259, or 95.2 percent, favored the national marketing quota proclaimed by the Secretary of Agriculture for the 1960 crop of upland cotton, and 9,090, or 4.8 percent, opposed such quota. Therefore the national marketing quota of 13,133,000 bales proclaimed by the Secretary of Agriculture on October 14, 1959, for the 1960 crop of upland cotton shall continue in effect.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 342-345, 52 Stat. 56-58, as amended; 7 U.S.C. 1342-1345)

Done at Washington, D.C., this 8th day of January 1960.

WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-341; Filed, Jan. 12, 1960; 8:57 a.m.]

PART 722—COTTON

Proclamation of Results of Marketing Quota Referendum for 1960 Crop of Extra Long Staple Cotton

§ 722.354 Basis and purpose.

The purpose of this proclamation is to announce the results of the marketing quota referendum for the 1960 crop of

extra long staple cotton. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture on October 14, 1959, proclaimed a national marketing quota for the 1960 crop of extra long staple cotton (24 F.R. 8407), and on October 26, 1959, announced that a referendum would be held on December 15, 1959, to determine whether extra long staple cotton farmers were in favor of or opposed to such quota (24 F.R. 8857). Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that, with respect to the proclamation, application of the notice and public procedure requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is unnecessary.

§ 722.355 Proclamation of results of the marketing quota referendum for the 1960 crop of extra long staple cotton.

In a referendum held on December 15, 1959, of farmers engaged in the production of the 1959 crop of extra long staple cotton, 861 farmers voted. Of those voting, 732, or 85 percent, favored the national marketing quota proclaimed by the Secretary of Agriculture for the 1960 crop of extra long staple cotton, and 129, or 15 percent, opposed such quota. Therefore the national marketing quota of 66,590 bales proclaimed by the Secretary of Agriculture on October 14, 1959, for the 1960 crop of extra long staple cotton shall continue in effect.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 342–345, 347, 52 Stat. 56–59, as amended; 7 U.S.C. 1342–1345, 1347)

Done at Washington, D.C., this 8th day of January 1960.

WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-340; Filed, Jan. 12, 1960; 8:57 a.m.]

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

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Determination Relative to Expenses and Fixing of Rate of Assessment for the 1959–60 Fiscal Year

On December 12, 1959, notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 10077) regarding the expenses and rate of assessment for the 1959–60 fiscal year under Marketing Agreement No. 117, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Navel Orange Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 914.207 Expenses and rate of assessment for the 1959–60 fiscal year.

(a) *Expenses.* The expenses necessary to be incurred by the Navel Orange Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for its maintenance and functioning during the period November 1, 1959, through October 31, 1960, will amount to $184,000.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler who first handles oranges shall be 8 mills ($0.008) per carton of oranges handled by such handler as the first handler thereof during the 1959–60 fiscal year. Such rate of assessment is hereby fixed as each handler's pro rata share of the aforesaid expenses.

(c) It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) in accordance with the provisions of said amended marketing agreement and order, the rate of assessment is applicable to all oranges handled during the aforesaid fiscal year; (2) shipments of navel oranges are now being made; and (3) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable the Navel Orange Administrative Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

Terms used herein shall have the same meaning as when used in said amended marketing agreement and order.

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

Dated: January 6, 1960, to become effective upon publication in the FEDERAL REGISTER.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-292; Filed, Jan. 12, 1960; 8:51 a.m.]

[Navel Orange Reg. 178, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel 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. 601–674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel 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 (5 U.S.C. 1001–1011) 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 restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(i) of § 914.478 (Navel Orange Regulation 178, 25 F.R. 5) are hereby amended to read as follows:

(i) District 1: 775,000 cartons.

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

Dated: January 8, 1960.

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

[F.R. Doc. 60-293; Filed, Jan. 12, 1960; 8:51 a.m.]

PART 937—NECTARINES GROWN IN CALIFORNIA

Miscellaneous Amendments

Notice was published in the FEDERAL REGISTER issue of December 23, 1959 (24 F.R. 10455), that the Department was considering approval of rules and regulations which would be in addition to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 937.110) currently in effect pursuant to the applicable provisions of the marketing agreement and Order No. 37 (7 CFR Part 937) regulating the handling of nectarines grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all matters presented, including the proposals set forth in the aforesaid notice, which were submitted by the Nectarine Administrative Committee (established under the said marketing agreement and order as the agency to administer the terms and provisions thereof), it is hereby found that the following rules and regulations, which are in addition to § 937.110, are in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared pur-

poses of the Agricultural Marketing Agreement Act of 1937, as amended; and said rules and regulations are hereby approved.

§ 937.102 Procedure for nominating members and alternate members for the Nectarine Administrative Committee and the Shippers' Advisory Committee.

(a) The manager of the Nectarine Administrative Committee shall arrange for, and publicize, meetings of growers and shippers for the purpose of nominating members and alternate members for the Nectarine Administrative Committee and the Shippers' Advisory Committee. One growers' nomination meeting shall be held in each district. The shippers' nomination meeting shall be held in the district which, during the preceding year, produced the most nectarines. So far as possible, these meetings shall be held jointly with nomination meetings scheduled by the Control Committee, established under Order No. 36, as amended (7 CFR Part 936), known as the California Tree Fruit Agreement. Each such meeting shall be attended by one or more employees of the Nectarine Administrative Committee. Members of the Agricultural Extension Service of the University of California may be authorized by the Manager to assist in publicizing such meetings.

(b) Eligible voters assembled at nomination meetings may select a chairman and secretary, but in the event none of the aforesaid employees of the Nectarine Administrative Committee is selected as secretary, one such employee shall, nevertheless, record all nominations made.

(c) The nominations at any meeting shall be conducted according to Robert's Rules of Order. Voting may be by secret ballot or by acclamation in accordance with the desire of the majority of the eligible voters attending the meeting.

(d) No individual, whether representing a corporation or otherwise, may cast more than one vote for each nominee to be selected at the meeting where such individual is eligible to participate in the selection of nominees.

§ 937.105 Redefinition of certain districts.

The boundaries of Districts 1 and 2 are redefined as follows:

(a) District 1 shall include the Counties of Madera, Fresno, and Kings and that portion of Tulare County north of the 4th Standard Parallel south of the Mount Diablo Base Line of the General Land Office.

(b) District 2 shall include that portion of Tulare County not included in District 1.

§ 937.107 Changes in the representation of certain districts.

The representation or membership on the Nectarine Administrative Committee is changed to provide for:

(a) Four (4) members and their respective alternates shall be producers of nectarines in District 1;

(b) One (1) member and his alternate shall be producers of nectarines in District 2;

(c) One (1) member and his alternate shall be producers of nectarines in District 3;

(d) One (1) member and his alternate shall be producers of nectarines in District 4;

(e) One (1) member and his alternate shall be producers of nectarines in District 5.

§ 937.115 Lot stamping.

Except when loaded directly into railway cars or exempted under § 937.110, containers of nectarines shall be plainly stamped, prior to shipment, with a Federal-State Inspection Service lot stamp number, assigned by such Service, showing that such nectarines have been inspected in accordance with § 937.55.

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

Dated January 8, 1960, to become effective 30 days after publication in the FEDERAL REGISTER.

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

[F.R. Doc. 60–290; Filed, Jan. 12, 1960; 8:51 a.m.]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Findings and Determinations Relative to Expenses To Be Incurred and Fixing of Rate of Assessment for the 1959–60 Fiscal Year

On December 16, 1959, notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 10158) regarding the expenses and the fixing of the rate of assessment for the 1959–60 fiscal year pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals which were submitted by the Lemon Administrative Committee (established pursuant to the amended marketing agreement and order) and set forth in the aforesaid notice, it is hereby found and determined that:

§ 953.214 Expenses and rate of assessment for the 1959–60 fiscal year.

(a) *Expenses.* The expenses necessary to be incurred by the Lemon Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for its maintenance and functioning during the fiscal year ending October 31, 1960, will amount to $186,000.

(b) *Rate of assessment.* The rate of assessment to be paid, in accordance with the amended marketing agreement and order, by each handler who first handles lemons shall be 1¼ cents ($0.0125) per carton of lemons, or an equivalent quantity of lemons, handled by him as the first handler thereof during the said fiscal year. Such rate of assessment is hereby fixed as each handler's pro rata share of the aforesaid expenses.

(c) It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the rate of assessment is applicable to all lemons handled during the 1959–60 season; (2) shipments of lemons in volume have been made since the start of the fiscal year on November 1, 1959; and (3) it is essential that the specifications of the assessment rate be issued immediately so that the aforesaid assessment may be collected and thereby enable the Lemon Administrative Committee to perform its duties and functions in accordance with the said amended marketing agreement and order.

Terms used herein shall have the same meaning as when used in said amended marketing agreement and order.

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

Dated: January 6, 1960, to become effective upon publication in the FEDERAL REGISTER.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–291; Filed, Jan. 12, 1960; 8:51 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7563 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Joseph Shuster et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055–50 Preticketing merchandise misleading. Subpart—Misbranding or mislabeling: § 13.1185 Composition: § 13.1280 Price. Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 Fictitious preticketing.

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Joseph Shuster et al. doing business as National Leather & Novelty Company, Chicago, Ill., Docket 7563, November 17, 1959]

In the Matter of Joseph Shuster (Erroneously Referred to in the Complaint as J. Joseph Shuster) and Nathan Wolman, Individually and as Partners Doing Business as National Leather & Novelty Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Chicago distributors with representing falsely by the words "Leather", "Content Leather",

and "Genuine Leather" stamped thereon, that wallets made of a plastic containing only 40 percent pulverized leather and with lining and dividers of simulated leather, were made of leather; and with attaching, or having attached, to said wallets, tickets imprinted with excessive prices represented thereby as the usual retail prices.

After acceptance of an agreement providing for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on November 17 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Joseph Shuster and Nathan Wolman, individually and as partners, trading and doing business as National Leather & Novelty Company, or trading and doing business under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the sale, offering for sale or distribution of wallets or any other product in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That their product is made or composed of a specific material, or grade or quality of material, when such product contains or is composed, partly or wholly, of materials other than the specific material, or grade or quality of material represented.

(b) That any price is the usual and regular retail price of their product when it is in excess of the price at which their product is usually and regularly sold at retail in the normal course of business.

2. Placing in the hands of others, means or instrumentalities which may be used to misrepresent the quality and regular and usual retail price of their product.

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: November 17, 1959.

By the Commission.

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

[F.R. Doc. 60-285; Filed, Jan. 12, 1960; 8:48 a.m.]

[Docket 7427 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Utica Cutlery Co. et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception; § 13.1055-50 Preticketing merchandise misleadingly. Subpart—Misbranding or mislabeling: § 13.1280 Price. Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 Fictitious preticketing.

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Utica Cutlery Company et al., Utica, N.Y., Docket 7427, November 17, 1959]

In the Matter of Utica Cutlery Company, a Corporation, and Albert Edward Allen, Walter Joseph Matt, H. Robert Agne, and W. H. Van Vliet, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Utica, N.Y., manufacturers of kitchen utensils, cutlery, stainless steel tableware, etc., with attaching to their merchandise, and furnishing to their customers for attachment, tickets printed with greatly exaggerated prices represented thus as the regular retail prices, and with failing to disclose the foreign origin of tableware imported from Japan.

After acceptance of a consent order, the hearing examiner made his initial decision and order to cease and desist the fictitious pricing practices, which became on November 17 the decision of the Commission. The allegations charging non-disclosure of foreign origin remain to be disposed of separately.

The order to cease and desist is as follows:

It is ordered, That respondents, Utica Cutlery Company, a corporation, and its officers, and Albert Edward Allen, individually and as an officer of said corporation, and Walter Joseph Matt, H. Robert Agne, and W. H. Van Vliet, as officers of said corporation, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of cutlery, stainless steel tableware, or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing by preticketing, or in any other manner, that a certain amount is the customary or usual retail price of merchandise when said amount is in excess of the price at which said merchandise is customarily and usually sold.

2. Furnishing any means of instrumentality to others by and through which they may mislead the public as to the customary or usual retail prices of respondents' merchandise.

It is further ordered, That the complaint be and the same hereby is dismissed, as to respondents Walter Joseph Matt, H. Robert Agne, and W. H. Van Vliet, individually.

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

It is ordered, That respondents Utica Cutlery Company, a corporation, and Albert Edward Allen, individually and as an officer of said corporation, and Walter Joseph Matt, H. Robert Agne, and W. H. Van Vliet, as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 17, 1959.

By the Commission.

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

[F.R. Doc. 60-286; Filed, Jan. 12, 1960; 8:49 a.m.]

[Docket 7523 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Weinstein Co., Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.235 Source or origin: § 13.235-50 Maker or seller, etc.: § 13.235-50(a) Fur Products Labeling Act. Subpart—*Invoicing products falsely:* § 13.1108 Invoicing products falsely: § 13.1108-45 Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 Formal regulatory and statutory requirements: § 13.1212-30 Fur Products Labeling Act. Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1813 Forced or sacrifice sales. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 Formal regulatory and statutory requirements: § 13.1852-35 Fur Products Labeling Act; § 13.1865 Manufacture or preparation: § 13.1865-40 Fur Products Labeling Act; § 13.1886 Quality, grade or type; § 13.1900 Source or origin: § 13.1900-40 Fur Products Labeling Act: § 13.1900-40(b) Place.

(Sec. 6, 38 Stat. 722; 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, Weinstein Co., Inc., et al., San Francisco, Calif., Docket 7523, November 14, 1959]

In the Matter of Weinstein Company, Inc., a Corporation, and Philip Damner and Martin Liebes, Individuals Trading as Damner Brothers

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a San Francisco furrier with violating the Fur Products Labeling Act by failing to comply with labeling and invoicing requirements; and by advertising which failed to disclose the names of animals producing certain furs or the country of origin or that fur products contained artificially colored fur, and represented fur products falsely as being from the stock of a liquidated business.

Counsel for the parties having entered into an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on November 14 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Weinstein Company, Inc., a corporation, and Philip Damner and Martin Liebes, individuals trading as Damner Brothers, and respondents' 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 in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

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 in abbreviated form;

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, mingled with nonrequired information;

(3) 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.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products an invoice showing all of the information required to be disclosed by each of the sub-sections of section 5(b)(1) of the Fur Products Labeling Act.

B. 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.

C. Failing to set forth the required item numbers on invoices.

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

B. Represents directly or by implication that any such products are the stock of a business in a state of liquidation, contrary to fact.

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: November 13, 1959.

By the Commission.

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

[F.R. Doc. 60-287; Filed, Jan. 12, 1960; 8:50 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of 1-Naphthyl *N*-Methylcarbamate

A petition was filed with the Food and Drug Administration by Union Carbide Chemicals Corporation, 30 East Forty-Second Street, New York, New York, requesting the establishment of tolerances for residues of 1-naphthyl *N*-methylcarbamate in or on cherries, plums (fresh prunes), and strawberries.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1958 Supp., 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (24 F.R. 1982, 2982, 7754) are amended by adding to the list of raw agricultural commodities for which tolerances have been established in § 120.169(a) the items cherries, plums (fresh prunes), and strawberries.

As amended, § 120.169(a) reads as follows:

§ 120.169 Tolerances for residues of 1-naphthyl *N*-methylcarbamate.

* * * * *

(a) 10 parts per million in or on apples, beans, cherries, grapes, peaches, pears, plums (fresh prunes), strawberries.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 6, 1960.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 60-297; Filed, Jan. 12, 1960; 8:52 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of 2,4,5,4'-Tetrachlorodiphenyl Sulfone

A petition was filed with the Food and Drug Administration by Niagara Chemical Division, Food Machinery and Chemical Corporation, Middleport, New York, requesting the establishment of tolerances for residues of 2,4,5,4'-tetrachlorodiphenyl sulfone at 5 parts per million in or on citrus citron, grapefruit, lemons, limes, oranges, tangelos, and tangerines. The use proposed in the petition was later modified, use on lemons was deleted, and the tolerance level requested was reduced from 5 parts per million to 2 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)

(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1958 Supp., 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 1958 Supp., 120.3) are amended as indicated below.

§ 120.3 [Amendment]

1. In § 120.3 *Tolerances for related pesticide chemicals*, paragraph (e)(4) is amended by adding 2,4,5,4′-tetrachlorodiphenyl sulfone at the end of the list of chlorinated hydrocarbons.

2. Part 120 is amended by adding thereto the following new section.

§ 120.174 Tolerances for residues of 2,4,5,4′-tetrachlorodiphenyl sulfone.

A tolerance of 2 parts per million is established for residues of 2,4,5,4′-tetrachlorodiphenyl sulfone in or on each of the following raw agricultural commodities: Citrus citron, grapefruit, limes, oranges, tangelos, tangerines.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 6, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-298; Filed, Jan. 12, 1960; 8:53 a.m.]

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Penicillin-Dihydrostreptomycin Mixtures

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the regulations for tests and methods of assay and certification of penicillin and penicillin-containing drugs (21 CFR and 21 CFR, 1958, Supp. (24 F.R. 250)), are amended as indicated below:

1. The following section headnotes are changed to read as indicated:

§ 141a.39 Penicillin-streptomycin; penicillin-dihydrostreptomycin veterinary.

§ 141a.46 Procaine penicillin in streptomycin sulfate solution; procaine penicillin in dihydrostreptomycin sulfate solution veterinary.

§ 141a.60 Penicillin and dihydrostreptomycin-streptomycin surfates veterinary; procaine penicillin in dihydrostreptomycin-streptomycin sulfates solution veterinary.

§ 141a.67 Procaine penicillin and benzathine penicillin G in streptomycin sulfate solution; procaine penicillin and benzathine penicillin G in dihydrostreptomycin sulfate solution veterinary (procaine penicillin and benzathine penicillin G in crystalline dihydrostreptomycin sulfate solution veterinary).

§ 141a.68 Benzathine penicillin G and streptomycin; benzathine penicillin G and dihydrostreptomycin veterinary.

§ 141a.80 Benzathine penicillin G-procaine penicillin G-streptomycin in oil; benzathine penicillin G-procaine penicillin G-dihydrostreptomycin in oil veterinary.

§ 141a.88 Benzathine penicillin G in streptomycin sulfate solution; benzathine penicillin G in dihyrostreptomycin sulfate solution veterinary (benzathine penicillin G in crystalline dihydrostreptomycin sulfate solution veterinary); potency, sterility, toxicity, pyrogens, pH.

§ 146a.58 [Amendment]

2. Section 146a.58 is amended in the following respects:

a. The section headnote is changed to read as follows:

§ 146a.58 Penicillin-streptomycin; penicillin-dihydrostreptomycin veterinary.

b. In paragraph (a) *Standards of identity* * * *, the words "penicillin-dihydrostreptomycin" in the first sentence are changed to read "penicillin-dihydrostreptomycin veterinary."

c. Paragraph (b) *Packaging* is amended by deleting the words "or dihydrostreptomycin" from the third sentence.

d. In paragraph (c) *Labeling*, subparagraph (1)(v) is amended by inserting after the word "hydriodide" the words "or dihydrostreptomycin".

e. In paragraph (d) *Request for certification* * * * subparagraph (1) is amended by inserting after the word "dihydrostreptomycin" in the first sentence the word "veterinary".

§ 146a.67 [Amendment]

3. Section 146a.67 is amended in the following respects:

a. The section headnote is changed to read as follows:

§ 146a.67 Procaine penicillin in streptomycin sulfate solution; procaine penicillin in dihydrostreptomycin sulfate solution veterinary (procaine penicillin in crystalline dihydrostreptomycin sulfate solution veterinary).

b. Paragraph (a) *Standards of identity* * * * is amended by changing the words "dihydrostreptomycin sulfate solution" in the second sentence to read "dihydrostreptomycin sulfate solution veterinary".

c. In paragraph (c) *Labeling*, subparagraph (1)(v) is changed to read:

(v) The statement "For intramuscular use only," and if it contains dihydrostreptomycin, the statement "For veterinary use only."

d. Paragraph (c)(4) is amended by changing the words "procaine penicillin in dihydrostreptomycin sulfate solution" to read "procaine penicillin in dihydrostreptomycin sulfate solution veterinary".

4. Section 146a.84 is amended by changing the section headnote and the introduction to the paragraph (a) to read as follows:

§ 146a.84 Penicillin and dihydrostreptomycin-streptomycin sulfates veterinary; procaine penicillin in dihydrostreptomycin-streptomycin sulfates solution veterinary.

(a) *Standards of identity, strength, quality, and purity.* Penicillin and dihydrostreptomycin-streptomycin sulfates veterinary and procaine penicillin in dihydrostreptomycin-streptomycin sulfates solution veterinary conform to the standards prescribed by § 146b.113(a) of this chapter for dihydrostreptomycin-streptomycin sulfates veterinary, except that:

* * * * *

5. Section 146a.90 is amended by changing the section headnote and the introduction to the section to read as follows:

§ 146a.90 Procaine penicillin and benzathine penicillin G in streptomycin sulfate solution; procaine penicillin and benzathine penicillin G in dihydrostreptomycin sulfate solution veterinary (procaine penicillin and benzathine penicillin G in crystalline dihydrostreptomycin sulfate solution veterinary.

Procaine penicillin and benzathine penicillin G in streptomycin sulfate solution and procaine penicillin and benzathine penicillin G in dihydrostreptomycin sulfate solution veterinary conform to all requirements and are subject to all procedures prescribed by § 146a.67 for procaine penicillin in streptomycin sulfate solution and procaine penicillin in dihydrostreptomycin sulfate solution veterinary except that:

* * * * *

6. Section 146a.91 is amended by changing the section headnote and the introduction to the section to read as follows:

§ 146a.91 Benzathine penicillin G and streptomycin; benzathine penicillin G and dihydrostreptomycin veterinary.

Benzathine penicillin G and streptomycin and benzathine penicillin G and dihydrostreptomycin veterinary conform to all requirements prescribed by § 146a.77 for the dry mixture of benzathine penicillin G for aqueous injection and are subject to all procedures prescribed by that section for benzathine

penicillin G for aqueous injection except that:

* * * * *

7. Section 146a.102 is amended by changing the section headnote and the introduction to paragraph (a) to read as follows:

§ 146a.102 Benzathine penicillin G-procaine penicillin G-streptomycin in oil; benzathine penicillin G-procaine penicillin G-dihydrostreptomycin in oil veterinary.

(a) Benzathine penicillin G-procaine penicillin G-streptomycin in oil and benzathine penicillin G-procaine penicillin G-dihydrostreptomycin in oil veterinary conform to all requirements and are subject to all procedures prescribed by § 146a.101 for benzathine penicillin G and procaine penicillin G in oil, except that:

* * * * *

8. Section 146a.110 is changed to read as follows:

§ 146a.110 Benzathine penicillin G in streptomycin sulfate solution; benzathine penicillin G in dihydrostreptomycin sulfate solution veterinary (benzathine penicillin G in crystalline dihydrostreptomycin sulfate solution veterinary).

Benzathine penicillin G in streptomycin sulfate solution and benzathine penicillin G in dihydrostreptomycin sulfate solution veterinary conform to all requirements and are subject to all procedures prescribed by § 146a.67 for procaine penicillin in streptomycin sulfate solution and procaine penicillin in dihydrostreptomycin sulfate solution veterinary, except that benzathine penicillin G is used in lieu of procaine penicillin. The benzathine penicillin G used conforms to the requirements of § 146a.68 (a).

After a thorough study of the data in the possession of the Food and Drug Administration, the Commissioner of Food and Drugs has concluded that mixtures of dihydrostreptomycin (or its salts) and penicillin are not safe for parenteral use in humans in that their use may cause deafness. It is therefore the conclusion of the Commissioner that in the interests of the public safety such drugs should no longer be certified. For this reason, notice and public procedure would be contrary to the public interest.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since a delay in the effective date would not be consistent with the protection of the public health.

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

Dated: January 6, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-299; Filed, Jan. 12, 1960; 8:53 a.m.]

PART 146c — CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

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

Miscellaneous Amendments

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500) the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR, 1958 Supp., 146c.205 (24 F.R. 967, 9991); 21 CFR, 1958 Supp., 146c.231; 21 CFR and 21 CFR, 1958 Supp., 146e.404 (24 F.R. 9930)) are amended as indicated below:

§ 146c.205 [Amendment]

1. Section 146c.205 *Chlortetracycline powder* * * * is amended in the following respects:

a. Paragraph (a) *Standards of identity* * * * is amended by inserting in the first sentence after the words "vitamin substances", the following phrase: "with or without one or more suitable analgesic substances and antihistaminics,".

b. In paragraph (c) *Labeling*, subparagraph (1) (iii) is amended by inserting after the words "vitamin substances" the following new words: ", analgesic substances, or antihistaminics,".

c. Paragraph (c) (1) (iv) is changed to read as follows:

(iv) If the batch contains, in addition to chlortetracycline hydrochloride, tetracycline hydrochloride, or tetracycline, one or more of the other active ingredients specified in paragraph (a) of this section, the name and quantity of each such ingredient; and if it contains glucosamine hydrochloride, the name of that ingredient.

d. Paragraph (c) (3) is changed to read as follows:

(3) On the label and labeling, if it contains, in addition to chlortetracycline hydrochloride, tetracycline hydrochloride, or tetracycline, one or more of the other active ingredients specified in paragraph (a) of this section, after the name "chlortetracycline powder," or "tetracycline hydrochloride powder," or "tetracycline powder," wherever such name appears, the words "with _____, (the blank being filled in with the common or usual name of each other ingredient)," in juxtaposition with such name.

e. In paragraph (f) *Exemption of chlortetracycline* * * *, subparagraph (3) is amended by deleting the words "or it is tetracycline hydrochloride powder or tetracycline powder."

§ 146c.231 [Amendment]

2. In § 146c.231 *Capsules tetracycline and oleandomycin phosphate* * * *, paragraph (a) (3) is amended by changing the period at the end of the second sentence to a comma and adding the following new clause: "except that the date that is 36 months after the month during which the batch was certified may be used if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such period of time."

§ 146e.404 [Amendment]

3. In § 146e.404 *Bacitracin troches* * * *, subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by changing the words "48 months" to read "48 months or 60 months".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments covered by this order.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

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

Dated: January 6, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-300; Filed, Jan. 12, 1960; 8:54 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55023]

PART 16—LIQUIDATION OF DUTIES

Silk and Manufactures of Silk From the United Kingdom

Reference is made to T.D. 53476 setting forth the net amount of bounties paid by the British Government on the export of certain manufactures of silk.

The Treasury Department is in receipt of official information that there have been changes in the United Kingdom import duties and in the drawback rates applicable to the commodities described in T.D. 53476.

As to all articles listed in T.D. 53476 made from silk imported into the United Kingdom of Great Britain and Northern Ireland prior to November 12, 1956, and all articles listed in T.D. 53476 exported from the United Kingdom of Great Britain and Northern Ireland prior to January 1, 1959, regardless of when the silk from which the articles were made was imported therein, the assessment and collection of additional duties shall con-

tinue to be governed by T.D. 53476. As to all articles exported from the United Kingdom of Great Britain and Northern Ireland on and after January 1, 1959, made from silk imported into the United Kingdom of Great Britain and Northern Ireland on and after November 12, 1956, the Treasury Department is officially informed that the present rates of bounties or grants paid or bestowed by the British Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303) on the commodities herein described are the amounts set forth in the following table:

Articles	Net amount of bounty
1. (a) Spun silk yarn on which a drawback of 15 pence per pound has been allowed, produced in the United Kingdom from wholly or in part discharged silk waste on which an import duty of 9 pence per pound has been paid (1½ pounds of waste produce 1 pound of spun yarn).	1½ pence per pound.
(b) Thrown silk yarn, not wholly discharged, on which a drawback of 12 pence per pound has been allowed, produced in the United Kingdom from undischarged raw silk on which an import duty of 9 pence per pound has been paid (1.01 pounds raw undischarged silk equals 1 pound of thrown silk).	2.91 pence per pound.
(c) Thrown silk yarn, wholly discharged, on which a drawback of 15 pence per pound has been allowed, produced in the United Kingdom from undischarged raw silk on which an import duty of 9 pence per pound has been paid (1.20 pounds raw undischarged silk equals 1 pound wholly discharged thrown silk).	4.2 pence per pound.
2. (a) Fabrics, not wholly discharged, on which a drawback of 14 pence per pound has been allowed, produced in the United Kingdom from undischarged raw silk on which an import duty of 9 pence per pound has been paid (1.05 pounds of raw undischarged silk equals 1 pound not wholly discharged).	4.55 pence per pound.
(b) Fabrics, wholly discharged, on which a drawback of 21 pence per pound has been allowed, produced in the United Kingdom from undischarged raw silk on which an import duty of 9 pence per pound has been paid (1.25 pounds raw undischarged silk equals 1 pound wholly discharged).	9.75 pence per pound.
(c) Fabrics, wholly discharged, on which a drawback of 21 pence per pound has been allowed, produced in the United Kingdom from wholly or partly discharged raw silk on which an import duty of 15 pence per pound has been paid (1.125 pounds raw wholly or partly discharged silk equals 1 pound wholly discharged).	4.125 pence per pound.
3. (a) Weighted silk fabric on which a drawback of 21 pence per pound has been allowed on the full weight of the exported silk fabric, including loading, produced in the United Kingdom from undischarged raw silk on which an import duty of 9 pence per pound has been paid.	11 pence per pound.
(b) Weighted silk fabric on which a drawback of 21 pence per pound has been allowed on the weight of the exported silk fabric after deducting the weight of the loading, produced in the United Kingdom from undischarged raw silk on which an import duty of 9 pence per pound has been paid.	9.75 pence per pound payable on the weight of the silk in the fabric, excluding loading.
4. Silk netting on which a drawback of 14 pence per pound has been allowed, produced in the United Kingdom from undischarged raw silk on which an import duty of 9 pence per pound has been paid.	3.15 pence per pound.
5. Articles manufactured in the United Kingdom with the use of any netting described in item 4 above, on which drawback has been allowed at any rate including 14 pence per pound of item 4 netting content.	3.15 pence per pound of item 4 netting content.
6. Articles manufactured in the United Kingdom with the use of any of the yarns or fabrics described above, on which drawback has been allowed at a rate including the rate or rates mentioned above for such yarns or fabrics.	1½ pence per pound of item 1(a) content; 2.91 pence per pound of item 1(b) content; 4.2 pence per pound of item 1(c) content; 4.55 pence per pound of item 2(a) content; 9.75 pence per pound of item 2(b) or item 3(b) content; 4.125 pence per pound of item 2(c) content; 11 pence per pound of item 3(a) content.

The net amount of the bounties or grants on the commodities described above which are produced in the United Kingdom of Great Britain and Northern Ireland are hereby ascertained, determined, and declared to be the amounts set forth in the above table. Collectors of customs shall assess and collect additional duties as to all such articles described in items 1(a) and in items 2 through 5 inclusive, and in so much of item 6 as does not pertain to items 1(b) and 1(c) exported from the United Kingdom of Great Britain and Northern Ireland on or after January 1, 1959, which are covered by unliquidated entries, equal to the net amount of bounty set forth opposite the respective articles, except as to the articles made from silk imported into the United Kingdom of Great Britain and Northern Ireland prior to November 12, 1956.

With respect to articles described in items 1(b) and 1(c) and in so much of item 6 as pertains to items 1(b) and 1(c), exported from the United Kingdom of Great Britain and Northern Ireland on or after January 1, 1959, the assessment and collection of additional duties shall be applied, except as to the articles made from silk imported into the United Kingdom of Great Britain and Northern Ireland prior to November 12, 1956, only to such articles which are entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after the date of publication of this decision in the weekly Treasury Decisions.

In no case shall more than one net amount of bounty set forth in the above table be attributed to the same component material.

The table in § 16.24(f) of the Customs Regulations (19 CFR 16.24(f)) is amended by inserting after the last line under "Great Britain—Silk and silk articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rates and additional articles" in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] LAWTON M. KING,
Acting Commissioner of Customs.

Approved: January 7, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-309; Filed, Jan. 12, 1960; 8:55 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2042]

[1683208]

WASHINGTON

Partially Revoking the Departmental Order of April 26, 1937 (Columbia Basin Project)

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

1. The departmental order of April 26, 1937, which withdrew lands for reclamation purposes in the first form in connection with the Columbia Basin Project, Washington, is hereby revoked so far as it affects the following-described lands:

WILLAMETTE MERIDIAN

T. 14 N., R. 29 E.,
Sec. 10, NW¼NE¼, N½SE¼NE¼, SW¼NE¼NE¼, and SW¼SE¼NE¼NE¼.

The areas described aggregate 72.50 acres.

2. Improvements have been constructed by the United States, and are being maintained by the Department of the Air Force, on the following-described lands:

WILLAMETTE MERIDIAN

T. 14 N., R. 29 E.,
Sec. 10, SW¼NE¼NE¼, SW¼SE¼NE¼NE¼, SE¼NW¼NE¼, E½SW¼NW¼NE¼, S½NW¼NW¼NE¼, and N½N½N½SE¼NE¼.

The areas described aggregate 37.50 acres.

Any disposal of the lands, or any portion thereof, shall except such improvements and all appurtenances thereto, and shall be subject to the right of the United States, its officers, agents, or employees to maintain, operate, repair, improve or remove such improvements, and to enter upon the lands at any time or times for such purposes, and the United States shall retain all right, title, and interest in and to such improvements

until they have been removed or abandoned in place.

3. Subject to any valid existing rights, the requirements of applicable law, and the provision contained in paragraph 2 of this order, the lands are hereby opened to application, petition, location and selection in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Until 10:00 a.m. on July 6, 1960, the State of Washington shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851–852), and the regulations in 43 CFR.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on July 6, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a.m. on July 6, 1960.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

ROGER ERNST,
Assistant Secretary of the Interior.

JANUARY 6, 1960.

[F.R. Doc. 60–288; Filed Jan. 12, 1960; 8:51 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[Docket No. AO–316]

HANDLING OF FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN THE STATE OF WASHINGTON

Notice of Hearing With Respect to Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900); notice is hereby given of a public hearing to be held in the Pacific Power and Light Auditorium, 7 North Third Street, Yakima, Washington, beginning at 9 a.m., P.s.t., January 28, 1960, with respect to a proposed marketing agreement and order regulating the handling of fresh peaches grown in designated counties in the State of Washington. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed marketing agreement and order hereinafter set forth, and to any appropriate modifications thereof.

The Washington State Peach Council, Yakima, Washington, submitted and requested the hearing on the proposed marketing agreement and order, the provisions of which are as follows (the sections identified with asterisks (***) apply only to the proposed marketing agreement and not to the proposed order):

DEFINITIONS

Section 1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

Sec. 2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Sec. 3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

Sec. 4 Production area.

"Production area" means the Counties of Okanogan, Chelan, Kittitas, Yakima, and Klickitat in the State of Washington and all of the counties in Washington lying east thereof.

Sec. 5 Peaches.

"Peaches" means all varieties of peaches, grown in the production area, classified botanically as Prunus persica.

Sec. 6 Varieties.

"Varieties" means and includes all classifications or subdivisions of Prunus persica.

Sec. 7 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period ending on March 31 of each year or such other period that may be approved by the Secretary pursuant to recommendations by the committee.

Sec. 8 Committee.

"Committee" means the Washington Fresh Peach Marketing Committee established pursuant to section 20.

Sec. 9 Grade.

"Grade" means any one of the officially established grades of peaches as defined and set forth in:

(a) United States Standards for Peaches (§§ 51.1210 to 51.1223 of this title) or amendments thereto, or modifications thereof, or variations based thereon;

(b) Standards for peaches issued by the State of Washington or amendments thereto, or modifications thereof, or variations based thereon.

Sec. 10 Size.

"Size" means the greatest diameter, measured through the center of the peach, at right angles to a line running from the stem to the blossom end, or such other specifications as may be established by the committee with the approval of the Secretary.

Sec. 11 Grower.

"Grower" is synonymous with producer and means any person who produces peaches for market and who has a proprietary interest therein.

Sec. 12 Handler.

"Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting peaches owned by another person) who handles peaches.

Sec. 13. Handle.

"Handle" or "ship" means to sell or transport peaches within the production area or between the production area and any point outside thereof: *Provided,* That the term "handle" shall not include the transportation within the production area of peaches from the orchard where grown to a packing facility located within such area for preparation for market.

Sec. 14 District.

"District" means the applicable one of the following described subdivisions of the production area, or such other sub-

divisions as may be prescribed pursuant to section 31(m):

(a) "District 1" shall include the Counties of Chelan, Okanogan, Douglas, Grant, Lincoln, Spokane, Ferry, Stevens, and Pend Oreille in the State of Washington.

(b) "District 2" shall include the Counties of Kittitas, Yakima, Klickitat, Benton, Adams, Franklin, Walla Walla, Whitman, Columbia, Garfield, and Asotin in the State of Washington.

Sec. 15 Export.

"Export" means to ship peaches beyond the continental boundaries of the United States.

Sec. 16 Pack.

"Pack" means the specific arrangement, size, weight, count, or grade of a quantity of peaches in a particular type and size of container, or any combination thereof.

Sec. 17 Container.

"Container" means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of peaches.

ADMINISTRATIVE BODY

Sec. 20 Establishment and membership.

There is hereby established a Washington Fresh Peach Marketing Committee consisting of 12 members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Eight of the members and their respective alternates shall be growers or officers or employees of corporate growers. Four of the members and their respective alternates shall be handlers, or officers or employees of handlers. The 8 members of the committee who are growers or employees or officers of corporate growers are hereinafter referred to as "grower members" of the committee; and the 4 members of the committee who shall be handlers, or officers or employees of handlers, are hereinafter referred to as "handler members" of the committee. Four of the grower members and their respective alternates shall be producers of peaches in District 1, and four of the grower members and their respective alternates shall be producers of peaches in District 2. Two of the handler members and their respective alternates shall be handlers of peaches in District 1, and two of the handler members and their respective alternates shall be handlers of peaches in District 2.

Sec. 21 Term of office.

The term of office of each member and alternate member of the committee shall be for two years beginning April 1 and ending March 31: *Provided,* That the term of office of one-half the initial members and alternates from each district shall end March 31, 1961. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

Sec. 22 Nomination.

(a) *Initial members.* Nominations for each of the initial members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of group meetings of the growers and handlers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in section 20.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than March 1 of each year, a meeting or meetings of growers and handlers in each district for the purpose of designating nominees for successor members and alternate members of the committee. At each such meeting a chairman and a secretary shall be selected by the growers and handlers eligible to participate therein. The chairman shall announce at the meeting the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers, including duly authorized officers or employees of corporate growers, who are present at such nomination meetings may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces peaches. No grower shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of peaches, such person may vote either as a grower or as a handler but not as both.

(3) Only handlers, including duly authorized officers or employees of handlers, who are present at such nomination meetings, may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles peaches, which vote shall be weighted by the volume of peaches handled by such handler during the then current fiscal year. No handler shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of peaches, such person may vote either as a grower or as a handler but not as both.

Sec. 23 Selection.

From the nominations made pursuant to section 22, or from other qualified persons, the Secretary shall select the 8 grower members of the committee, the 4 handler members of the committee, and an alternate for each such member.

Sec. 24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in section 22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in section 20.

Sec. 25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

Sec. 26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in sections 22 and 23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations which selection shall be made on the basis of representation provided for in section 20.

Sec. 27 Alternate members.

An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate any other alternate member from the same district and group (handler or grower) to serve in such member's place and stead.

Sec. 30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

Sec. 31 Duties.

The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent accountant at least once each fiscal year and at such time as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to peaches;

(i) To submit to the Secretary such available information as he may request;

(j) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To investigate compliance with the provisions of this part;

(m) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided,* That any such changes shall reflect, insofar as practicable, shifts in peach production within the districts and the production area.

Sec. 32 Procedure.

(a) Eight members of the committee, including alternates acting for members, shall constitute a quorum; and any action of the committee shall require the concurring vote of at least seven members: *Provided,* That when two-thirds of the membership present is greater than seven, such requirement shall be two-thirds of such membership.

(b) The committee may provide for simultaneous meetings of groups of its members assembled at two or more designated places: *Provided,* That such meetings shall be subject to the establishment of communication between all such groups and the availability of loud speaker receivers for each group so that each member may participate in the discussions and other actions the same as if the committee were assembled in one place. Any such meeting shall be considered as an assembled meeting.

(c) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided,* That if an assembled meeting is held, all votes shall be cast in person.

Sec. 33 Expenses and compensation.

The members of the committee, and alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and may also receive compensation, as determined by the committee, which shall not exceed $10 per day or portion thereof spent in performing such duties: *Provided,* That at its discretion the committee may request the attendance of one or more alternates at any or all meetings, nothwithstanding the expected or actual presence of the respective members, and may pay expenses and compensation, as aforesaid.

Sec. 34 Annual report.

The committee shall, prior to the last day of each fiscal period, prepare and mail an annual report to the Secretary and make a copy available to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal period; (b) an appraisal of the effect of such regulatory operations upon the peach industry; and (c) any recommendations for changes in the program.

EXPENSES AND ASSESSMENTS

Sec. 40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee to enable it to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in section 41.

Sec. 41 Assessments.

(a) Each person who first handles peaches shall, with respect to the peaches so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal period. Each such person's share of such expenses shall be equal to the ratio between the total quantity of peaches handled by him as the first handler thereof during the applicable fiscal period and the total quantity of peaches so handled by all persons during the same fiscal period. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all peaches handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose.

Sec. 42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal period unless such person demands repayment thereof, in which event it shall be paid to him: *Provided,* That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operating monetary reserve in an amount not to exceed approximately one fiscal year's operational expenses. Funds in such reserve shall be available for use by the committee for all expenses authorized pursuant to section 40.

(3) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this part.

RESEARCH

Sec. 45 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consump-

tion of peaches. The expense of such projects shall be paid from funds collected pursuant to section 41.

REGULATIONS

Sec. 50 Marketing policy.

(a) Each season prior to making any recommendations pursuant to section 51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of peaches within the production area;

(2) The expected general quality and size of peaches in the production area and in other areas;

(3) The expected demand conditions for peaches in different market outlets;

(4) The expected shipments of peaches produced in the production area and in areas outside the production area;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) Other factors having a bearing on the marketing of peaches; and

(8) The type of regulations expected to be recommended during the season.

(b) In the event it becomes advisable, because of changes in the supply and demand situation for peaches, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report, including each revised marketing policy report, and copies thereof shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

Sec. 51 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of any variety of varieties of peaches in the manner provided in section 52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for peaches during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

Sec. 52 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of peaches whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the Act. Such regulations may:

(1) Limit, during any period or periods, the shipments of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of peaches grown in any district or districts of the production area;

(2) Limit the shipment of peaches by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(3) Fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of peaches.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to growers and handlers.

Sec. 53 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to section 52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of peaches in order to effectuate the declared policy of the Act, he shall modify, suspend, or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the Act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such suspension.

Sec. 54 Special purpose shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of sections 41, 52, 53, and 55, and the regulations issued thereunder, handle peaches (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to section 41, section 52, section 53, or section 55, the handling of peaches in such minimum quantities, or types of shipments, or for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to section 45), as the committee, with approval of the Secretary, may prescribe.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent peaches handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle peaches pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the peaches will not be used for any purpose not authorized by this section.

Sec. 55 Inspection and certification.

Whenever the handling of any variety of peaches is regulated pursuant to section 52 or section 53, each handler who handles peaches shall, prior thereto, cause such peaches to be inspected by the Federal-State Inspection Service, and certified by it as meeting the applicable requirements of such regulation: *Provided*, That inspection and certification shall be required for peaches which previously have been so inspected and certified only if such peaches have been regraded, resorted, repackaged, or in any other way further prepared for market. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such peaches.

REPORTS

Sec. 60 Reports.

(a) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part. Such reports may include, but are not necessarily limited to, the following: (1) The quantities of each variety of peaches received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such peaches, and (4) the destination of each shipment of such peaches.

(b) All such reports shall be held under appropriate protective classification and custody by the committee or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers are authorized, subject to the prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the peaches received, and of peaches disposed of, by such handler as may be necessary to verify reports pursuant to this section.

MISCELLANEOUS PROVISIONS

Sec. 61 Compliance.

Except as provided herein, no person shall handle peaches the shipment of

which has been prohibited by the Secretary in accordance with the provisions hereof; and no person shall handle peaches except in conformity with the said provisions and the regulations issued thereunder.

Sec. 62 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

Sec. 63 Effective time.

The provisions hereof shall become effective at such time as the Secretary may declare above his signature hereto, and shall continue in force until terminated in one of the ways specified in section 64.

Sec. 64 Termination.

(a) The Secretary may at any time terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions hereof at the end of any fiscal period whenever he finds that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production area in the production of peaches for market in fresh form: *Provided,* That such majority has produced for market during such period more than 50 percent of the volume of peaches produced for fresh market in the production area; but such termination shall be effective only if announced on or before March 31 of the then current fiscal period.

(d) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

Sec. 65 Proceedings after termination.

(a) Upon the termination of the provisions hereof, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

Sec. 66 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

Sec. 67 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person hereunder shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

Sec. 68 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

Sec. 69 Derogation.

Nothing contained in the provisions hereof is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed avisable.

Sec. 70 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

Sec. 71 Separability.

If any provision hereof is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder thereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Sec. 72 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original. * * *

Sec. 73 Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party. * * *

Sec. 74 Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for the regulating of the handling of fresh peaches in the same manner as is provided for in this agreement. * * *

Copies of this notice of hearing may be obtained from the office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1218 Southwest Washington Street, Portland 5, Oregon.

Dated: January 6, 1960.

F. R. BURKE,
Acting Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-294; Filed, Jan. 12, 1960; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Withdrawal of Certain Petitions

Notice of withdrawal of petition for issuance of regulations establishing tolerance for testosterone enanthate, 17α-hydroxyprogesterone caproate, and estradiol valerate in edible portions of beef cattle.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued.

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (24 F.R. 2434), E. R. Squibb and Sons, Division of Olin Mathieson Chemical Corporation, New Brunswick, New Jersey, has withdrawn its petition proposing the issuance of a regulation to establish a zero tolerance for testosterone enanthate, 17α-hydroxyprogesterone capro-

ate, and estradiol valerate in the edible portions of beef cattle to which these drugs, incorporated into a paste, have been subcutaneously injected as growth stimulators and finishers.

Notice of the filing of this petition was published in the FEDERAL REGISTER of September 4, 1959 (24 F.R. 7168).

Dated: January 6, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-296; Filed, Jan. 12, 1960; 8:52 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket 229]

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 modification of certain generators used in Continental engines. To prevent further failures of generator drive gear retaining nut internal tooth lockwashers, it is proposed to replace the lockwashers with flat washers and retaining nuts.

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 on or before February 15, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired.

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), (14 CFR Part 507), by adding the following airworthiness directive:

CONTINENTAL. Applies to Continental E165, E185, and E225 Series engines equipped with Delco-Remy generators P/N 1101886, 1101887, 1101888, and 1101908.

Compliance required at next periodic inspection, engine overhaul or generator removal whichever occurs first, but in any case not later than December 31, 1960.

To prevent failure of the generator drive gear retaining nut internal tooth lockwasher (CMC P/N 531232) remove the generator and inspect the generator drive to determine whether the internal tooth lockwasher or the plain flat washer (CMC P/N 401507) is installed. If the internal tooth lockwasher is installed, remove it and install the flat washer. (NOTE: The flat washer is not an aircraft standard part.) Use a new retaining nut (CMC P/N 531231, Esna P/N 29NTE-064 or equivalent) for reassembly. Apply a torque of 175-195 in. lb. to the nut.

(Continental Motors Corporation Service Bulletin M57-4 covers this same subject.)

Issued in Washington, D.C., on December 30, 1959.

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

[F.R. Doc. 60-267; Filed, Jan. 12, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket 59-WA-310]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6210 and 601.6210 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 210 and its associated control areas presently extend from Los Angeles, Calif., to Imperial, Pa. The Federal Aviation Agency has under consideration extension of Victor 210 eastward from the Imperial VOR via the intersection of the Imperial VOR 074° and the Ellwood City, Pa., VOR 122° radials; a VOR proposed to be installed approximately April 15, 1960, near Carrolltown, Pa., at latitude 40°32'45'' N., longitude 78°44'40'' W., and the intersection of the Carrolltown, Pa., VOR 112° and the Harrisburg, Pa., VOR 273° radials, thence to the Harrisburg VOR. This extension of Victor 210 would provide a northern bypass route for the high volume of air traffic overflying the Pittsburgh, Pa., terminal area.

If this action is taken, VOR Federal airway No. 210 and its associated control areas would be extended from Imperial, Pa., to Harrisburg, Pa., via the intersection of the Imperial VOR 074° and the Ellwood City, Pa., VOR 122° radials; Carrolltown, Pa., intersection of the Carrolltown VOR 112° and the Harrisburg VOR 273° radials.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on January 6, 1960.

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

[F.R. Doc. 60-272; Filed, Jan. 12, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket 59-LA-12]

CONTROL AREAS

Modification of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1298 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a modification of the Promontory Point, Utah, control area extension. The present control area extension includes the airspace bounded on the north by VOR Federal airway No. 6, on the east by VOR Federal airway No. 21, on the south by VOR Federal airway No. 32 and on the west by a line extending from latitude 40°51'30'' N., longitude 112°56'30'' W., to latitude 41°00'00'' N., longitude 112°45'00'' W.; to latitude 41°12'25'' N., longitude 112°45'00'' W. The proposed modification would expand the present control area extension to include additional airspace north of Promontory Point, bounded on the north by VOR Federal airway No. 238, on the east by VOR Federal airway No. 257, and on the south by VOR Federal airway No. 6. This modification would provide additional control area for the protection of aircraft executing arrival and departure procedures to and from Hill AFB, Ogden, Utah.

If this action is taken, the Promontory Point, Utah, control area extension would be designated as that airspace south of Promontory Point bounded on the north by VOR Federal airway No. 6, on the east by VOR Federal airway No. 21, on the south by VOR Federal airway No. 32, and on the west by a line extending from latitude 40°51'30'' N., longitude

112°56'30" W., to latitude 41°00'00" N., longitude 112°56'30" W., to latitude 41°00'00" N., longitude 112°45'00" W., to latitude 41°12'25" N., longitude 112°45'00" W.; the airspace north of Promontory Point, bounded on the north by VOR Federal airway No. 288; on the east by VOR Federal airway No. 257 and on the south by VOR Federal airway No. 6.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D. C. on January 6, 1960.

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

[F.R. Doc. 60-268; Filed, Jan. 12, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket 59-NY-27]

CONTROL AREAS

Modification of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1353 of the regulations of the Administrator, the substance of which is stated below.

The Charleston, W. Va., control area extension is presently designated to include the airspace within a 30-mile radius of the Kanawha County Airport, Charleston, W. Va. The Federal Aviation Agency has under consideration a modification to enlarge the Charleston control area extension to include the airspace within a 35-mile radius and the airspace west and northwest of the Kanawha County Airport, bounded on the east by VOR Federal airway No. 133, on the south by VOR Federal airway No. 4, and on the northwest by VOR Federal airways No. 45 and No. 44. This modification would provide protection to aircraft operating under instrument flight rule conditions departing from the Lockbourne AFB, Columbus, Ohio, and while arriving and departing from the Huntington, W. Va., and Charleston, W. Va., terminals.

If this action is taken, the Charleston, W. Va., control area extension would be designated to include the airspace within a 35-mile radius of the Kanawha County Airport (latitude 38°22'21.5" N., longitude 81°35'34.6" W.), Charleston, W. Va.; the airspace west and northwest of the Kanawha County Airport, bounded on the east by VOR Federal airway No. 133, on the south by VOR Federal airway No. 4, and on the northwest by VOR Federal airways No. 45 and No. 44.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on January 6, 1960.

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

[F.R. Doc. 60-269; Filed, Jan. 12, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket 59-KC-63]

CONTROL ZONES

Designation of Control Zone

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a control zone at Kokomo, Ind., within a 5-mile radius of the Kokomo Municipal Airport with a 12-mile extension to the southeast based on a bearing of 136° from the Kokomo radio beacon, and a 12-mile extension to the southeast based on the Kokomo VOR 131° radial. Designation of this control zone would provide protection for aircraft conducting IFR approaches and departures at the Kokomo Municipal Airport.

If this action is taken, the Kokomo, Ind., control zone would be designated within a 5-mile radius of the geographical center of the Kokomo Municipal Airport (latitude 40°31'44" N., longitude 86°03'29" W.), within 2 miles either side of a line bearing 136° from the Kokomo radio beacon extending from the 5-mile radius zone to a point 12 miles southeast of the radio beacon, and within 2 miles either side of the 131° radial of the Kokomo VOR from the 5-mile radius zone to a point 12 miles southeast of the VOR, excluding that portion which would overlap the Bunker Hill, Ind., control zone.

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

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

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

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

Issued in Washington, D. C. on January 6, 1960.

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

[F.R. Doc. 60-270; Filed, Jan. 12, 1960; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

REVISED PROXY RULES FOR INVESTMENT COMPANIES

Notice of Proposed Rule Making

Section 20(a) of the Investment Company Act of 1940 makes it unlawful to solicit any proxy, consent or authorization in respect of any security of which any registered investment company is the issuer in contravention of such rules and regulations as the Commission may prescribe. The only rule adopted by the Commission under this section is Rule 20a–1, which makes applicable to such solicitations the Commission's proxy rules adopted under section 14(a) of the Securities Exchange Act of 1934.

The Commission's proxy rules under the Securities Exchange Act are of general application. They are designed in general to secure disclosures with respect to the typical commercial or industrial company and do not contain provisions primarily directed to problems peculiar to a particular industry. Developments in the investment-company field have indicated that disclosures now required for investment companies by the proxy rules, particularly with reference to the investment adviser and his relationship to, and his dealings with, the investment company, should be re-examined in the light of the provisions of the Investment Company Act.

In view of the significant role ordinarily occupied by the management of the investment adviser by reason of its strategic position through the investment advisory contract and interlocking relationships with the investment company, the Commission has been concerned as to the problems confronting the directors of registered investment companies in discharging their duties in connection with this relationship. As part of their duties, directors of the investment companies must consider, among other things, whether the arrangements for advisory services have been or are being secured upon satisfactory terms. Further, the statute imposes upon a majority of those directors of the investment company who are not affiliated with the investment adviser the specific duty of approving the investment advisory arrangement. The importance of these considerations has been emphasized by recent sales of interests in several investment advisory and management companies. It is believed that the more adequate disclosures provided for in the proposed rules will not only serve more fully to inform shareholders of the stewardship by the contractual managers, but also will serve to provide the directors with information which will assist them in meeting their responsibilities.

It has been suggested, therefore, that consideration should be given to the adoption of rules which would require certain disclosures in addition to those required by the existing proxy rules.

The text of the proposed rules is as follows:

§ 270.20a–1 Solicitation of proxies, consents and authorizations.

(a) Subject to paragraph (b), and the provisions of Rules 20a–2 and 20a–3, (§§ 270.20a–2 and 270.20a–3) no person shall solicit or permit the use of his name to solicit any proxy, consent or authorization in respect of any security of which a registered investment company is the issuer except upon compliance with the provisions of all rules and regulations adopted pursuant to the provisions of section 14(a) of the Securities Exchange Act of 1934 that would be applicable to such solicitation if such solicitation were in respect of a security registered on a national securities exchange. If the solicitation is subject to paragraph (a) of § 270.20a–2 and any director or nominee is an affiliated person of the existing or any prospective investment adviser, or if the solicitation is subject to paragraph (b) of that section, the solicitation shall be deemed to be made by or on behalf of such investment adviser and its management, as well as on behalf of the management of the investment company.

(b) Unless the solicitation is in respect of a security registered on a national securities exchange, none of the soliciting material need be filed with such exchange.

§ 270.20a–2 Information pertaining to investment advisory contract.

The following information shall be included in a proxy statement relating to a solicitation of any proxy, consent or authorization from security holders of a registered investment company. If the investment adviser is a partnership, information corresponding to that called for below with respect to the investment adviser and its directors and officers shall be furnished with respect to the partnership and its partners and officers, if any.

(a) If action is to be taken with respect to the election of directors of the investment company, the following information shall be included in the proxy statement:

(1) State the name and address of the investment adviser of the company, the date of the existing investment advisory contract, the date on which it was last submitted to a vote of security holders of the investment company and the purpose of such submission. Briefly describe the terms of the contract, including the rate of compensation of the investment adviser and the amount of the investment adviser's fee and any other payments to the investment adviser during the past fiscal year. If any person is acting as an investment adviser otherwise than pursuant to a written contract which has been approved by security holders, identify such person and describe the nature of the services and the arrangements therefor.

(2) State the name, address and principal occupation of each officer and director of the investment adviser and the amount of securities of the investment adviser beneficially owned by him.

(3) List the names and addresses of all parents of the investment adviser, showing the basis of control by its immediate parent, if any. (Include the investment adviser and show the percentage of its voting securities owned or basis of control by its immediate parent.)

(4) State the name and address of each person owning beneficially five per cent or more of the voting securities of the investment adviser and the amount of each class of securities of the investment adviser owned by such person.

(5) Identify each officer, director or nominee for election as a director of the investment company having any direct or indirect interest in the investment adviser or any affiliated person of the investment adviser, and state the nature and amount of such interest. Any interest as security or option holder, creditor, director, officer, employee, any business or contractual relationship, or otherwise shall be described.

(6) State whether any action affecting the investment advisory contract has been taken since the beginning of the last fiscal year by the board of directors of the investment company and state the nature of such action. Identify any director of the investment company who voted in favor of such action and who at the time of such action had any direct or indirect interest in the investment adviser or any of its parents. State the nature and amount of such interest.

(7) Name each broker employed by the investment adviser or by the investment company in which the investment adviser, any affiliated person of the investment adviser or any officer, director or nominee for election as a director of the investment company has any direct or indirect interest. State the amount of brokerage fees or give-ups paid to or received by each such broker from business originating with the investment company since the beginning of last fiscal year of the investment company.

(8) If any officer or director of the investment company, any nominee, any investment adviser, or any affiliated person of an investment adviser, purchased or sold or contracted to purchase or sell any securities of the investment adviser or any of its parents subsequent to the beginning of the last fiscal year of the investment company, describe the transactions, identify the parties, state the consideration, terms of payment and describe any arrangement or understanding with respect to the composition of the board of directors of the investment company or of the investment adviser or with respect to any other position or office with either such company.

(9) Include a balance sheet of the investment adviser as of the end of its last fiscal year, its profit and loss statement for the last fiscal year (which shall show

the principal sources of its gross income and major items of expense) and an analysis of surplus. Such statements shall be prepared in accordance with generally accepted accounting principles and practices, but need not be certified. The Commission for good cause shown may, however, in its discretion, permit the omission of the profit and loss statement if the principal business of the investment adviser involves activities other than the underwriting or distribution of investment company securities and the performance of advisory or other services for registered investment companies.

(10) If, since the beginning of the investment company's last fiscal year, any investment advisory contract was terminated for any reason, state the date of such termination, identify the investment adviser and describe the circumstances of and the reasons for such termination.

(11) If any director or officer of the investment company has any interest in the principal underwriter or prospective principal underwriter of the securities of the investment company, give the name of each such director or officer and describe the nature and amount of his interest in such underwriter. Describe the nature of any material relationship between the investment adviser and such principal underwriter.

(b) If action is to be taken with respect to an investment advisory contract, the following additional information shall be included in the proxy statement:

(1) The information specified in paragraph (a) of this section and in Item 7 of Schedule 14A of Regulation 14.

(2) Describe (i) the nature of the action to be taken and the reasons therefor; (ii) the terms of the contract to be acted upon and any differences between such contract and the arrangements then or previously existing; and (iii) if the action is to be taken because of the termination or prospective termination of a prior or existing contract, the circumstances of the transactions giving rise to such termination.

(3) Identify any director of the investment company who since the beginning of the past fiscal year has had or intends to acquire any direct or indirect interest in the investment adviser or any of its parents and who voted to enter into the contract to be acted on by security holders of the investment company. State the nature, amount and cost to him of any such interest.

(4) Describe any arrangement or understanding with respect to the composition of the board of directors or with respect to any other position or office of the investment company.

(5) If the investment adviser acts as such with respect to any other investment company, identify each such other company and state briefly the terms of the investment advisory contract, the size of each other company and the rate of the investment adviser's compensation.

§ 270.20a–3 Information as to remuneration and transactions with investment company and investment adviser.

Whenever the information specified in Item 7 of Schedule 14A of Regulation 14 is required to be furnished for an investment company (issuer), corresponding information shall also be furnished for the investment adviser of such company. In furnishing such information for the investment company and for the investment adviser, the following provisions shall apply:

(a) The introductory clause of Item 7(a) and Item 7(a)(1) shall be deemed to read as follows:

(a) Furnish the following information in substantially the tabular form indicated below as to all direct remuneration paid by the issuer, its subsidiaries and any investment adviser, during the issuer's last fiscal year to the following persons for services in all capacities:

(1) Each director and each of three highest-paid officers of the issuer, naming each such person.

(b) Instructions 2, 5 and 6 to Item 7(f) shall be deemed to read as follows:

(2) As to any transaction involving the purchase or sale of assets by or to the issuer or any subsidiary, state the cost of the assets to the purchaser and the cost thereof to the seller if acquired by the seller within two years prior to the transaction.

(5) No information need by given under this paragraph as to any transaction or any interest therein where the rates or charges are fixed by law or determined by competitive bids.

(6) Information shall be furnished under this paragraph with respect to transactions not excluded above which involve remuneration, directly or indirectly, to any of the specified persons for services in any capacity.

(c) Information as to the investment company and as to the investment adviser shall be set forth separately under separate captions.

All interested persons are invited to submit their views and comments on the above proposals, in writing, to the Securities and Exchange Commission, Washington 25, D.C., on or before January 29, 1960. All such communications will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JANUARY 7, 1960.

[F.R. Doc. 60–307; Filed, Jan. 12, 1960; 8:54 a.m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Bar Order SA–8]

CERTAIN BULGARIAN, HUNGARIAN, AND RUMANIAN DEBTORS

Order Fixing Bar Date for Filing Debt Claims

In accordance with section 208(b) of the International Claims Settlement Act of 1949, as amended, and by virtue of the authority vested in the Attorney General by said Act and Executive Order No. 10644, July 1, 1960 is hereby fixed as the date after which the filing of debt claims shall be barred in respect of Bulgarian, Hungarian and Rumanian debtors, any of whose property was first vested in or transferred to the Attorney General between July 1, 1959 and December 31, 1959, inclusive.

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

Executed at Washington, D.C., this 6th day of January 1960.

For the Attorney General.

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

[F.R. Doc. 60–308; Filed, Jan. 12, 1960; 8:55 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3]

ALUMINUM FLORIST FOIL FROM ITALY

Determination of No Sales at Less Than Fair Value

JANUARY 7, 1960.

A complaint was received that aluminum florist foil from Italy was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that aluminum florist foil from Italy is not being, nor is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. Aluminum florist foil identical or similar to that sold for exportation to the United States is not sold for home consumption in Italy or to countries other than the United States. Accordingly, a comparison was made of prices to the United States and constructed value for fair value purposes.

Constructed value was computed on the basis of cost, overhead and profit. Purchase price for the various types of foil here involved was in no case lower than constructed value.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidump-

ing Act, 1921, as amended (19 U.S.C. 160(c)).

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

[F.R. Doc. 60-310; Filed, Jan. 12, 1960; 8:56 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEW JERSEY

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the entire State of New Jersey a production disaster has caused a need for agricultural credit to cranberry growers not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named State after June 30, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 7th day of January 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60-295; Filed, Jan. 12, 1960; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-130]

NORTHERN STATES POWER CO.

Notice of Hearing on Application for Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended, (hereinafter referred to as "the Act") and the regulations in 10 CFR Part 2, rules of practice, notice is hereby given that a hearing will be held to consider the issuance of a construction permit for a 203 megawatt (thermal) facility, to be used for research and development, to Northern States Power Company under sections 104b and 185 of the Act. The hearing will commence at 10:30 a.m. on February 15, 1960, and will be held in the Auditorium of the AEC Headquarters, Germantown, Maryland. The application is available for public inspection at the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

The issues to be considered at the hearing will be the following:

1. Whether there is sufficient information to provide reasonable assurance that a utilization facility of the general type proposed in the application can be constructed and operated at the location specified therein without endangering the health and safety of the public;

2. Whether there is reasonable assurance that the technical information omitted from and required to complete the application will be supplied;

3. Whether the applicant is technically qualified to design and construct the proposed facility;

4. Whether the applicant is financially qualified to engage in the proposed activities in accordance with Commission regulations;

5. Whether the issuance of a construction permit will be inimical to the common defense and security or to the health and safety of the public.

Petitions for leave to intervene must be received in the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C., not later than thirty days after publication of this notice in the FEDERAL REGISTER, or in the event of a postponement of the hearing date specified above at such time as the Presiding Officer may provide.

Answer to this notice shall be filed by Northern States Power Company pursuant to § 2.736 of the rules of practice on or before January 25, 1960. In the absence of good cause shown to the contrary, the AEC staff proposes to recommend at the hearing that the AEC issue a construction permit to the applicant substantially in the form set forth below.

Papers required to be filed with the AEC in this proceeding shall be filed by mailing to the Secretary, Atomic Energy Commission, Washington 25, D.C., or may be filed in person at the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or at the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Presiding Officer, parties shall file twenty copies of each such paper with the AEC and where service of papers is required on other parties shall serve five copies of each.

Pursuant to section 182b of the Act notice is hereby given that the report of the Advisory Committee on Reactor Safeguards in this matter is available for public inspection at the AEC's Public Document Room. Copies may be obtained by request to the Director, Division of Licensing and Regulation, Washington 25, D.C.

The Commission has designated Samuel W. Jensch as the Presiding Officer to conduct the hearing and to render a decision pursuant to § 2.751(a) of the Commission's rules of practice.

Dated at Germantown, Md., this 7th day of January 1960.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and Title 10 CFR Part 50, "Licensing of Production and Utilization Facilities", the Atomic Energy Commission (hereinafter referred to as "the Commission") hereby issues a construction permit to Northern States Power Company to construct a 203 Mw (thermal) controlled recirculation boiling water reactor as a utilization facility.

This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. The earliest date for the completion of the facility is January 1, 1962. The latest date for the completion of the facility is July 1, 1962.

B. The site proposed for the facility is the location situated approximately five and one-half miles northeast of Sioux Falls, South Dakota, described in the application.

C. This permit authorizes the applicant to construct the facility in accordance with the application and amendments thereto heretofore filed in this proceeding without further authorization.

D. If the applicant desires Commission approval of any particular technical specification (such as the design details of the various components and special design features, including the nuclear superheater, the aluminum alloy fuel elements; and circulation control system), prior to consideration of a license to operate, it may request that the Commission grant specific approval of any technical specification by appropriate amendment to this permit.

E. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless Northern States Power Company has submitted to the Commission (by amendment to the application) the complete Final Hazards Summary Report (portions of which may be submitted and evaluated from time to time) and the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the facility in accordance with the specified procedures.

F. Upon the filing of any additional information needed to bring the original application up to date, upon filing of proof of financial protection as required by section 170 of the Act and the Commission's regulations, and upon a finding by the Commission that construction of the facility has been completed in accordance with the final design as approved by the Commission, and that the facility has been constructed and will operate in conformity with the application, as amended, and in conformity with the provisions of the Act and the rules and regulations of the Commission, and in the absence of any good cause shown to the Commission why the granting of a license would not be in accordance with the Act, the Commission will issue a Class 104 license to Northern States Power Company pursuant to section 104b of the Act, which license shall expire not later than forty years from the date of issuance of this permit.

G. Pursuant to § 50.60 of the regulation in Title 10 Chapter I CFR Part 50, the Commission has allocated to Northern States Power Company, for use in the operation of the reactor, 606 kilograms of uranium 235 contained in uranium in the isotopic ratios specified in Northern States Power Company's application. Estimated schedules of special nuclear material transfers to Northern States Power Company and returns to the Commission are contained in Appendix "A" as set forth below. Shipments by the Commission to Northern States Power Company in accordance with column (2) in Appendix "A" will be conditioned upon Northern States Power Company's return to the Commission of material substantially in accordance with column (3) of Appendix "A".

Date of issuance:

For the Atomic Energy Commission.

APPENDIX A

Estimated schedule of transfers of special nuclear material from the Commission to Northern States Power Company and to the Commission from Northern States Power Company

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to NSPC, kgs. U^{235}	(3) Returns by NSPC to AEC kgs., U^{235}		(4) Net yearly distribution including cumulative losses, kgs. U^{235}	(5) Cumulative distribution including cumulative losses, kgs. U^{235}
		Recoverable cold scrap	Spent hot fuel		
1961	168.40			168.40	168.40
1962	336.80	11.91		324.89	493.29
1963		23.82		(23.82)	469.47
1964	168.40		278.30	(109.90)	359.57
1965	168.40	11.91	103.70	52.79	412.36
1966	210.80	11.91	86.80	112.09	524.45
1967	168.40	11.91	75.20	81.29	605.74
	1,221.20	71.46	544.00		

[F.R. Doc. 60-265; Filed, Jan. 12, 1960; 8:45 a.m.]

[Docket No. 50-135]

WALTER REED ARMY INSTITUTE OF RESEARCH

Notice of Issuance of Construction Permit

The Atomic Energy Commission has issued Construction Permit No. CPRR-48 to Walter Reed Army Institute of Research authorizing construction of a 50-kilowatt homogeneous solution type nuclear reactor facility at the Walter Reed Army Medical Center site in Washington, D.C. Notice of the proposed action was published in the FEDERAL REGISTER on December 19, 1959, 24 F.R. 10322.

Dated at Germantown, Md., this 6th day of January 1960.

For the Atomic Energy Commission.

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

[F.R. Doc. 60-266; Filed, Jan. 12, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13334; FCC 60M-45]

BAKERSFIELD BROADCASTING CO.

Order Continuing Hearing

In re application of Bakersfield Broadcasting Company (KBAK-TV), Bakersfield, California, Docket No. 13334, File No. BPCT-2699; for construction permit to change existing facilities.

It is ordered, This 7th day of January 1960, that Basil P. Cooper, in lieu of Walther W. Guenther, will preside at the hearing in the above-entitled proceeding; and that the said hearing, which was originally scheduled to commence on February 10, 1960, in Washington, D.C., is continued to February 15, 1960.

Released: January 7, 1960.

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

[F.R. Doc. 60-311; Filed, Jan. 12, 1960; 8:56 a.m.]

[Docket No. 13300; FCC 60M-52]

COAST VENTURA CO. (KVEN-FM)

Order Continuing Hearing Conference

In re application of Coast Ventura Company (KVEN-FM), Ventura, California, Docket No. 13300, File No. BMPH-6039; for modification of construction permit (FM).

The Hearing Examiner having under consideration applicant's request filed December 30, 1959, seeking a continuance to February 2, 1960, of the prehearing conference presently scheduled for January 14, 1960; and

It appearing that the request is not opposed by any of the parties to the proceeding and that good cause exists to warrant a grant thereof;

It is ordered, This 7th day of January 1960, that the subject request is granted and the prehearing conference presently scheduled for January 14 is continued to February 2, 1960, at 10:00 a.m.

Released: January 8, 1960.

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

[F.R. Doc. 60-312; Filed, Jan. 12, 1960; 8:56 a.m.]

[Docket Nos. 12710, 12748; FCC 60M-35]

COMMODITY NEWS SERVICES, INC., ET AL.

Order Continuing Hearing

In the matter of Commodity News Services, Inc., Complainant, v. The Western Union Telegraph Company, Defendant, Docket No. 12710; In the matter of The Board of Trade of the City of Chicago, Complainant, v. The Western Union Telegraph Company, Defendant, Docket No. 12748.

The Hearing Examiner having under consideration a "Motion for Postponement of Hearing" filed by the defendant, The Western Union Telegraph Company, in the above-entitled matters on December 31, 1959, which motion requests that the hearing now scheduled for January 13, 1960, be postponed for two months from that date, and

It appearing that a request for such a lengthy postponement is not solidly premised in the pleading, and

It further appearing from the sincere efforts exhibited during the prehearing conference and from the allegations made in the instant motions, that substantial progress could and would be made by counsel working together and apart from the hearing itself for a reasonable period of time for the purpose of narrowing the issues and expediting the conclusion of this proceeding, and

It further appearing that counsel for the complainants and the Commission's Common Carrier Bureau are agreeable to a postponement (even including the two months sought),

It is ordered, This 5th day of January 1960, that the aforesaid Motion is granted to the extent that the hearing be and hereby is postponed from January 13, 1960, to 10:00 a.m., February 11, 1960, in the Commission's offices in Washington, D.C., and is denied in all other respects.

Released: January 7, 1960.

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

[F.R. Doc. 60-313; Filed, Jan. 12, 1960; 8:56 a.m.]

[Docket No. 12969 etc ; FCC 60M-37]

IRVENNA BROADCASTING CO. ET AL.

Order Scheduling Prehearing Conference

In re application of South C. Bevins, tr/as Irvenna Broadcasting Company, Irvine, Kentucky, Docket No. 12969, File No. BP-12523; John K. Rogers, Bristol, Tennessee, Docket No. 12976, File No. BP-12915; Kingsport Broadcasting Company, Inc. (WKPT), Kingsport, Tennessee, Docket No. 12980, File No. BP-13070; for construction permits.

The Hearing Examiner having under consideration a letter received December 18, 1959, from counsel for John K. Rogers, requesting that a prehearing conference be held in this proceeding; and

It appearing that counsel for the other applicants have informally consented to the date and time hereinafter ordered and that a grant of the request will conduce to the orderly dispatch of the Commission's business; now therefore,

It is ordered, This 5th day of January 1960, that the above letter request is granted, and that a prehearing conference in this proceeding shall be held at 2:00 p.m. on Friday, January 15, 1960.

Released: January 7, 1960.

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

[F.R. Doc. 60-314; Filed, Jan. 12, 1960; 8:56 a.m.]

[Docket Nos. 13218, 13219; FCC 60M-40]

BILL S. LAHM ET AL.

Order Scheduling Hearing

In re applications of Bill S. Lahm, Wisconsin Rapids, Wisconsin, Docket No. 13218, File No. BP-12315; The Tomah-Mauston Broadcasting Company, Incorporated (WTMB), Tomah, Wisconsin, Docket No. 13219, File No. BP-13107; for construction permits.

Pursuant to agreements reached by all parties as shown by the transcript record of the prehearing conference held on this day.

It is ordered, This 6th day of January 1960, that the hearing in this proceeding shall be commenced at 10:00 a.m. on Tuesday, March 29, 1960.

Released: January 7, 1960.

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

[F.R. Doc. 60-315; Filed, Jan. 12, 1960; 8:56 a.m.]

[Docket No. 13166; FCC 60M-44]

M & M BROADCASTING CO. (WLUK-TV)

Memorandum of Ruling

In re application of M & M Broadcasting Company (WLUK-TV), Marinette, Wisconsin, Docket No. 13166, File No. BMPCT-5325; for modification of construction permit.

This will formalize the announcement of a ruling made by the Hearing Examiner after oral argument held on the record in the above-entitled proceeding on January 7, 1960. For the reasons stated upon hearing the arguments of counsel (which reasons will be found in the transcript of the oral argument), the Hearing Examiner granted the "Petition for Extension of Time" filed herein on January 5, 1960, by the Federal Aviation Agency on behalf of itself and the Departments of the Army and the Navy. The petition in question had requested that the date for the exchange of exhibits and lists of witnesses be further extended from January 8, 1960, to February 9, 1960, and that the date for the commencement of the hearing be further continued from January 15, 1960, to February 16, 1960.

In accordance with the ruling announced at the oral argument: *It is ordered,* This 7th day of January 1960, as follows:

(1) That the "Petition for Extension of Time" filed by the Federal Aviation Agency in this proceeding on January 5, 1960, is granted;

(2) That the date for the exchange of proposed technical exhibits and of lists of proposed witnesses is further extended from January 8, 1960, to February 9, 1960; and

(3) That the date for the commencement of the hearing is further continued from January 15, 1960, to February 16, 1960, at 10:00 a.m., in the offices of the Commission, Washington, D.C.[1]

Released: January 8, 1960.

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

[F.R. Doc. 60-316; Filed, Jan. 12, 1960; 8:56 a.m.]

[Docket No. 13336]

JOSEPH J. MACHADO

Order To Show Cause

In the matter of Joseph J. Machado, 3353 Trumbull Street, San Diego, California, Docket No. 13336; order to show cause why there should not be revoked the license for radio station WNIE aboard the vessel "Queen Mary."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation dated June 1, 1959, alleging that on May 27, 1959, the subject radio station was observed in violation of § 8.131(b)(4) of the Commission's rules, that is, operating with a frequency deviation in excess of .02 percent of the assigned frequency (assigned frequency 2738 kc; measured frequency 2736.62 kc).

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated July 30, 1959, and sent by Certified Mail—Return Receipt Requested (No. 212633), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Lucille Machado, on August 13, 1959, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 5th day of January 1960, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: January 8, 1960.

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

[F.R. Doc. 60-317; Filed, Jan. 12, 1960; 8:56 a.m.]

[Docket No. 13291; FCC 60M-51]

MILE HIGH STATIONS, INC.

Order Continuing Hearing Conference

In the matter of Revocation of License of Mile High Stations, Inc., for Standard Broadcast Station KIMN, Denver, Colorado, Docket No. 13291.

The Hearing Examiner having under consideration a "Motion for Continuance" filed in the above-entitled matter by the respondent, Mile High Stations, Inc., on January 6, 1960, which motion requests that the prehearing conference now scheduled for January 8, 1960 be continued until January 15, 1960, and

[1] The time for filing any appeal from this ruling will run from the release date of the foregoing "Memorandum of Ruling".

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

It appearing that good cause has been shown for the continuance in that counsel for the respondent will not be able to be in Washington D.C. on January 8, 1960, and

It further appearing that counsel for the Chief, Broadcast Bureau, has consented to the grant of the foregoing motion as well as waiver of the provisions of § 1.43 of the Commission's rules to permit its immediate consideration,

It is ordered, This 7th day of January 1960, that the aforesaid motion is granted and that the prehearing conference scheduled for January 8, 1960 is hereby postponed until 10:00 a.m., January 15, 1960, in the Commission's offices in Washington, D.C.

Released: January 8, 1960.

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

[F.R. Doc. 60-318; Filed, Jan. 12, 1960; 8:56 a.m.]

[Docket No. 13337]

HARRY C. OTIS

Order To Show Cause

In the matter of Harry C. Otis, 1941 Myer Place, Costa Mesa, California, Docket No. 13337; order to show cause why there should not be revoked the license for radio station WJ-4389 aboard the vessel "Flyer."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation dated June 2, 1959, alleging that on May 25, 1959, the subject radio station was observed in violation of § 1.108 of the Commission's rules in that the licensee failed to operate, tune, or adjust the radio equipment in such manner as to prevent radiation of emissions outside the authorized frequency bend so that harmful interference would not be caused to the service of other radio stations (Type A-3 emission; QSA 3, observed on 5476 kc, second harmonic of fundamental frequency 2738 kc. Fundamental not heard).

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated July 8, 1959, and sent by Certified Mail—Return Receipt Requested (No. 1766569), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee on August 4, 1959, to a Post Office Department return receipt; and

It further appearing, that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 5th day of January 1960, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: January 8, 1960.

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

[F.R. Doc. 60-319; Filed, Jan. 12, 1960; 8:57 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by its attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[Docket No. 13332; FCC 60M-42]

SUBURBAN BROADCASTERS

Order Scheduling Prehearing Conference

In re application of Patrick Henry, David D. Larsen, Steward B. Kett and James B. Glenn, Jr., d/b as Suburban Broadcasters, Elizabeth, New Jersey, Docket No. 13332, File No. BPH-2731; for construction permit.

On the Hearing Examiner's own motion: *It is ordered,* This 6th day of January 1960, pursuant to the provisions of § 1.111 of the Commission's rules, that the parties or their counsel in the above-entitled proceeding are directed to appear for a prehearing conference at the offices of the Commission, Washington, D.C., at 2:00 p.m., on January 28, 1960.

In order to conserve time counsel are requested to confer a day or two beforehand with a view to reaching advance agreement upon such routine details as the manner of presentation, dates for exchange of exhibits and such other dates as may be deemed necessary. In view of the design of the prehearing conference procedure to encourage the formulation of agreements by the parties looking towards the elimination of unessentials, so that hearings may proceed with proper dispatch, it is requested that the parties or their counsel attend this conference prepared fully to discuss—and to agree upon—such matters as will conduce materially to the attainment of this objective.

Released: January 7, 1960.

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

[F.R. Doc. 60-320; Filed, Jan. 12, 1960; 8:57 a.m.]

[Docket No. 13321]

F. G. TOOMER

Order To Show Cause

In the matter of F. G. Toomer, 246 South Eleventh Street, Aransas Pass, Texas, Docket No. 13321; order to show cause why there should not be revoked the license for radio station WB-9989 aboard the Vessel "Elizabeth II."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation, dated June 10, 1959, alleging that on May 20, 1959, at 10:58 a.m., e.s.t., the subject radio station was observed in violation of Commission rules, as follows:

Section 8.368(a): No evidence that a log of Radiotelephone Communications has been maintained.

Section 8.109(e): No recorded information to indicate that transmitter frequencies have been measured as required.

Section 8.367(a)(2): A copy of Part 8 of the Commission's rules and regulations was not available on shipboard at time of inspection.

Section 8.368(a)(5): No official station log entries made to indicate periods during which a listening watch was maintained on the frequency 2182 kc in compliance with the requirements of § 8.223(b).

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated September 15, 1959, and sent by Certified Mail—Return Receipt Requested (No. 1–21690), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee on September 19, 1959, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 4th day of January 1960, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and Section 0.291(b)(8) of the Commission's statement of delegations of authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: January 8, 1960.

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

[F.R. Doc. 60–321; Filed, Jan. 12, 1960; 8:57 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[Docket No. 13322]

F. G. TOOMER

Order To Show Cause

In the matter of F. G. Toomer, 246 South Eleventh Street, Aransas Pass, Texas, Docket No. 13322; order to show cause why there should not be revoked the license for radio station WJ–6907 aboard the Vessel "Brantley Sue".

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation, dated June 12, 1959, alleging that on May 20, 1959, at 12:00 noon, e.s.t., the subject radio station was observed in violation of Commission rules, as follows:

Section 8.368(a): No evidence that a log of radiotelephone communications has been maintained.

Section 8.109(e): No recorded information to indicate that transmitter frequencies have been measured as required.

Section 8.367(a)(2): A copy of Part 8 of the Commission's rules and regulations was not available on shipboard at the time of inspection.

Section 8.368(a)(5): No official station log entries made to indicate periods during which a listening watch was maintained on the frequency 2182 kc in compliance with the requirements of § 8.223(b).

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated September 15, 1959, and sent by Certified Mail—Return Receipt Requested (No. 1–21690), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee on September 19, 1959, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 4th day of January 1960, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: January 8, 1960.

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

[F.R. Doc. 60–322; Filed, Jan. 12, 1960; 8:57 a.m.]

[Docket No. 13323]

F. G. TOOMER

Order To Show Cause

In the matter of F. G. Toomer, 246 South Eleventh Street, Aransas Pass, Texas, Docket No. 13323; order to show cause why there should not be revoked the license for radio station WK–6304 aboard the Vessel "Barbara Sue."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation, dated June 10, 1959, alleging that on May 20, 1959, at 10:25 a.m., e.s.t., the subject radio station was observed in violation of Commission rules, as follows:

Section 8.368(a): No evidence that a log of radiotelephone communications has been maintained.

Section 8.109(e): No recorded information to indicate that transmitter frequencies have been measured as required.

Section 8.367(a)(2): A copy of Part 8 of the Commission's rules and regulations was not available on shipboard at time of inspection.

Section 8.368(a)(5): No official station log entries made to indicate periods during which a listening watch was maintained on the frequency 2182 kc in compliance with the requirements of § 8.223(b).

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated September 15, 1959, and sent by Certified Mail—Return Receipt Requested (No. 1–21690), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee on September 19, 1959 to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 4th day of January 1960, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's statement of delegations of authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: January 8, 1960.

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

[F.R. Doc. 60–323; Filed, Jan. 12, 1960; 8:57 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[Docket No. 13289, 13290; FCC 60M–41]

WALMAC CO.

Order Continuing Hearing

In re applications of Howard W. Davis, tr/as The Walmac Company, San Antonio, Texas, Docket No. 13289, File No. BR–411, Docket No. 13290, File No. BRH–691; for renewal of licenses of Stations KMAC (AM) and KISS (FM).

The Hearing Examiner having under consideration the joint verbal request of counsel for the parties to the proceeding for a continuance of the prehearing conference presently scheduled for January 20, 1960; and

It appearing that counsel for the parties have consented to immediate consideration and grant of the said request and that good cause for a grant thereof is shown in that the parties are engaged in negotiations for which additional time is required looking toward certain agreements and stipulations to be presented for consideration at the said prehearing conference;

It is ordered, this 6th day of January 1960, that the subject request is granted, and that the prehearing conference presently scheduled for January 20, 1960, is continued to 10:00 a.m., Tuesday, February 9, 1960.

Released: January 7, 1960.

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

[F.R. Doc. 60–324; Filed, Jan. 12, 1960; 8:57 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–20296]

AMERICAN LOUISIANA PIPE LINE CO.

Notice of Application and Date of Hearing

JANUARY 7, 1960.

Take notice that on December 4, 1959, American Louisiana Pipe Line Company (Applicant) filed an application in Docket No. G–20296, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to construct and operate a measuring and regulating station on its 30-inch line at a point near Latty, in Paulding County, Ohio, and to sell natural gas on a fully interruptible basis directly to Tri-State Grain Terminal, Inc. (Tri-State), all as more fully set forth in the application on file with the Commission and open to public inspection.

Tri-State proposes to use the natural gas as fuel for drying grain in its new terminal grain elevator to be located on the Nickel Plate Railroad near Latty, Ohio, about one and one-half miles from Applicant's pipeline. Tri-State proposes to build a pipeline lateral to transport the natural gas from Applicant's proposed meter station.

The estimated peak day and annual natural gas requirements of Tri-State are 384 Mcf and 40,000 Mcf respectively.

Applicant states that the cost of its proposed facilities is estimated at $9,900 which is to be financed out of available cash on hand.

Pursuant to agreement, dated October 15, 1959, with Tri-State, Applicant will sell gas at a price of 49.5 cents per Mcf subject to adjustments for taxes and changes in Applicant's cost of purchased gas.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 11, 1960, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 1, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–273; Filed, Jan. 12, 1960; 8:46 a.m.]

[Docket Nos. G–20522—G–20540]

BENEDUM-TREES OIL CO. ET AL.

Order Providing for Hearings and Suspending Proposed Changes in Rates [1]

JANUARY 6, 1960.

In the matters of Benedum-Trees Oil Company, Docket No. G–20522; Phillips

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

Petroleum Company, Docket No. G–20523; A. R. Eppenauer, Docket No. G–20524; Beal, Trobaugh & Associates (Operator), et al., Docket No. G–20525; El Paso Natural Gas Products Company, Docket No. G–20526; H. L. Hunt, Docket No. G–20527; Lamar Hunt, Docket No. G–20528; Pauley Petroleum Inc., et al., Docket No. G–20529; L. D. Crumly, Jr., Docket No. G–20530; Hunt Oil Company, Docket No. G–20531; Hunt Oil Company (Operator), et al., Docket No. G–20532; N. B. Hunt, Docket No. G–20533; W. H. Hunt, Docket No. G–20534; Estate of Lyda Bunker Hunt, Docket No. G–20535; Secure Trusts, Docket No. G–20536; Sunray Mid-Continent Oil Company, Docket No. G–20537; Kay Kimbell Oil Properties, et al., Docket No. G–20538; R. L. Foree, Docket No. G–20539; Charles B. Wrightsman, Docket No. G–20540.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date [2] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate
G–20522	Benedum-Trees Oil Co	4	4	El Paso Natural Gas Co. (Spraberry Trend Field, Upton and Midland Counties, Tex.).	12- 4-59	12- 7-59	1- 7-60	6- 7-60	[4] 11.615	17.1632
G–20523	Phillips Petroleum Co	309	5	El Paso Natural Gas Co. (Jack Herbert Field, Upton County, Tex.).	12- 4-59	12- 7-59	1- 7-60	6- 7-60	[5] 10.30716	13.68225
G–20524	A. R. Eppenauer	3	2	El Paso Natural Gas Co. (Lea County, N. Mex.).	11-27-59	12- 7-59	1- 7-60	6- 7-60	[3] 10.5	[3] 15.5
G–20525	Beal, Trobaugh & Associates (Operator), et al.	1	3	El Paso Natural Gas Co. (Spraberry Trend Field, Reagan County, Tex.).	12- 2-59	12-11-59	1-11-60	6-11-60	[6] 11.0	17.0
G–20525	do	4	4	El Paso Natural Gas Co. (South Andrews Devonian Field, Andrews County, Tex.).	12- 2-59	12-11-59	1-11-60	6-11-60	[7] 8.0	13.5
G–20525	do	5	2	do	12- 2-59	12-11-59	1-11-60	6-11-60	[7] 8.0	13.5
G–20525	do	6	7	El Paso Natural Gas Co. (Spraberry-Trend Field, Reagan County, Tex.).	12- 2-59	12-11-59	1-11-60	6-11-60	[6] 11.0	17.0
G–20526	El Paso Natural Gas Products Co.	7	1	El Paso Natural Gas Co. (North Tubb Stawn Field, Nolan County, Tex.).	12- 7-59	12-10-59	1-10-60	6-10-60	10.5	15.70925
G–20527	H. L. Hunt	6	7	El Paso Natural Gas Co. (Pecos Valley-Devonian Field, Pecos County, Tex.).	Undated.	12- 7-59	1- 7-60	6- 7-60	[8 9] 16.0	15.70925
G–20527	do	15	7	El Paso Gas Co. (Amacker-Tippett Field, Upton County, Tex.).	do	12- 7-59	1- 7-60	6- 7-60	[8 9] 16.0	15.70925
G–20527	do	16	6	do	do	12- 7-59	1- 7-60	6- 7-60	[9] 10.3072	13.68225
G–20528	Lamar Hunt	1	7	El Paso Natural Gas Co. (Tubb Field, Lea County, N. Mex.).	do	12- 7-59	1- 7-60	6- 7-60	[10] 16.0	15.5
G–20528	do	5	5	El Paso Natural Gas Co. (Blinebry Field, Lea County, N. Mex.).	do	12- 7-59	1- 7-60	6- 7-60	[11] 13.34802	15.5
G–20529	Pauley Petroleum Inc., et al.	3	4	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.).	12-7-59	12- 8-59	1- 8-60	6- 8-60	10.0	17.2295
G–20529	do	4	2	do	12-7-59	12- 8-59	1- 8-60	6- 8-60	10.0	17.2295
G–20530	L. D. Crumly, Jr	1	1	El Paso Natural Gas Co. (Pecos Valley High Gravity Field, Pecos County, Tex.).	12-7-59	12- 9-59	1- 9-60	6- 9-60	10.5	15.70925
G–20531	Hunt Oil Co	7	8	El Paso Natural Gas Co. (Dollarhide Gasoline Plant, Andrews County, Tex.).	Undated	12- 7-59	1- 7-60	6- 7-60	[12] 14.07796	17.2295
G–20531	do	31	6	El Paso Natural Gas Co. (McElroy-Wilshire Plant, Upton County, Tex.).	do	12- 7-59	1- 7-60	6- 7-60	[13] 18.0	17.2295
G–20531	do	33	8	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton Co., Tex.).	do	12- 7-59	1- 7-60	6- 7-60	[14] 16.0	15.70925
G–20532	Hunt Oil Co. (Operator), et al.	34	8	do	do	12- 7-59	1- 7-60	6- 7-60	[15] 10.3072	13.68225
G–20531	Hunt Oil Co	36	7	do	do	12- 7-59	1- 7-60	6- 7-60	[16 17 18] 16.0	[18] 15.70925
G–20531	do	48	2	El Paso Natural Gas Co. (Wemac Field, Andrews County, Tex.).	do	12- 7-59	1- 7-60	6- 7-60	[19] 10.3072	13.68225
G–20533	N. B. Hunt	9	2	El Paso Natural Gas Co. (Blinebry Field, Lea County, N. Mex.).	do	12- 7-59	1- 7-60	6- 7-60	[20] 13.34802	15.5
G–20534	W. H. Hunt	1	7	El Paso Natural Gas Co. (Tubb Field, Lea County, N. Mex.).	do	12- 7-59	1- 7-60	6- 7-60	[21] 16.0	15.5
G–20535	Estate of Lyda Bunker Hunt.	4	7	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.).	do	12- 7-59	1- 7-60	6- 7-60	[22] 16.0	15.70925
G–20535	do	5	6	do	do	12- 7-59	1- 7-60	6- 7-60	[23] 10.3072	13.68225
G–20534	W. H. Hunt	6	2	El Paso Natural Gas Co. (Blinebry Field, Lea County, N. Mex.).	do	12- 7-59	1- 6-60	6- 7-60	[24] 13.34802	15.5
G–20536	Secure Trusts	3	7	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.).	do	12- 7-59	1- 7-60	6- 7-60	[32] 16.0	15.70925
G–20536	do	4	6	do	do	12- 7-59	1- 7-60	6- 7-60	[25] 10.3072	13.68225
G–20533	N. B. Hunt	1	7	El Paso Natural Gas Co. (Tubb Field, Lea County, N. Mex.).	do	12- 7-59	1- 7-60	6- 7-60	[26] 16.0	15.5
G–20537	Sunray Mid-Continent Oil Co.	149	1	El Paso Natural Gas Co. (Mescalero Field, Lea County, N. Mex.).	12- 7-59	12- 9-59	1- 9-60	6- 9-60	10.5	15.5163
G–20538	Kay Kimball Oil Properties, et al.	3	1	El Paso Natural Gas Co. (Spraberry-Clearfork Field, Upton County, Tex.).	Undated	12-10-59	[27] 1-10-60	6-10-60	10.0	17.0
G–20539	R. L. Foree	1	6	El Paso Natural Gas Co. (Spraberry-Clearfork Field, Midland and Upton Counties, Tex.).	12- 7-59	12-10-59	1-10-60	6-10-60	[28] 11.0	17.0
G–20540	Charles B. Wrightsman	2	2	El Paso Natural Gas Co. (Crosby-Devonian Field, Lea County, N. Mex.).	12- 9-59	12-10-59	[31] 1-10-60	6-10-60	[29 30] 10.5	15.55987

[2] The stated effective dates are those requested by Respondents, or the first day after expiration of statutory notice, whichever is later.
[3] Includes 0.4467 cents per Mcf compression charge deducted by buyer.
[4] Rate in effect subject to refund in Docket No. G–12881.
[5] Rate in effect subject to refund in Docket No. G–18207.
[6] Rate of 13.984 cents per Mcf suspended in Docket No. G–19608; termination of proceeding requested.
[7] Rate of 13.984 cents per Mcf suspended in Docket No. G–19608; termination of proceeding requested.
[8] Rate in effect subject to refund in Docket No. G–18554.
[9] Prior increases in effect subject to refund in Docket No. G–16421 and Docket No. G–14081.
[10] Rate in effect subject to refund in Docket No. G–18847; prior increases in effect subject to refund in Docket No. G–17424 and G–14500.
[11] Rate in effect subject to refund in Docket No. G–16418.
[12] Rate in effect subject to refund in Docket No. G–16479; also subject to order in Docket No. G–13157.
[13] Rate in effect subject to refund in Docket No. G–18464.
[14] Rate in effect subject to refund in Docket No. G–18556.
[15] Rate in effect subject to refund in Docket No. G–16422.
[16] Rate of 10.3072 cents per Mcf for low pressure gas in effect subject to order in Docket No. G–20009.
[17] Rate in effect subject to refund in Docket No. G–18555; also subject to order in Docket No. G–16479.
[18] High pressure gas.
[19] Rate in effect subject to refund in Docket No. G–18668.
[20] Rate in effect subject to refund in Docket No. G–16420.
[21] Rate in effect subject to refund in Docket No. G–18848.
[22] Rate in effect subject to refund in Docket No. G–18556.
[23] Rate in effect subject to refund in Docket No. G–16423.
[24] Rate in effect subject to refund in Docket No. G–16419.
[25] Rate in effect subject to refund in Docket No. G–16424.
[26] Rate in effect subject to refund in Docket No. G–18557.
[27] Applicant requests waiver of 30-day period, if 1-1-60 date is unacceptable, requests an effective date of 1-15-60.
[28] Rate in effect subject to refund in Docket No. G–15792.
[29] Rate in effect subject to refund in Docket No. G–14002.
[30] Subject to 0.4467 cents per Mcf reduction in base price for low pressure gas.
[31] Requests waiver of 30-day notice period.
[32] Rate in effect subject to refund in Docket No. G–18558.

The above increases in rate to El Paso Natural Gas Company reflect rates varying with the quality of gas and delivery pressure and are proposed to eliminate favored-nation clauses, set up a new schedule of periodic increases and extend the terms of contract until January 1, 1980. In support of the rates, the producers emphasize the benefits to be gained by such proposed contract revisions, and state that the prices resulted from arm's length bargaining, that the increased revenues are needed for increases in labor, services, materials, and exploration and development operations,

and that the prices are in line with recently certificated rates in the area. No supporting cost data is attached.

The rates sought to be decreased were in effect subject to refund based upon a favored-nation clause and were reputedly triggered by a sale to El Paso by West Texas Gathering Company in Winkler County, Texas. The decision, however, in Pure Oil Company, Docket No. G–17930, for a similar favored-nation increased rate held that the West Texas Gathering sale did not activate Pure's favored-nation clause. A decrease is therefore sought by the respective producers involved.

The pressure base is established at 14.65 psia.

Beal, Trobaugh & Associates request termination of their existing suspensions if the rates are accepted for filing.

No comments have been received from El Paso Natural Gas Company concerning its program of contract renegotiation.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

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

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

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

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–274; Filed, Jan. 12, 1960; 8:46 a.m.]

[Docket No. G–19448]

EAST TENNESSEE NATURAL GAS CO.

Notice of Application and Date of Hearing

JANUARY 7, 1960.

Take notice that East Tennessee Natural Gas Company (Applicant), a Tennessee Corporation with its principal place of business in Knox County, Tennessee, filed an application pursuant to section 7 of the Natural Gas Act in Docket No. G–19448 on September 11, 1959, as supplemented on October 26, November 5, and November 12, 1959, for certificate authority to construct and operate a tap and measuring station on its 16-inch Knoxville-Bristol transmission line near the community of Boyd's Creek in Sevier County and 6.82 miles of 4½-inch lateral from this measuring station to the corporate limits of Sevierville, Sevier County, Tennessee, subject to the jurisdiction of the Commission, all as more fully described in the application on file with the Commission, and open to public inspection. Applicant also seeks authority to sell natural gas to Sevier County Utility District for resale and distribution in the communities of Sevierville, Pigeon Forge and Gatlinburg, Tennessee and in intervening and adjacent areas.

Applicant states: (1) That at present no natural or manufactured gas service exists in the area to be served; and (2) pursuant to the State of Tennessee's "Utility District Act of 1937" the County Court of Sevier County, Tennessee on September 9, 1955 found that the creation of a Utility District in Sevier County for the distribution of natural gas was desirable, economical and in the public interest, as a result of which Sevier County Utility District was created and it has been granted franchises from the Town of Gatlinburg on May 22, 1956, from the Town of Sevierville on February 11, 1959, and from Sevier County on April 13, 1959.

The application recites that Applicant's sole supplier of natural gas is Tennessee Gas Transmission Company and is authorized to deliver to Applicant up to the maximum daily volume of 202,447 Mcf at delivery pressure of not less than 200 psig and under its G–1 rate schedule on file with the Commission.

Applicant estimates its total system peak day firm requirements (including the proposed daily firm service to Sevier County Utility District) in Mcf @ 14.73 psia as follows:

1960	*1961*	*1962*
151,981	156,878	163,627

The cost of Applicant's facilities is estimated at $123,575. Applicant proposes to finance the costs of its proposed facilities from funds currently available.

The facilities to be constructed by the Utility District consist of 14.1 miles of 6⅝-inch line extending from East Tennessee's proposed facilities at the corporate limit of Sevierville southward through the communities of Sevierville and Pigeon Forge to Gatlinburg, and their respective distribution systems. The population of the proposed gas service area is estimated at 7,600 as of March 10, 1959.

The peak day and annual gas requirements of Sevier County Utility District, based on a market survey, are estimated as follows in Mcf @ 14.73 psia:

	Peak day	Annual		
		Firm	Interruptible	Total
1960	1,405	152,030	52,094	204,124
1961	1,948	215,808	57,304	273,112
1962	2,568	292,330	57,304	349,634

The Utility District of Sevier County, Tennessee, on August 1, 1959, entered into an agreement with Applicant to purchase up to 2,600 Mcf per day, which is its approximate 3d year peak day requirement. The agreement permits increased deliveries upon two years' notice to East Tennessee.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 16, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 5, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–275; Filed, Jan. 12, 1960; 8:46 a.m.]

[Docket No. G–15174 etc.]

MISSISSIPPI RIVER FUEL CORP.

Notice of Consolidation of Proceedings and Date of Hearing

JANUARY 6, 1960.

In the matters of Mississippi River Fuel Corporation, Docket Nos. G–15174, G–11467, G–16792, and G–20239.

The above proceedings relate to proposed increased rates and charges for sales of natural gas subject to the jurisdiction of the Commission. These proposed rates and charges have heretofore been suspended by the Commission. The Commission has already scheduled hearings in Docket Nos. G–15174 and G–20939 to commence on January 12, 1960. No hearing date has been fixed for Docket Nos. G–11467 and G–16792.

Take notice that the proceedings in Docket Nos. G–15174, G–11467, G–16792, and G–20239 are hereby consolidated for hearing to the end that they may be disposed of as promptly as possible. On December 21, 1959, Mississippi River Fuel Corporation filed a motion requesting the consolidation of the above four docketed proceedings.

Take further notice that pursuant to the authority conferred upon the Federal Power Commission by sections 4 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure (18 CFR Ch. I) a public hearing will be held on January 12, 1960, at 10:00 a.m., e.s.t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters and issues involved in the above-captioned consolidated proceedings.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–276; Filed, Jan. 12, 1960; 8:46 a.m.]

[Docket Nos. G–19040, G–19041]

NORTHERN NATURAL GAS CO. AND PERMIAN BASIN PIPELINE CO.

Notice of Postponement of Hearing

JANUARY 6, 1960.

Upon consideration of the motion filed December 30, 1959, by Counsel for Northern Natural Gas Company and Permian Basin Pipeline Company for postponement of the hearing now scheduled for January 19, 1960, in the above-designated matters;

The hearing now scheduled for January 19, 1960, is hereby postponed to February 9, 1960, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–277; Filed, Jan. 12, 1960; 8:46 a.m.]

[Docket No. RI60–2]

PHILLIPS PETROLEUM CO.

Order Rejecting Rate Filing in Part and Order for Hearing and Suspending Proposed Change in Rates

JANUARY 6, 1960.

On December 7, 1959, Phillips Petroleum Company (Phillips) submitted as a proposed rate schedule a gas sales contract dated November 9, 1954, between El Paso Natural Gas Company (El Paso), as buyer, and Claud E. Aikman (Aikman), as seller, together with a letter agreement dated May 6, 1955, between El Paso and Phillips whereby Phillips adopted the terms of contract of November 9, 1954, and an amendatory agreement dated October 15, 1959, between El Paso and Phillips providing for a change in rate to 14.69575 cents per Mcf (base rate of 14.5 cents plus 0.19575 cent Texas occupation tax reimbursement) and deleting the favored-nation clause from the contract pursuant to El Paso's current contract renegotiation program in the Permian Basin. Attached to the proposed rate schedule was a sample billing statement reflecting a proposed rate of 16 cents per Mcf. Transmitted concurrently with the aforementioned filing was a notice of decrease in rate from 16 cents to 14.69575 cents per Mcf pursuant to the agreement of October 15, 1959.

Phillips stated that its interest in the leases involved has heretofore been covered by the operator's rate schedule, Claud E. Aikman's FPC Gas Rate Schedule No. 1. A favored-nation increased rate of 16 cents per Mcf, based on West Texas Gathering Company's rate to El Paso, was made effective October 15, 1959, under Aikman's rate schedule subject to refund in Docket No. G–18466. Phillips states that this is the presently effective rate for Phillips' sale. The previously accepted rate under Aikman's rate schedule not subject to refund was 9.5 cents per Mcf. The initial rate under Aikman's rate schedule was 8.5 cents per Mcf.

On December 28, 1959, El Paso filed a protest stating that in view of the fact that Phillips was not a signatory party to Aikman's contract comprising its Rate Schedule No. 1, Phillips' assumption that it has heretofore been covered thereunder is incorrect and contrary to the rules and regulations of the Commission, particularly § 154.91 thereof. The letter of May 6, 1955, constitutes the agreement under which Phillips sells the subject gas to El Paso. Although this agreement incorporates by reference certain provisions of Aikman's contract of November 9, 1954, it is a separate and distinct agreement and does not make Phillips a party seller under the Aikman contract. El Paso states further that the rate prevailing on the date of initial deliveries under the letter of May 6, 1955, was 8.5 cents per Mcf and that this rate, not the 16.0-cent rate indicated by Phillips, should be specified on the sample billing statement tendered. Any changes in this 8.5-cent rate must be made in the manner prescribed by the Natural Gas Act and approved by Commission action. Finally, El Paso requests rejection of these filings of December 7, 1959, without prejudice to retender thereof in compliance with the Natural Gas Act and Commission Regulations.

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

The Commission finds:

(1) The billing statement indicating a rate of 16 cents per Mcf should be rejected.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change in rate and that Supplement Nos. 2 and 3 to Phillips' FPC Gas Rate Schedule be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The billing statement indicating a rate of 16 cents per Mcf is hereby rejected.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement Nos. 2 and 3 to Phillips' FPC Gas Rate Schedule No. 358.

(C) Pending hearing and decision thereon, the said Supplement Nos. 2 and 3 and the rates proposed therein shall be suspended, and the use thereof deferred until June 7, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–278; Filed, Jan. 12, 1960; 8:47 a.m.]

[Docket No. G–10688, etc.]

PURE OIL CO. AND TEXACO SEABOARD, INC.

Notice of Severance and Continuance

JANUARY 6, 1960.

Take notice that in view of the protest filed December 24, 1959, by Texaco Seaboard, Inc. in Docket No. G–15530, the application in said docket is hereby severed from the consolidated proceedings In the Matters of The Pure Oil Company, et al., Docket Nos. G–10688, et al., heretofore scheduled for hearing on January 21, 1960, for disposition as may hereinafter be determined by the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–279; Filed, Jan. 12, 1960; 8:47 a.m.]

[Docket Nos. G–8288 etc.]

SUN OIL CO. ET AL.

Order Severing Proceedings, Permitting Proposed Increased Rates To Become Effective and Terminating Proceeding

JANUARY 4, 1960.

In the matters of Sun Oil Company, Docket Nos. G–8288, G–12841, G–12880, G–13316, G–13444, G–13585, G–13617, G–13618, G–13664, G–13937, G–15010, G–15016, G–15450, G–12657, G–16396, G–16410, G–16621, G–16624, G–16684, G–16686, G–16700, G–16810, G–17274, G–17346, G–17717, G–18094, G–18184, G–18521; Sun Oil Company, Docket No. G–18353; Sun Oil Company (Operator) et al., Docket Nos. G–13425, G–13619, G–15011, G–16258, G–16622, G–16685, G–16699, G–17354, G–17923; Sun Oil Company, et al., Docket No. G–13426.

On August 28, 1958, Sun Oil Company filed Supplement No. 2 to its FPC Gas Rate Schedule No. 100 proposing a periodic increase in rate to be effective January 1, 1958, for sales of natural gas ultimately purchased by El Paso Natural Gas Company for transportation and resale in interstate commerce. On September 26, 1958, an order was issued, in Docket No. G–16396, suspending the proposed increase in rate until September 29, 1958, and ordering a hearing to be had thereon. By appropriate motion, with accompanying corporate undertaking, Sun made its proposed rate effective, subject to refund, on September 29, 1958.

The proceedings in Docket No. G–16396 were consolidated with the above-docketed consolidated proceedings by orders issued April 29 and August 28, 1959. Petitions to intervene were filed in Docket No. G–16396, along with the other above-docketed proceedings, by Texas Gas Pipe Line Corporation, Long Island Lighting Company, Brooklyn Union Gas Company, Public Service Electric and Gas Company, Consolidated Edison Company of New York, and Texas Gas Transmission Corporation. The intervention of the aforenamed companies was granted by orders issued August 28 and October 21, 1959.

On October 5, 1959, Sun filed a motion to vacate the suspension order issued September 27, 1958, in Docket No. G–16396, and to terminate the proceeding therein.

In its motion to vacate and terminate, Sun states that on November 28, 1958, American Trading and Production Corporation, a producer also selling to El Paso in the same area as Sun, filed a similar rate increase by Supplement No. 1 to its FPC Gas Rate Schedule No. 1, which increase was accepted by the Commission for filing, without suspension, effective January 1, 1959. Additionally, Sun states, Humble Oil & Refining Company filed Supplement No. 1 to its FPC Gas Rate Schedule No. 141 on July 18, 1958, for a similar rate increase for natural gas produced and sold in the same area. By order issued August 12, 1958, in Docket No. G–15904, Humble's proposed rate increase was suspended until August 19, 1958. Thereafter, Humble made said proposed increase effective, subject to refund, by appropriate motion. On August 4, 1959, Humble filed a motion to terminate the proceedings in Docket No. G–15904, and said motion was granted by order issued September 16, 1959. Therefore, Sun contends that it should be accorded equal treatment with the other producers in the same area.

Although the parties named above were permitted to intervene in Docket No. G–16396, no person has filed objection or protest to the aforementioned motion filed by Sun.

The Commission finds:

(1) Good cause exists for the severance of the proceedings in Docket No. G–16396 from the other above-docketed consolidated proceedings.

(2) Good cause exists for accepting Supplement No. 2 to Sun's FPC Gas Rate Schedule No. 100 for filing, for permitting said Supplement No. 2 to become effective as of September 29, 1958, and for terminating the proceedings in Docket No. G–16396.

The Commission orders:

(A) The matters involved in Docket No. G–16396 are hereby severed from the above-docketed consolidated proceedings.

(B) Supplement No. 2 to Sun's FPC Gas Rate Schedule No. 100 is hereby permitted to become effective as of September 29, 1958.

(C) The proceedings in Docket No. G–16396 are hereby terminated.

(D) Nothing contained in this order shall be construed as constituting approval by this Commission of any service, rate, charge or classification, or any rule, regulation, or practice affecting such rate or service contained in the rate filing, nor shall it be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate.

(E) This order is without prejudice to any findings or orders which have been, or may hereafter be made by this Commission in any proceeding or proceedings now pending or hereafter instituted by or against Sun Oil Company.

By the Commission (Commissioner Connole dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–280; Filed, Jan. 12, 1960; 8:48 a.m.]

[Docket No. G–19082]

TENNESSEE GAS TRANSMISSION CO.

Notice of Application and Date of Hearing

JANUARY 7, 1960.

Take notice that Tennessee Gas Transmission Company (Applicant), a Delaware corporation with a principal place of business in Houston, Texas, filed an application on July 29, 1959, in Docket No. G–19082 pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application on file with the Commission, and open to public inspection.

Applicant proposes to sell natural gas produced from acreage in the Goldsmith Field, Ector County, Texas, in interstate commerce to Phillips Petroleum Company (Phillips), for resale to and further transportation by El Paso Natural Gas Company (El Paso).

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 16, 1960 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 5, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–282; Filed, Jan. 12, 1960; 8:48 a.m.]

[Docket No. G–19007]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application and Date of Hearing

JANUARY 4, 1960.

Take notice that on July 20, 1959, Transcontinental Gas Pipe Line Corporation (Applicant) filed an application in Docket No. G–19007, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to construct and operate a meter station and appurtenances on its main transmission line in Tallapoosa County, Alabama, all as more fully set forth in the application and amendment on file with the Commission and open to public inspection.

The proposed meter station is to enable Applicant to sell and deliver natural gas

on an interruptible basis directly to Russell Manufacturing Company (Russell) and to Avondale Mills (Avondale), textile mills located in Alexander City, Alabama. Applicant states that it has interruptible gas available in the southern part of its system because of the "valley" created by its low-load factor resale customers in off-peak periods.

The estimated gas requirements for the first three years of proposed service are:

	Requirements (Mcf at 14.73 psia)	
	Maximum day	Annual
Russell Manufacturing Co.	4,500	112,000
Avondale Mills	2,500	43,000
Total	7,000	155,000

Alexander City served by Applicant at an existing meter station adjacent to the site of the meter station proposed herein, will receive the gas from Applicant for Russell and Avondale and transport it to each mill under a transportation arrangement between the City and the mills.

The rate to be initially charged by Applicant to Russell and Avondale is 31 cents per Mcf.

The overall capital cost of Applicant's proposed facilities is estimated at $15,500 which is to be financed from company funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 8, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 26, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-283; Filed, Jan. 12, 1960; 8:48 a.m.]

[Docket Nos. G-20348, G-20349]

SUNRAY MID-CONTINENT OIL CO. AND PHILLIPS PETROLEUM CO.

JANUARY 6, 1960.

In the Order for Hearings and Suspending Proposed Changes in Rates, issued December 18, 1959, and published in the FEDERAL REGISTER on January 1, 1960 (25 F.R. 27): Change date in ordering Clause B from "January 22, 1959" to read "January 22, 1960".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-281; Filed, Jan. 12, 1960; 8:48 a.m.]

[Docket No. G-20108]

TRUNKLINE GAS CO.

Notice of Application and Date of Hearing

JANUARY 7, 1960.

Take notice that Trunkline Gas Company (Applicant), a Delaware corporation with its principal office in Houston, Texas, filed an application in Docket No. G-20108, on November 4, 1959, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities subject to the jurisdiction of the Commission, all as more fully described in the application on file with the Commission, and open to public inspection.

Applicant states it proposes to install and operate on an experimental basis two gas turbine driven centrifugal compressor units plus a waste heat recovery system and appurtenant facilities at its existing Compressor Station No. 31. The two units are rated at a total of 1,900 horsepower, one to be 1,075 and the other 825 horsepower. The station, on Applicant's existing 24-inch main transmission line near Houston, Texas, is presently powered with three 2,000 horsepower internal combustion gas engines directly connected to reciprocating compressor units.

Applicant further states that the proposed new units are a new design which has not yet been proved for natural gas transmission service. The purpose of this installation is to determine whether these small gas turbine-compressor units are economical and feasible under actual pipeline operating conditions. Applicant states that the results of this experiment will aid it, and the rest of the natural gas industry in the selection of additional units in their future expansions. If successful, the new relatively small units could substantially reduce the investment in pipeline capacity additions under the conventional installations.

Applicant further proposes to install a waste heat recovery expander turbine that has been designated to recover the exhaust energy from the unit. The extra horsepower developed by this expander turbine can be utilized by directly coupling it with either of the previously mentioned compressors.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 11, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 2, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-284; Filed, Jan. 12, 1960; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 246]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 8, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62692. By order of January 6, 1960, the Transfer Board approved the transfer to Merle C. Hayes, 5 Tower Street, Paola, Kans., of Certificate No. MC 743, issued April 5, 1937, as amended February 17, 1940, to Joe Reimal, doing business as Reimal's Transfer, 502 South Pearl Street, Paola, Kansas, authorizing the transportation

of: General commodities, (including household goods), excluding commodities in bulk and other specified commodities, between Paola, Kansas, and Kansas City, Mo., and intermediate and off-route points: Kansas City, Kans., Olathe, Lenexa, and Hillsdale, Kans., and those within 15 miles of Paola and Hillsdale, Kans.

No. MC–FC 62705. By order of January 6, 1960, the Transfer Board approved the transfer to Donald F. Casey, doing business as D. P. Casey, South Weymouth, Mass.; of Permit in No. MC 48953, issued June 24, 1943, to Dennis Patrick Casey, Roslindale, Mass.; authorizing the transportation of: 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 specified points in Massachusetts, Rhode Island, New Hampshire, and Maine. Mary E. Kelley, 10 Tremont Street, Boston 8, Mass.; for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–305; Filed, Jan. 12, 1960; 8:55 a.m.]

[No. MC–C–2738]

PETITION FOR A DECLARATORY ORDER AND EMERGENCY RELIEF

JANUARY 8, 1960.

Petitioner: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N.Y. Petitioner's attorney: C. J. Braun, Jr., 380 Madison Avenue, New York 17, N.Y.

The above publication appeared in the January 6, 1960, issue of the FEDERAL REGISTER at page 96. The docket number was shown, in error, as No. MC–C–2788. The correct docket number is as shown above, No. MC–C–2738.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–301; Filed, Jan. 12, 1960; 8:54 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 8, 1960.

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. 35936: *Substituted service—CRI&P for Voss Trunk Lines, Inc.* Filed by J. D. Hughett, Agent (No. 24), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Memphis, Tenn., and Oklahoma City, Okla., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 7 to Southwestern Motor Freight Bureau tariff MF–I.C.C. 285.

FSA No. 35937: *Talc, soapstone, etc., from Ogden, Utah and West Yellowstone, Mont.* Filed by Western Trunk Line Committee, Agent (No. A–2105), for interested rail carriers. Rates on Talc, soapstone, wollastonite, and related articles, in carloads from Ogden, Utah, and West Yellowstone, Mont., to points in western trunk line and southwestern territories.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplement 127 to Western Trunk Line Committee tariff I.C.C. A–4123. Supplement 115 to Southwestern Freight Bureau tariff I.C.C. 4252.

FSA No. 35938: *Rosin, turpentine, and related articles from Louisiana to New Jersey points.* Filed by Southwestern Freight Bureau, Agent (No. B–7710), for interested rail carriers. Rates on rosin, rosin liquor, rosin sizing, rosin oil, turpentine, pine oil, and pinene, in carloads and tank-carloads from Advance, Alexandria, DeQuincy, DeRidder, and Oakdale, La., to Bayway, Jersey City, and Newark, N.J.

Grounds for relief: Truck-water-truck competition.

Tariff: Supplement 61 to Southwestern Freight Bureau tariff I.C.C. 3836.

FSA No. 35939: *Tin or terne plate from Chicago, Ill., to Garland, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B–7713), for interested rail carriers. Rates on tin or terne plate as described in the application, in carloads from Chicago, Ill., and points taking the same rates to Garland, Tex.

Grounds for relief: Market competition with Dallas and other Texas points.

Supplement 84 to Southwestern Freight Bureau tariff I.C.C. 4308.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–303; Filed, Jan. 12, 1960; 8:55 a.m.]

[No. W–C–6]

SUGAR IN BULK

Petition for Declaratory Order

JANUARY 8, 1960.

Petitioners: JOHN L. HAY COMPANY and COYLE LINES INCORPORATED. Petitioners' attorneys: Donald Macleay, 1625 K Street NW., Washington 6, D.C., and W. Y. Wildman, 332 South Michigan Avenue, Chicago 4, Ill. By petition dated December 15, 1959, petitioner prays that the Commission enter an order instituting an appropriate proceeding for the purpose of issuing a declaratory order with respect to the following question propounded by petitioners: "Does the exemption afforded by section 303(b) of the Interstate Commerce Act extend to the transportation in bulk of a commodity, sugar, which moved in large volume by water prior to, as of, and following June 1, 1939, but which was loaded and carried only in containers until 1951, when there began to develop a movement of that commodity in bulk?"

Any person or persons desiring to participate in this proceeding may file representations supporting or opposing the issuance of a declaratory order within 30 days after the date of this publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–302; Filed, Jan. 12, 1960; 8:54 a.m.]

[Notice 110]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 8, 1960.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no 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 4963 (Deviation No. 2), JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, Pa., filed December 21, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes, between Philadelphia and Lancaster, Pa., as follows: (1) From Philadelphia over Pennsylvania Highway 23 to junction Pennsylvania Highway 83, thence over Pennsylvania Highway 83 to junction Pennsylvania Highway 683, thence over Pennsylvania Highway 683 to junction Pennsylvania Highway 23, thence over Pennsylvania Highway 23 to Lancaster; (2) from Philadelphia over Pennsylvania Highway 23 to Lancaster; (3) from Philadelphia over the Schuylkill Expressway (Pennsylvania Highway 43) to junction Pennsylvania Highway 23, thence over Pennsylvania Highway 23 to Lancaster; and (4) from Philadelphia over the Schuylkill Expressway to junction Pennsylvania Highway 23, thence over Pennsylvania Highway 23 to junc-

tion Pennsylvania Highway 83, thence over Pennsylvania Highway 83 to junction Pennsylvania Highway 683, thence over Pennsylvania Highway 683 to junction Pennsylvania Highway 23, and thence over Pennsylvania Highway 23 to Lancaster, 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 a pertinent authorized service route as follows: From Dallastown, Pa., over Pennsylvania Highway 24 to York, Pa., thence over U.S. Highway 30 to Philadelphia, Pa., and thence over U.S. Highway 1 to New York, N.Y., and return over the same route.

No. MC 8902 (Deviation No. 2) (CORRECTION), THE WESTERN EXPRESS COMPANY, published in the December 23, 1959 issue of the FEDERAL REGISTER at page 10470.

The correct address of Attorney Earl J. Thomas is 5844–5850 North High Street, Worthington, Ohio, in lieu of Wellington, Ohio. Also the published notice fails to indicate that the proposed alternate route will be used only in connection with "overhead" shipments, and does not apply to shipments originating at Cleveland destined to Chicago.

No. MC 18459 (Deviation No. 1), BRITTON MOTOR SERVICE, INC., Box 90, Cicero 50, Ill., filed December 28, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 12 and Interstate Highway 94 near Hudson, Wis., over Interstate Highway 94 to its junction with U.S. Highway 12, west of Eau Claire, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the same points over U.S. Highway 12.

No. MC 30532 (Deviation No. 1), NEW YORK & NEW BRUNSWICK AUTO EXPRESS CO., INC., Linden Road, Edison, N.J., filed November 30, 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 Edison, N.J., over U.S. Highway 22 to junction U.S. Highway 309, thence over U.S. Highway 309 to junction U.S. Highway 222, thence over U.S. Highway 222 to Lancaster, Pa., 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 routes as follows: From Columbia, Pa., over U.S. Highway 30 via Lancaster to Philadelphia, Pa.; and from Marcus Hook over U.S. Highway 13 to Philadelphia, thence over U.S. Highway 1 to junction U.S. Highway 9–W, thence over U.S. Highway 9–W to Highland, N.Y., thence by ferry to Poughkeepsie, N.Y.; and return over the same routes.

No. MC 31600 (Deviation No. 3), P. B. MUTRIE MOTOR TRANSPORTATION INC., Calvary Street, Waltham 54, Mass., filed December 28, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: From the junction of Old Rhode Island Highway 3 and New Rhode Island Highway 3, approximately 2½ miles northeast of Ashaway, R.I., over New Rhode Island Highway 3 to junction with Old Rhode Island Highway 3, approximately ½ mile northeast of Wyoming, R.I., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the same points over Old Rhode Island Highway 3.

No. MC 42487 (Deviation No. 6), CONSOLIDATED FREIGHTWAYS, INC., 175 Winfield Drive, Menlo Park, Calif., filed December 22, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 94 and U.S. Highway 12 at Menomonie Junction, Wis., over U.S. Highway 94 to junction U.S. Highway 12 east of Elk Mound, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent authorized service routes as follows: From Minneapolis over U.S. Highway 12 to junction Wisconsin Highway 172, thence over Wisconsin Highway 172 via Eau Claire, Wis., to junction U.S. Highway 12, thence over U.S. Highway 12 to Fairchild, Wis., thence over U.S. Highway 10 to Fremont, Wis., thence over Wisconsin Highway 110 to Winchester, Wis., thence over Wisconsin Highway 150 to Neenah, Wis., thence over U.S. Highway 41 to junction U.S. Highway 45 (formerly U.S. Highway 41) thence over U.S. Highway 45 to Oshkosh, Wis. (also from Neenah over County Highway A to Oshkosh), thence over U.S. Highway 45 (formerly U.S. Highway 41) to junction Wisconsin Highway 175 (formerly U.S. Highway 41) and thence over Wisconsin Highway 175 via Vandyne, Wis., to Fond du Lac, Wis., and return over the same route.

No. MC 47389 (Sub No. 4) (Deviation No. 1), FEDERAL TRUCK LINES, INC., 2425 South Wood Street, Chicago 8, Ill., filed November 10, 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 Indianapolis, Ind., over U.S. Highway 421 to junction Indiana Highway 46, thence over Indiana Highway 46 to junction U.S. Highway 52, thence over U.S. Highway 52 to Cincinnati, 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 between Indianapolis and Cincinnati over U.S. Highway 52.

No. MC 60319 (Deviation No. 4), MURDOCH & HATCH MOTOR TRANSPORT, INC., 300 Maspeth Avenue, Brooklyn 11, New York, N.Y., filed December 24, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: From the junction of Old Rhode Island Highway 3 and New Rhode Island Highway 3, approximately 2½ miles northeast of Ashaway, R.I., over New Rhode Island Highway 3 to junction Old Rhode Island Highway 3 at a point approximately ½ mile northeast of Wyoming, R.I., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the same points over Old Rhode Island Highway 3.

No. MC 74721 (Deviation No. 6), MOTOR CARGO, INC., 1540 West Market Street, Akron 13, Ohio, filed December 29, 1959. Attorney, M. B. Mack, 1540 West Market Street, Akron 13, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: From Hudson, Wis., over Interstate Highway 94 to Eau Claire, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Hudson and Eau Claire over U.S. Highway 12.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60–304; Filed, Jan. 12, 1960; 8:55 a.m.]

[Notice 304]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 8, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub No. 165), filed November 20, 1959. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer compounds*, liquid or dry, between (a) points in the states of Montana, Idaho, Oregon, and that part of Washington on and east of U.S. Highway 97 restricted against the transportation of traffic originating at or destined to

points in British Columbia, Canada, (b) points in that part of Washington east of U.S. Highway 97 on the one hand, and, on the other, that portion of Washington west of U.S. Highway 97 restricted against the transportation of traffic originating or destined to points in British Columbia, Canada. Applicant is authorized to conduct operations in California, Colorado, Idaho, Illinois, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Any duplicating of authority if granted shall not be construed as conferring more than a single operating right.

HEARING: February 1, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 4590 (Sub No. 1), filed November 20, 1959. Applicant: DICK'S TRANSFER COMPANY, INC., 1915 Cherry Street, Kansas City 8, Mo. Applicant's attorney: Henry M. Shughart, Commerce Building, Kansas City 6, Mo. 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, (1) between points within the territory bounded by a line beginning at Grand Island, Nebr., and extending northeasterly through Sioux City and Sibley, Iowa, to the Iowa-Minnesota State line, thence southeasterly through Mason City and Ottumwa, Iowa, and thence south through Unionville, Mo., connecting there with applicant's present authority, including the points named; and (2) between points in (1) above, on the one hand, and, on the other, points in the territory now held by applicant. Applicant is authorized to conduct similar operations between points within the territory bounded by a line beginning at Springfield, Mo., and extending southwesterly to Fayetteville, Ark., thence west to Tulsa, Okla.,thence southwesterly to Oklahoma City, Okla., thence northwesterly to Alva, Okla., thence north through Great Bend, Kans. to Osborne, Kans., thence northeasterly through Hastings, Nebr., to Grand Island, Nebr., thence east through Lincoln and Nebraska City, Nebr., to Unionville, Mo., thence south to Brookfield, Mo., thence southeasterly to Booneville, Mo., and thence southwesterly to Springfield, Mo., including points named, and between points in the above-described territory, on the one hand, and, on the other, Des Moines, Iowa, and Peoria, Ill.

HEARING: February 26, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Reece Harrison.

No. MC 17731 (Sub No. 9), filed November 5, 1959. Applicant: KEAL DRIVEAWAY COMPANY, a Corporation, 836 East 73d Street, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *Common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Freight automobiles, trucks, busses, chassis, parts* and *accessories thereof,* and *those described in 61 M.C.C. 209 and 766,* from Montpelier, Ohio, to all points in the United States including Alaska, and *damaged, rejected,* or *refused shipments* of the above-specified commodities, or for *trade-in-purposes,* and *those returned from experimental usage,* on return. Applicant is authorized to conduct operations throughout the United States.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier, assigned docket No. MC 17731 (Sub No. 7).

HEARING: February 19, 1960, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Allen W. Hagerty.

No. MC 17868 (Sub No. 4), filed December 4, 1959. Applicant: H. E. BRINKERHOFF AND SONS TRANSPORTATION CO. (a corporation), 1441 Shoop Street, Harrisburg, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between Harrisburg, Pa., and points within 75 miles of Harrisburg, Pa., on the one hand, and, on the other, points in Alaska. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, and West Virginia.

HEARING: February 16, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Freidson.

No. MC 18288 (Sub No. 6), filed December 16, 1959. Applicant: J. U. Baker, Inc., Landisville, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Steel silo roofs* and *silo accessories,* knocked down, from De Pere, Wis., to Hublersburg and Landisville, Pa.; *barn litter or manure conveyors and loaders,* knocked down from De Pere, Wis., to Landisville, Pa., from Landisville, Pa., to points in Virginia and those in New York on and west of New York Highway 7; *steel silos, silo materials and steel grain bins,* knocked down, from Springfield, Ohio, to Hublersburg and Landisville, Pa., from Landisville, Pa., to points in Virginia and those in New York on and west of New York Highway 7; *prefabricated buildings,* knocked down, *prefabricated building parts, and component parts thereof,* from Landisville, Pa., to points in Delaware, Maryland, New Jersey, Virginia, and New York (except those in the New York, New York Commercial Zone); *iron and steel articles,* in Group III of Appendix V to the Report in Ex Parte No. MC–45, Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 61 M.C.C. 766, from Lancaster, Pa., to points in Maryland, New Jersey, New York, Delaware, and Virginia: *machinery and machinery parts,* from Lancaster, Pa., to points in Maryland, New Jersey, New York, Delaware, and Virginia. Applicant is authorized to conduct operations in Delaware, Kentucky, New Jersey, New York, Pennsylvania, West Virginia, and Wisconsin.

HEARING: February 18, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 19201 (Sub No. 112), filed November 23, 1959. Applicant: PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, P.O. Box 432, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities, including commodities in bulk,* and *those requiring special equipment,* and excluding Classes A and B explosives, and household goods as defined by the Commission, over alternate routes for operating convenience only, in connection with applicant's authorized regular route operations, in service auxiliary to, or supplemental of, rail service of The Pennsylvania Railroad Company, (1) between Pittsburgh, Pa., and West Elizabeth, Pa., from Pittsburgh over Pennsylvania Highway 51 to West Elizabeth, and return over the same route, serving no intermediate points. (2) Between West Elizabeth, Pa., and Uniontown, Pa., from West Elizabeth over Pennsylvania Highway 51 to Uniontown, and return over the same route, serving no intermediate points. (3) Between junction Pennsylvania Highways 51 and 31 and Ruffs Dale, Pa., from junction Pennsylvania Highways 51 and 31 over Pennsylvania Highway 31 to Ruffs Dale, and return over the same route, serving no intermediate points. (4) Between Ruffs Dale, Pa., and Mt. Pleasant, Pa., from Ruffs Dale over Pennsylvania Highway 31 to Mt. Pleasant, and return over the same route, serving no intermediate points. (5) Between Donora, Pa., and junction unnumbered highway and Pennsylvania Highway 51 northeast of Donora, from Donora over unnumbered highway to junction Pennsylvania Highway 51, and return over the same route, serving no intermediate points. (6) Between Charleroi, Pa., and junction Pennsylvania Highways 981 and 51 east of Charleroi, from Charleroi over Pennsylvania Highway 981 to junction Pennsylvania Highway 51, and return over the same route, serving no intermediate points. (7) Between Charleroi, Pa., and Bentleyville, Pa., from Charleroi over Pennsylvania Highway 71 to Bentleyville, and return over the same route, serving no intermediate points. (8) Between West Brownsville, Pa., and Beallsville, Pa., from West Brownsville over U.S. Highway 40 to Beallsville, and return over the same route, serving no intermediate points, and serving Beallsville for purposes of joinder only. (9) Between Beallsville, Pa., and Vestaburg, Pa., from Beallsville over unnumbered highway to Vestaburg, and return over

the same route, serving no intermediate points, and serving Beallsville for purposes of joinder only. (10) Between Marianna, Pa., and Clarksville, Pa., from Marianna over unnumbered highway to Clarksville, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Indiana, Ohio, Pennsylvania, and West Virginia.

NOTE: Common control and dual operations may be involved.

HEARING: February 16, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 29886 (Sub No. 161), filed November 13, 1959. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, as described in 61 MCC 209 and 766, except passenger automobiles and trailers, in initial movements, in driveaway and truckaway service, *parts* and *accessories* thereof, and *show paraphernalia* and *equipment* moving at the same time therewith, from Montpelier, Ohio to all points in the United States including Alaska, and *rejected, damaged,* or *returned shipments* of the above-specified commodities, on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: February 19, 1960, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Allen W. Hagerty.

No. MC 30844 (Sub No. 41), filed November 16, 1959. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Bax 218, Summer, Iowa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers*, from Brockway, Crenshaw, Dravosburg, Duquesne, Homestead, McKeesport, Mifflin Junction, Munhall, Washington, and West Mifflin, Pa., and Clarksburg, W. Va., to Lawton, Mich. Applicant is authorized to conduct operations over regular routes in Illinois, Indiana, Iowa and Missouri, and over irregular routes in Arizona, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, and Wisconsin.

HEARING: February 15, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 31600 (Sub No. 474), filed December 16, 1959. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk (except sand, gravel, cement, coal, and coke), between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Kentucky, Ohio, Michigan, Indiana, Illinois, Iowa, Minnesota, Wisconsin, Missouri, and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: February 17, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner James A. McKiel.

No. MC 42487 (Sub No. 422) (REPUBLICATION), filed October 9, 1959, published FEDERAL REGISTER issue of December 9, 1959. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Ronald E. Poelman, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, other than those requiring special handling because of weight or size, and commodities injurious or contaminating to other lading, (1) between Hamilton, N. Dak., and Pembina, N. Dak., from Hamilton over U.S. Highway 81 to Pembina and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's regular route operations, (2) between the junction of U.S. Highway 81 and North Dakota Highway 44, and the junction of North Dakota Highway 44 and U.S. Highway 81, from the junction of U.S. Highway 81 and North Dakota Highway 44, near Manvel, N. Dak., over North Dakota Highway 44 to the junction North Dakota Highway 44 and U.S. Highway 81, near Joliette, N. Dak. (also from Drayton, N. Dak., over Interstate Highway 29 to the Joliette interchange, near Joliette, N. Dak.), and return over the same route, as an alternate route for operating convenience only, serving no intermediate points in connection with applicant's regular route operations, and (3) between junction U.S. Highway 81 and Interstate Route 29 and Pembina, N. Dak., from junction U.S. Highway 81 and Interstate Route 29, near Joliette, N. Dak., over Interstate Route 29 to Pembina, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, in connection with applicant's regular route operations. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Common control may be involved.

HEARING: Remains as assigned February 2, 1960, in the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Leo A. Riegel.

No. MC 42487 (Sub No. 435), filed November 23, 1959. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, a Corporation, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Wyman C. Knapp, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Etiwanda, Calif. (a point approximately 40 miles east of Los Angeles in San Bernardino County), to Chicago, Ill. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

HEARING: March 4, 1960, at the Federal Building, Los Angeles, Calif., before Examiner Michael B. Driscoll.

No. MC 50069 (Sub No. 220), filed December 9, 1959. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodard Avenue, Detroit 1, Mich. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid acids*, in bulk, in tank vehicles, from Cairo, Ohio, and points within 5 miles of Cairo thereof, to points in Indiana and Michigan. 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 Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: February 2, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 9.

No. MC 52709 (Sub No. 93), filed October 29, 1959. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, same address as applicant. Authority sought to operate as a *Common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B* explosives, between Las Vegas, Nev., and Lathrop Wells, Nev., over U.S. Highway 95, serving no intermediate points, but serving the off-route point of the site of the United States Atomic Energy Project, near Indian Springs, Nev. Applicant is authorized to conduct operations in Colorado, Wyoming, Iowa, Nebraska, Illinois, California, Utah, and Missouri.

NOTE: Applicant is authorized in Certificate No. MC 52709 (Sub No. 68), to operate over the above route and serve the above specified off-route point, but is restricted to the transportation of shipments originating at or destined to said off-route point. The purpose of this application is to remove said restriction.

HEARING: February 17, 1960, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 128.

No. MC 63871 (Sub No. 1), filed December 3, 1959. Applicant: ANDREWS & PIERCE, INC., 1431 Bedford Street, North Abington, Mass. Applicant's attorney: Francis E. Barrett, 7 Water Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving points in Dukes County, Mass., as off-route points in connection with applicant's authorized regular route operations between Providence, R.I., and Provincetown, Mass., over U.S. Highway 6. Applicant is authorized to conduct operations in Massachusetts and Rhode Island.

HEARING: February 23, 1960, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 18, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 71219 (Sub No. 2), filed December 2, 1959. Applicant: FRIEDMAN TRANSFER & CONSTRUCTION CO., INC., 18 East Commerce Street, Youngstown, 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: *Such commodities* as building contractors' equipment, heavy and bulky articles, machinery and machine parts, the transportation of which because of size or weight requires the use of lowboy equipment and specialized handling or rigging, except iron and steel and iron and steel articles as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and except pipe and such other commodities as are used in connection with the construction of pipelines, from points in Illinois, Indiana, and the lower peninsula of Michigan, to points in Columbiana, Trumbull, and Mahoning Counties, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

NOTE: Applicant now has the required operating authority in No. MC 71219 to transport the above-described commodities from points in Columbiana, Trumbull, and Mahoning Counties, Ohio, where such commodities are manufactured, to points in Illinois, Indiana, and the lower peninsula of Michigan. Applicant states that in this application, it seeks only the right to transport the above-named commodities which are returned to the manufacturers located in the three involved counties in Ohio for processing, repair, or maintenance.

HEARING: February 18, 1960, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Allen W. Hagerty.

No. MC 78062 (Sub No. 48), filed December 7, 1959. Applicant: BEATTY MOTOR EXPRESS, INC., Jefferson Avenue Extension, P.O. Box 223, Washington, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boxes*, fibre board, corrugated, knocked down flat, in packages, from the plant site of the Weyerhaeuser Company, Mt. Vernon, Ohio, to points in Pennsylvania beginning at the Pennsylvania-New York State line and extending south along U.S. Highway 11 to Harrisburg, Pa., thence south along U.S. Highway 111 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified, points in the lower peninsula of Michigan, and those points in West Virginia on and north of U.S. Highway 50, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Pennsylvania, Ohio, Delaware, Virginia, Maryland, Kentucky, New Jersey, Illinois, Indiana, New York, West Virginia, and the District of Columbia.

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 78062 (Sub No. 30). Common control may be involved.

HEARING: February 17, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 89913 (Sub No. 62), filed October 26, 1959. Applicant: FRISCO TRANSPORTATION COMPANY, a Corporation, 906 Olive Street, St. Louis 1, Mo. Applicant's attorney: Laurance M. Hyde, Jr., Law Department, Frisco Transportation Company (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular route, transporting: *Classes A and B explosives and general commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Blytheville, Ark., and Wilson, Ark., from Blytheville over Arkansas Highway 18 to junction Arkansas Highway 181, thence over Arkansas Highway 181 to Wilson, and return over the same route, serving the intermediate points of Keiser, Marie, and Wilson Junction, Ark., and the off-route point of Victoria, Ark. Applicant is authorized to conduct operations in Arkansas, Illinois, Kansas, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

HEARING: February 18, 1960, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 215, or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 69165 (Sub No. 6), filed December 9, 1959. Applicant: IRENE DEL FARNO, Administratrix, Estate of Thomas Del Farno, 10 Ward Avenue, North Providence, R.I. Applicant's representative: Russell B. Curnett, 49 Weybosset Street, Providence 3, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, finished or semi-finished, loose and uncrated, from Providence, R.I., to points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, Maryland, Delaware, and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.

HEARING: February 26, 1960, in Room 308, Main Post Office Building, Providence, R.I., before Examiner James A. McKiel.

No. MC 96165 (Sub No. 7), filed December 9, 1959. Applicant: IRENE DEL FARNO, Administratrix, Estate of Thomas Del Farno, 10 Ward Avenue, North Providence, R.I. Applicant's representative: Russell B. Curnett, 49 Weybosset Street, Providence 3, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, rough or unfinished, loose and uncrated, from Stony Creek, Conn., Deer Isle, Maine, Chelmsford and Rockport, Mass., and Barre, Vt., to Providence, R.I. Applicant is authorized to conduct operations in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.

HEARING: February 26, 1960, in Room 308, Main Post Office Building, Providence, R.I., before Examiner James A. McKiel.

No. MC 96902 (Sub No. 2), filed November 27, 1959. Applicant: CENTRAL EXPRESS, INC., 1071 Canton Avenue, Milton, Mass. Applicant's attorney: Francis E. Barrett, Jr., 7 Water Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed photographic film*, other than for commercial theater or television exhibition, and, together therewith, *incidental supplies* used in and for shipping said film, between Boston, Mass., on the one hand, and, on the other, points in Rockingham, Merrimack, and Hillsboro Counties, N.H., and points in Massachusetts on and east of Massachusetts Highway 12.

HEARING: February 17, 1960, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 20, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 100666 (Sub No. 36), filed October 16, 1959. Applicant: MELTON TRUCK LINES, INC., Crossett, Ark. Applicant's attorney: Max C. Morgan, 443–45 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials, abestos siding* and *sheet iron*, (1) between points within 250 miles of Texarkana, Tex., including Texarkana, but excluding points in Mississippi; (2) between points in the above described territory, on the one hand, and, on the

other, points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas. Applicant is authorized to conduct operations in Arkansas, Mississippi, Tennessee, Kentucky, Kansas, Louisiana, Missouri, Oklahoma, Texas, New Mexico, and Illinois.

NOTE: Applicant has filed a Motion to Dismiss the instant application on the grounds that it presently holds authority to perform the above operations.

HEARING: February 15, 1960, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Walter R. Lee.

No. MC 104128 (Sub No. 78), filed April 17, 1959. Applicant: CAMPBELL'S SERVICE, a Corporation, 2720 River Avenue, South San Gabriel, Calif. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Boise and Caldwell, Idaho, and points within ten (10) miles of each, to points, in Colorado Montana, Nebraska, North Dakota, South Dakota, and Wyoming. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Colorado, Florida, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

HEARING: March 3, 1960, at the Federal Building, Los Angeles, Calif., before Examiner Michael B. Driscoll.

No. MC 105678 (Sub No. 15), filed November 23, 1959. Applicant: SECO TRUCKING CO., a Corporation, 219 North Jackson Avenue, Mason City, Iowa. Applicant's attorney: C. F. Beck, United Home Bank Building, 13½ South Federal, Mason City, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives* and *explosives supplies* (except liquid nitroglycerin), *blasting agents, ammonium nitrate* and *nitro-carbo-nitrate; quarry materials and supplies;* and *machinery and equipment used in quarry operations, mining and excavating, and in road building operations* of every kind, (1) between the sites of warehouses and magazines of Bowen's Superior Explosives Co. located within ten miles respectively of Menominee, and River Falls, Wis., Austin, Howard Lake, Dodge Center, Preston, and Winona, Minn., Mason City, Waukon, Dubuque, Des Moines, Humboldt, Fairfield, Washington, Mt. Pleasant, and Burlington, Iowa, and Weeping Water, Nebr. (2) Between the warehouses and magazines of Bowen's Superior Explosives Co. located as described above, on the one hand, and, on the other, points in Iowa, Nebraska, South Dakota, North Dakota, Minnesota, Wisconsin, Illinois, Missouri, and the Upper Peninsula of Michigan. The proposed transportation service is to be performed under a continuing contract with Bowen's Superior Explosives Co. of Mason City, Iowa. Applicant is authorized to conduct operations in Illinois, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Pennsylvania, South Dakota, and Wisconsin.

HEARING: February 17, 1960, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Reece Harrison.

No. MC 106398 (Sub No. 142), filed December 4, 1959. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridian Road, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in truckaway service, in initial movements, from all points in Missouri except from Kansas City, Linden, and Carrollton, Mo., to all points in the United States, including Alaska and the District of Columbia. Applicant is authorized to conduct operations throughout the United States.
Carrollton, Mo., to all points in the
HEARING: February 25, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Reece Harrison.

No. MC 107107 (Sub No. 134), filed November 4, 1959. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, 2424 Northwest 46th Street, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy* and *confectionery*, from Robinson and Danville, Ill., to points in Florida. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: March 3, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Reece Harrison.

No. MC 107295 (Sub No. 67), filed December 9, 1959. Applicant: PREFAB TRANSIT CO., a Corporation, Farmer City, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements*, other than self-propelled and those requiring special equipment, from Ottawa, Ill., and Mansfield, Ohio, to all points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: February 18, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harry Ross, Jr.

No. MC 107544 (Sub No. 32), filed December 17, 1959. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Suite 216, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk (except sand, gravel, coal and coke) between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Kentucky, Ohio, Michigan, Indiana, Illinois, Iowa, Minnesota, Wisconsin, Missouri, and the District of Columbia. Applicant is authorized to conduct operations in Tennessee, North Carolina, Virginia, and West Virginia.

NOTE: Applicant holds contract authority in MC 113959, dual authority may be involved.

HEARING: February 19, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner James A. McKiel.

No. MC 109518 (Sub No. 10), filed December 1, 1959. Applicant: ADAMS TRANSPORT, INC., East 12205 Empire Avenue, Spokane, Wash. Applicant's attorney: George H. Hart, Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry Fertilizer* and *fertilizer ingredients*, from points in Washington to points in Washington, Oregon, Idaho, and Montana, and *rejected* or *contaminated shipments* of the commodities specified in this application on return. Applicant is authorized to conduct operations in Idaho, Montana, Oregon, and Washington.

HEARING: February 1, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 110525 (Sub No. 406), filed December 14, 1959. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, Munsey Building, Wash. 4, D.C., and Chester A. Zyblut, Munsey Building, Wash. 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* (except sand, gravel, cement, coal and coke), in bulk, and *rejected shipments* thereof, between points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Kentucky, Indiana, Michigan, Illinois, Iowa, Minnesota, Wisconsin, Missouri, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Massachusetts, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: Section 210, dual operations, may be involved. Applicant holds contract carrier authority in Permit No. MC 117507.

HEARING: February 19, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner James A. McKiel.

No. MC 111383 (Sub No. 7), filed March 16, 1959. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., 201 Raynolds Boulevard, El Paso, Tex. Applicant's attorney: M. Ward Bailey, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, (1) between Houston, Tex., and New Orleans, La.: from Houston over U.S. Highway 90, through Lake Charles, La., to Iowa, La., thence over U.S. Highway 165 to Kinder, La., thence over U.S. Highway 190 to McClure, La., thence over U.S. 71–190 to Baton Rouge, La., and thence over U.S. Highway 61–65 to New Orleans, and return over the same route, serving all intermediate points, and serving off-route points within 15 miles of New Orleans and Lake Charles, La., within 10 miles of Baton Rouge, La., and within five (5) miles of Beaumont and Orange, Texas; and (2) between Beaumont, Tex., and Kinder, La.: from Beaumont over Texas Highway 235 to the Texas-Louisiana State line, thence over Louisiana Highway 12 to Ragley, La., and thence over U.S. Highway 190 to Kinder, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with the above-described regular route (1); and (3) between Kinder, La., and Monroe, La.: from Kinder over U.S. Highway 165 to Monroe, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Texas, California, Arizona, and New Mexico.

HEARING: February 15, 1960, at the Federal Office Building, Franklin and Fannin Street, *Houston, Tex.*, and on *March 7, 1960*, at the Federal Office Building, 600 South Street, *New Orleans, La.*, before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner James I. Carr. Fifteen days of hearings are allowed at each of these points for the presentation of applicant's evidence. Upon the completion of applicant's case, a 30-day recess will be taken and thereafter hearings will be held, for the benefit of protestants, commencing at New Orleans and ending at Houston. Six weeks hearing time has been allowed for protestants, if necessary. The adjourned hearings for the benefit of protestants will be fixed by the hearing officer on the record after the completion of the taking of applicant's evidence at New Orleans.

No. MC 111737 (Sub No. 2), filed November 13, 1959. Applicant: C. F. WRIGHT, P.O. Box 1402, 916 South Washington, El Dorado, Ark. Applicant's attorney: Thomas Harper, Kelley Bldg., P.O. Box 297, Fort Smith, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, including hardwood flooring*, from points in Calhoun, Ouachita, Columbia, and Union Counties, Ark., to points in Illinois and Wisconsin, and (2) *wooden pallets*, from points in Union County, Ark., to points in Louisiana, Texas, Oklahoma, Missouri, and Illinois. Applicant is authorized to conduct operations in Arkansas, Illinois, Missouri, and Oklahoma.

HEARING: February 18, 1960, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Walter R. Lee.

No. MC 112148 (Sub No. 15), filed November 19, 1959. Applicant: JAMES H. POWERS, INC., Melbourne, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat by-products*, as described in *Appendix I(A) to the report in 61 M.C.C. 209, 272, and as amended*, from Storm Lake, Iowa to points in the Lower Peninsula of Michigan. Applicant is authorized to conduct operations in Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin.

HEARING: February 19, 1960, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Reece Harrison.

No. MC 113282 (Sub No. 2), filed December 1, 1959. Applicant: CEMENT DISTRIBUTORS, INC., 5200 E. Marginal Way, Seattle, Wash. Applicant's attorney: George H. Hart, Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* and *fertilizer ingredients*, from points in Washington to points in Washington, Oregon, Idaho, and Montana, and *rejected* or *contaminated shipments* of the commodities specified in this application on return. Applicant is authorized to conduct operations in Oregon and Washington.

HEARING: February 1, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 114211 (Sub No. 17), filed November 13, 1959. Applicant: DONALDSON TRANSFER COMPANY, a Corporation, 213 Witry Street, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Excavating, earth-moving, and contractors's equipment*, from Omaha, Nebr., and Fort Dodge, Iowa, to all points in the United States except Alaska and Hawaii. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states it proposes to transport other authorized and exempt commodities and *rejected shipments*, on return.

HEARING: February 15, 1960, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Reece Harrison.

No. MC 114569 (Sub No. 26), filed December 14, 1959. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Confectionery, and related chocolate products*, from points in Derry Township, Dauphin County, Pa., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Louisiana, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. Applicant is authorized to conduct operations throughout the United States, except California, Oregon, Washington, Montana, Utah, Idaho, and Nevada.

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 common or contract carrier in No. MC 55813 (Sub No. 5).

HEARING: February 17, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 114608 (Sub No. 3), filed December 14, 1959. Applicant: FURNITURE CAPITAL TRUCK LINES, INC., 1621 Century Avenue, SW., Grand Rapids, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and parts, materials and supplies*, used in the manufacture of electric ranges, between Grand Rapids, Mich., and Delaware, Ohio, and *refused, rejected or damaged shipments*, of the above-specified commodities, on return. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Ohio.

NOTE: Applicant states that the proposed operations will be limited to a transportation service to be performed under a continuing contract with Kelvinator Division of American Motors Corp.

HEARING: February 2, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 9.

No. MC 115162 (Sub No. 58), filed December 31, 1959. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 2284 West Fairview Avenue., Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards*, building, wall and insulating, such as fibreboard, pulpboard, or strawboard or fibreboard, pulpboard or strawboard and wood combined, and *parts, materials* and *accessories* incidental thereto, from Meridian, Miss., to points in the United States on and east of U.S. Highway 85. Applicant is authorized to conduct operations throughout the United States.

HEARING: February 8, 1960, in Room 852 U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Maurice S. Bush.

No. MC 116483 (Sub No. 3), filed December 7, 1959. Applicant: ED JOHNSON, 3101 10th Street, 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 irregular routes, transporting: *Lumber, logs, posts*, and *poles* (expressly excluding plywood, dimension stock and built up wood) from points in Menominee, Dickinson, Luce, Marquette, Alger, Keweenaw, Delta, Schoolcraft, Chippewa, and Mackinac Counties, Mich., to points in Wisconsin. Applicant is authorized to conduct operations in Michigan and Wisconsin.

HEARING: February 1, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 95.

No. MC 116646 (Sub No. 1), filed November 23, 1959. Applicant: JOHN FONTANA, 100 Florida Street, Laurium, Mich. Applicant's attorney: Michael D. O'Hara, Spies Building, Menominee, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (excluding plywood dimensions stock, built-up and veneer stock), from Seneca Mine site, at or near Mohawk, Keweenaw County, Mich., to Marinette, Oconto, New London, Two Rivers, Goodman, and Milwaukee, Wis., and *empty containers or other such incidental facilities* used in transporting the above-described commodity, on return.

HEARING: February 1, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 95.

No. MC 116763 (Sub No. 8), filed November 27, 1959. Applicant: CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, Fla. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned, prepared, or preserved foodstuffs*, from points in Maine, Massachusetts, Connecticut, Rhode Island, and Manchester, N.H., to points in Illinois, Indiana, Iowa, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin. (2) *Containers, boxes, hampers, baskets*, and *other related materials*, from Macon and Gainesville, Ga., and Jacksonville, Fla., to points in Alabama, Georgia, and Florida, and *empty pallets* on return.

NOTE: Applicant holds contract carrier authority in Permit No. MC 109761 and Sub numbers thereunder. Section 210, dual operations may be involved. 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.

HEARING: February 15, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner James A. McKiel.

No. MC 117344 (Sub No. 25), filed December 4, 1959. Applicant: THE MAXWELL CO., a Corporation, 2200 Glendale-Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Glues, paints, plastic, resins, styrene, varnishes, liquid chemicals, surface coating compounds* and *thinning, reducing and removing compounds*, in bulk, from Cincinnati, Ohio, to points in Minnesota, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

NOTE: A proceeding has been instituted under section 212(c), of the Interstate Commerce Act to determine whether applicant's status is that of contract or common carrier in No. MC 50404 Sub No. 55. Dual operations may be involved.

HEARING: February 17, 1960, at the New Post Office Building, Columbus, Ohio, before Examiner Allen W. Hagerty.

No. MC 117344 (Sub No. 28), filed December 9, 1959. Applicant: THE MAXWELL CO., a corporation, 2200 Glendale-Milford Road, P.O. Box 37, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint, varnishes and surface coatings*, in bulk, from Cincinnati, Ohio, to points in Virginia, 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, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant has pending contract carrier authority under Permit No. MC 50404 and subs thereunder. A proceeding has been instituted under section 212(c) in No. MC 50404 (Sub No. 55) to determine whether applicant's status is that of a common or contract carrier. Section 210, dual authority, may be involved.

HEARING: February 17, 1960, at the New Post Office Building, Columbus, Ohio, before Examiner Allen W. Hagerty.

No. MC 117635 (Sub No. 1), filed November 2, 1959. Applicant: DWAIN M. WOLTER, doing business as WOLTER'S TRUCK SERVICE, Luana, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, (a) from Prairie du Chien, Wis., to points in that part of Iowa bounded by a line beginning at the Mississippi River at Dubuque, Iowa, and extending along U.S. Highway 20 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Minnesota State line, thence along said State line to the Mississippi River, and thence along the Mississippi River to point of beginning, including points on the indicated portions of the highways specified, but excluding points in Allamakee and Clayton Counties, Iowa; and (b) from Prairie du Chien, Wis., to points in that part of Minnesota bounded by a line beginning at the Mississippi River at Red Wing, Minn., and extending along U.S. Highway 61 to junction Minnesota Highway 19, thence along Minnesota Highway 19 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Minnesota-Iowa State line, thence along said State line to the Mississippi River, and thence along the Mississippi River to point of beginning, including points on the indicated portions of the highways specified; (2) *baler twine*, from Milwaukee, Wis., to points in that part of Iowa bounded by a line beginning at the Mississippi River and extending along U.S. Highway 20 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Minnesota State line, thence along said State line to the Mississippi River, and thence along the Mississippi River to point of beginning, including points on the indicated portions of the highways specified, but excluding Postville, Iowa; and (3) *malt beverages*, from Omaha, Nebr., to points in Clayton, Delaware and Dubuque Counties, Iowa, and *empty malt beverage containers*, from points in the named Iowa Counties, to Omaha. Applicant is authorized to transport fertilizer from Prairie du Chien, Wis, to points in Allamakee and Clayton Counties, Iowa, and baler twine from Milwaukee, Wis., to Postville (Allamakee County), Iowa.

HEARING: February 19, 1960, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Reece Harrison.

No. MC 119294, filed November 30, 1959. Applicant: JOSEPH REIS, JR., Crandall Road, Adamsville, Little Compton, R.I. Applicant's attorney: Harvey S. Reynolds, 832 Industrial Bank Building, Providence, R.I. Authority sought to operate as a *contract carrier*, by motor vehicle, over a regular route, transporting: *Used automobiles*, from New York, N.Y., to New Bedford, Mass., from New York over U.S. Highway 1 to New London, Conn., thence over Interstate Highway 95 to junction Rhode Island Highway 3, in Hopkinton, R.I., thence over Rhode Island Highway 3 to Providence, R.I., thence over U.S. Highway 6 to New Bedford, serving the intermediate points of Providence, R.I., and Fall River, Mass., and the off-route point of Tiverton, R.I.

HEARING: February 25, 1960, in Room 308, Main Post Office Building, Providence, R.I., before Examiner James A. McKiel.

No. MC 119317 (Sub No. 1), filed November 27, 1959. Applicant: GROSS AND SONS TRANSPORT COMPANY, a Corporation, 1706 Arlington Street, Independence, Mo. Applicant's attorney: Wentworth E. Griffin, 1010–12 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, sherbet, ice milk*, and *frozen confections*, pursuant to a continuing contract with National Dairy Products Corporation (Sealtest Foods Division), from Omaha, Nebr., to Carroll, Iowa, Topeka, Sabetha, Belleville, Hays, and Wichita, Kans., Kansas City, Columbia, and Joplin, Mo., and Denver, Colo., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, and *rejected, outdated, or damaged merchandise*, on return movements.

HEARING: February 26, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Reece Harrison.

No. MC 119354, filed December 9, 1959. Applicant: GEORGE L. SILVIA, doing business as SILVIA'S SERVICE STATION, 232 West Main Street, Middletown, R.I. Applicant's representative: Russell B. Curnett, 49 Weybosset Street, Providence, R.I. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles*, by the truckaway method, and *repossessed motor vehicles*, by the truckaway and driveaway methods, between points in Rhode Island and points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

HEARING: February 25, 1960, in Room 308, Main Post Office Building, Providence, R.I., before Examiner James A. McKiel.

No. MC 119360, filed December 8, 1959. Applicant: A–1 AUTO WORKS, INC., 3715 South Broadway, Los Angeles 7, Calif. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wrecked trucks* or *automobiles*, from points in Arizona to Los Angeles, Calif.

HEARING: March 3, 1960, at the Federal Building, Los Angeles, Calif., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 119363, filed December 14, 1959. Applicant: RAYMOND J. LAMBERT, doing business as RAY TRUCKING, 775 Mandon Road, Cumberland, R.I., P.O. ADDRESS: R.D. No. 3, Cumberland, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous concrete, wrecked building rubble, cement, sand, gravel, soil and excavated materials, crushed stone*, and such other *materials* used in road-building and highway maintenance as are transported in dump trucks and can be unloaded by dumping, between points in Rhode Island, on the one hand, and, on the other, points in Connecticut on and east of Connecticut Highway 32, and those in that part of Massachusetts bounded by a line beginning at New Bedford, Mass., and extending in a northerly direction along Massachusetts Highway 140 to junction Massachusetts Highway 18, thence along Massachusetts Highway 18 to junction Massachusetts Highway 128 near South Weymouth, Mass., thence along Massachusetts Highway 128 to junction Massachusetts Highway 9 near Needham, Mass., thence along Massachusetts Highway 9 to junction U.S. Highway 20 near Westboro, Mass., thence along U.S. Highway 20 to junction Massachusetts Highway 15 at or near Sturbridge, Mass., thence along Massachusetts Highway 15 to the Massachusetts-Connecticut State line, including points on the indicated portions of the highways specified.

HEARING: February 24, 1960, in Room 308, Main Post Office Building, Providence, R.I., before Joint Board No. 134, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

MOTOR CARRIERS OF PASSENGERS

No. MC 2880 (Sub No. 16), filed November 12, 1959. Applicant: SOMERSET BUS CO., INC., Route 22, Mountainside, N.J. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special all expense round-trip sightseeing and pleasure tours, beginning and ending at Morristown and Summit, N.J., and extending to (1) points in Florida, (2) Lake George, Lake Champlain, N.Y., points on the International Boundary between the United States and Canada in New York, and Niagara Falls, N.Y., (3) Newark and Niagara Falls, N.Y., (4) Portland Maine, Crawford Notch, Old Man of the Mountain, and Flume, N.H., and White River Junction, Vt., (5) Williamsburg and Jamestown, Va., (6) Gettysburg, Pa., (7) Hartford, Conn., Boston and Cape Cod, Mass., and Newport, R.I., (8) Washington, D.C., and Mt. Vernon, Va., (9) Philadelphia, Pa., (10) Hershey, Pa., (11) Shartlesville, Pa., (12) Kennett Square, Pa., (13) Valley Forge, Pa., and (14) Crystal Cave, Pa. Applicant is authorized to conduct operations in New Jersey, New York, Maryland, Pennsylvania, and the District of Columbia.

HEARING: February 25, 1960, at the U.S. Court Rooms, Newark, N.J., before Examiner Dallas B. Russell.

No. MC 3647 (Sub No. 254), filed March 13, 1959. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, General Counsel, Law Department, Public Service Coordinated Transport (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip special operations, (1) Beginning and ending at Jersey City, Newark, Elizabeth, Perth Amboy, New Brunswick and Camden, N.J., and Philadelphia, Pa., and extending to Churchill Downs Race Track, Louisville, Ky. (2) Beginning and ending at Jersey City, Newark, Elizabeth, Perth Amboy, New Brunswick and Camden, N.J., and Philadelphia, Pa., and extending to Indianapolis Speedway, Indianapolis, Ind. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

HEARING: February 25, 1960, at the U.S. Court Rooms, Newark, N.J., before Examiner Dallas B. Russell.

No. MC 3647 (Sub No. 270), filed November 3, 1959. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a New Jersey Corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing or pleasure tours, beginning and ending at Morristown, Dover, Boonton and Summit, N.J., and extending to (1) points in Florida; (2) Lake George, Lake Champlain, N.Y., and the port of entry on the International Boundary Line between the United States and Canada at or near Niagara Falls, N.Y.; (3) Newark and Niagara Falls, N.Y.; (4) Portland, Maine, Crawford, Notch, Old Man of the Mountain, and Flume, N.H., and White River Junction, Vt.; (5) Williamsburg and Jamestown, Va.; (6) Gettysburg, Pa.; (7) Hartford, Conn., Boston and Cape Cod, Mass., and Newport, R.I.; (8) Washington, D.C., and Mt. Vernon, Va.; (9) Philadelphia, Pa.; (10) Hershey, Pa.; (11) Shartlesville, Pa.; (12) Kennett Square, Pa.; (13) Valley Forge, Pa.; (14) Crystal Cave, Pa. Applicant is authorized to conduct operations in New Jersey, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

HEARING: February 25, 1960, at the U.S. Court Rooms, Newark, N.J., before Examiner Dallas B. Russell.

No. MC 84728 (Sub No. 31), filed December 11, 1959. Applicant: SAFEWAY TRAILS, INC., 1200 I Street NW., Washington, D.C. Applicant's attorney: William A. Roberts, Continental Building, Fourteenth at K Northwest, Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage, express* and *mail*, in the same vehicle with passengers, between Newark, N.J., and New York, N.Y., from Newark over presently certificated routes to Interchange 16 (Lincoln Tunnel Approach) on New Jersey Turnpike, thence to Interchange 18 at New Jersey Highway 46, thence over New Jersey Highway 46 and the George Washington Bridge and its approaches to the Port Authority uptown bus terminal, at 179th Street and George Washington Bridge Plaza, and return over the same route, serving no intermediate points. Applicant states no turn around local bus service will be operated over this route.

HEARING: March 4, 1960, at 346 Broadway, New York, N.Y., before Joint Board No. 3, or, if the Joint Board waives its right to participate, before Examiner Dallas B. Russell.

No. MC 84728 (Sub No. 32), filed December 11, 1959. Applicant: SAFEWAY TRAILS, INC., 1200 Eye Street NW., Washington, D.C. Applicant's attorney: William A. Roberts, Continental Building, 14th at K Northwest, Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, mail* and *express*, in the same vehicle with passengers, (1) between Intersection of Washington Circumferential Highway and George Washington Parkway in Alexandria, Va., and Intersection of Washington Circumferential Highway and U.S. Highway 29 at or near Four Corners, Md., from intersection of Washington Circumferential Highway and George Washington Parkway in Alexandria, over said Cir-

cumferential Highway to the Virginia-District of Columbia State line, thence to District of Columbia-Maryland State line, thence to intersection of Circumferential Highway and U.S. Highway 29 at or near Four Corners, Md., and return over the same route, serving no intermediate points. (2) Between Intersection of Washington Circumferential Highway and George Washington Parkway in Alexandria, Va., and Trailways Terminal, 12th and I Streets NW., Washington, D.C., from intersection of Washington Circumferential Highway and George Washington Parkway in Alexandria, Va., over said Circumferential Highway to the Virginia-District of Columbia State line, thence to the District of Columbia-Maryland State line, thence to intersection South Capitol Street Freeway extended, thence over said South Capitol Street Freeway to the District of Columbia-Maryland State line, thence over city streets to Trailways Terminal, 12th and I Streets NW., Washington, D.C. Applicant is authorized to conduct operations in Delaware, Maryland, Pennsylvania, New Jersey, New York, and the District of Columbia.

HEARING: February 19, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

No. MC 93059 (Sub No. 2), filed November 16, 1959. Applicant: C. ELMER ROSE, doing business as ROSE'S BUS SERVICE, Mansion Road, Wallingford, Conn. Applicant's attorney: Paul J. Goldstein, 109 Church Street, New Haven, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, restricted to traffic originating at the points indicated, beginning and ending at Cheshire, Durham, East Haven, Hamden, Middlefield, Middletown, Meriden, New Haven, North Haven, North Branford, Portland, Prospect, Southington, Wallingford, and Waterbury, Conn., and extending to points in New York, Massachusetts, New Jersey, Pennsylvania, and Rhode Island. Applicant is authorized to conduct operations in Connecticut, New York, Massachusetts, New Jersey, Pennsylvania, and Rhode Island.

HEARING: March 3, 1960, at 346 Broadway, New York, N.Y., before Examiner Dallas B. Russell.

No. MC 109312 (Sub No. 31), filed November 12, 1959. Applicant: DE CAMP BUS LINES, a corporation, 30 Allwood Road, Clifton, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special all-expense round-trip, sightseeing and pleasure tours, beginning and ending at Morristown, Dover, Boonton, and Summit, N.J., and extending to (1) points in Florida, (2) Lake George, Lake Champlain, N.Y., points on the International Boundary between the United States and Canada, in New York, and Niagara Falls, N.Y., (3) Newark and Niagara Falls, N.Y., (4) Portland, Maine, Crawford Notch, Old Man of the Mountain, and Flume, N.H., and White River Junction, Vt., (5) Williamsburg and Jamestown, Va., (6) Gettysburg, Pa., (7) Hartford, Conn., Boston and Cape Cod, Mass., and Newport, R.I., (8) Washington, D.C., and Mt. Vernon, Va., (9) Philadelphia, Pa., (10) Hershey, Pa., (11) Shartlesville, Pa., (12) Kennett Square, Pa., (13) Valley Forge, Pa., and (14) Crystal Cave, Pa. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: February 25, 1960, at the U.S. Court Rooms, Newark, N.J., before Examiner Dallas B. Russell.

No. MC 115676 (Sub No. 3), filed October 28, 1959. Applicant: EUGENE R. CONWAY, doing business as CONWAY'S BUS SERVICE, Cumberland Hill, Manville, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, beginning and ending at Woonsocket, R.I., and points in Massachusetts and Rhode Island within ten (10) miles of Woonsocket, and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. Applicant is authorized to conduct operations in Massachusetts and Rhode Island.

HEARING: February 24, 1960, in Room 308, Main Post Office Building, Providence, R.I., before Examiner James A. McKiel.

Applications in Which Handling Without Oral Hearing Is Requested

Motor Carriers of Property

No. MC 607 (Sub No. 2), filed December 7, 1959. Applicant: FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD COMPANY, a corporation, 111 West Fulton Street, Gloversville, N.Y. Applicant's attorney: Lydon F. Maider, 7 South Main Street, Gloversville, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between Fonda, N.Y., and Broadalbin, N.Y., from Fonda over New York Highway 148 to junction New York Highway 29A, thence over New York Highway 29A to junction New York Highway 29, thence over New York Highway 29 to Broadalbin, and return over the same route, serving the intermediate points of Johnstown and Gloversville, N.Y.; and (2) Between Gloversville, N.Y., and Broadalbin, N.Y., from Gloversville over New York Highway 29A to junction Fulton County Highway 127, thence over Fulton County Highway 127 to junction New York Highway 29, thence over New York Highway 29 to Broadalbin, and return over the same route, serving no intermediate points, but serving the off-route point of Mayfield, N.Y. Applicant is authorized to conduct operations in New York.

NOTE: Applicant conducts operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act. Duplication with present authority to be eliminated. Applicant indicates it proposes to operate over New York Highway 30 in order to serve the off-route point of Mayfield, N.Y. in (2) above. Applicant states that the above-requested authority are points on its rail line.

No. MC 730 (Sub No. 167), filed December 28, 1959. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between junction U.S. Highway 40 and California Legislative Highway 90, near Vacaville, Calif., and junction U.S. Highway 99W and California Legislative Highway 90, over California Legislative Highway 90, serving no intermediate points, but serving the termini for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Common control may be involved.

No. MC 1651 (Sub No. 24), filed December 31, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, OF CALIFORNIA, 635 Folsom Street, San Francisco, Calif. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *Classes A and B explosives*, moving in express service, between Sacramento, Calif., and Suisun City, Calif., from Sacramento over U.S. Highway 40 to junction California Highway 12, thence over California Highway 12 to Suisun City, and return over the same route, serving the Travis Air Force Base, located at or near Suisun City. RESTRICTION: 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 in California and Nevada.

NOTE: Applicant states that interchange with rail and air express service will be made at Sacramento, Calif.

No. MC 31799 (Sub No. 1), filed December 30, 1959. Applicant: WILLIAM G. HELLMAN & ALFRED H. HELLMAN, doing business as HELLMAN TRUCKING COMPANY, Pilot Grove, Iowa. Applicant's representative: Kenneth F. Dudley, 106 North Court Street, P.O. Box

557, Ottumwa, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock and animal feed* and *animal specialty feed*, from Peoria, Ill., to points in Davis, Des Moines, Henry, Jefferson, Lee, Louisa, Van Buren, and Wapello Counties, Iowa. Applicant is authorized to conduct operations in Illinois, Iowa, and Missouri.

No. MC 61616 (Sub No. 65), filed December 28, 1959. Applicant: MIDWEST BUSLINES, INC., 1800 Lincoln Avenue, Little Rock, Ark. Applicant's attorney: R. Ben Allen, Boyle Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, between Benton, Ark., and Hot Springs, Ark., from Benton over U.S. Highway 67 to junction Arkansas Highway 88 (soon to be relocated U.S. Highway 70), thence over Arkansas Highway 88 (soon to be relocated U. S. Highway 70), to Hot Springs, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Tennessee, and Texas.

No. MC 66562 (Sub No. 1607), filed December 24, 1959. Applicant: RAILWAY EXPRESS AGENCY INCORPORATED, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, limited to shipments having immediately prior or an immediately subsequent movement by air or rail, between Chippewa Falls, Wis., and Eau Claire, Wis.: from Chippewa Falls south and west over U.S. Highway 53, to Eau Claire, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1609), filed January 5, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Flatwoods, W. Va., and Heaters, W. Va., from Flatwoods, over U.S. Highway 19 to Heaters, W. Va., and return over the same route serving no intermediate or off-route points. RESTRICTIONS: 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 89684 (Sub No. 27), filed December 24, 1959. Applicant: WYCOFF COMPANY, INCORPORATED, 346 West Sixth South, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, Continental Bank Building, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Films* and *articles* associated with the exhibition of motion pictures, as described in Paragraphs A and B of the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 766, 769, between Evanston, Wyo., and Kemmerer, Wyo.; from Evanston over Wyoming Highway 89 to the Utah-Wyoming State line, thence over Utah Highway 3 to junction Utah Highway 51, thence over Utah Highway 51 to the Utah-Wyoming State line, thence over Wyoming Highway 89 to junction U.S. Highway 30–N, near Sage, Wyo., and thence over U.S. Highway 30–N to Kemmerer, with alternate routes for convenience of travel only, as follows, (a) from Evanston over U.S. Highway 30 to junction U.S. Highway 189, and thence over U.S. Highway 189 to Kemmerer, and (b) between Kemmerer and junction with applicant's authorized service route (U.S. Highway 30), just west of Little America, Wyo., via U.S. Highway 30–N, and return over the said routes, serving all intermediate points. Applicant is authorized to conduct operations in Idaho, Montana, Utah, Wyoming, and Oregon.

No. MC 105095 (Sub No. 3), filed December 16, 1959. Applicant: HOMER SNIDER, Hamilton, Mo. Applicant's representative: Henry B. Vess, Jr., Western Traffic Services, Inc., 216 East 10th Street, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, and *livestock* (other than ordinary), between Kansas City, Kans., and St. Joseph, Mo., and Hamilton, Mo., as follows: (a) from Kansas City, Kans., over city streets to Kansas City, Mo., thence over U.S. Highway 69 to junction U.S. Highway 36, and thence over U.S. Highway 36 to Hamilton, (b) from Kansas City, Mo. over U.S. Highway 69 to junction Missouri Highway 116, thence over Missouri Highway 116 to Polo, Mo., and thence over Missouri Highway 13 to Hamilton, (c) from Polo over Missouri Highway 13 to Knoxville, Mo., and (d) from St. Joseph, Mo., over U.S. Highway 36 to Hamilton, and return over these routes, serving the intermediate points of Knoxville and Polo, Mo., and off-route points within ten (10) miles of Hamilton, Mo. Applicant is authorized to conduct operations from and to specified points in Missouri and Kansas.

No. MC 110525 (Sub No. 407), filed December 22, 1959. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid* and *phosphatic fertilizer solutions*, in bulk, in tank vehicles, between Fernald, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Minnesota, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, California, 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, Wyoming, and the District of Columbia. Applicant has contract carrier authority under MC 117507 Subs 5, 6, 7, 8, and 9. Dual authority under section 210 may be involved.

No. MC 113779 (Sub No. 109), filed December 28, 1959. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 La Porte Expressway, P.O. Box 12385, Houston 17, Tex. Applicant's attorney: Dale Woodall (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from points in Texas to points in Massachusetts. 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, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

No. MC 115841 (Sub No. 67), filed December 31, 1959. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Bedford County, Va., east of the Otter River, but not including Lynchburg, Va., to Charlotte, N.C., and points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina, Tennessee, and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

No. MC 116133 (Sub No. 1), filed December 14, 1959. Applicant: POLLARD DELIVERY SERVICE, INC., Washington National Airport, Washington 1, D.C. Authority sought to operate as a *com-*

mon carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Baltimore, Md., and Dulles International Airport, Chantilly, Fairfax-Loudoun Counties, Va., and (2) between Washington, D.C., and Friendship International Airport in Anne Arundel County, Md.

NOTE: Applicant states that the above transportation will be restricted to traffic having a prior or subsequent movement by air.

MOTOR CARRIER OF PASSENGERS

No. MC 1501 (Sub No. 178), filed December 24, 1959. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Barrett Elkins, Eastern Greyhound Lines (Division of The Greyhound Corp.), 2600 Hamilton Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting: *Passengers and their baggage*, and *express, newspapers* and *mail* in the same vehicle with passengers, in seasonal operations between, on or about June 15, to, and on or about September 15, of each year, between Augusta, Maine, and Hampden, Maine: from Augusta over U.S. Highway 202 (Maine Route 9) to its junction with U.S. Alternate Route 1, at or near Hampden, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states the proposed route is in effect an alternate route between Bangor and Augusta, to be used for operating convenience throughout the year; and that in addition, applicant proposes to operate regularly scheduled service, serving all intermediate points, seasonally as above set forth.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 56853 (Sub No. 5), filed December 10, 1959. Applicant: K. & H. FREIGHT LINES, INC., 2331 South Lawton, Tulsa, Okla. Applicant's attorneys: W. T. Brunson and Charles D. Dudley, 508 Leonhardt Building, Oklahoma City 5, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities, in bulk, and those requiring special equipment, (1) Between Perry, Okla., and Tulsa, Okla., over U.S. Highway 64, serving all intermediate points including Morrison, Lela, Pawnee, Cleveland, Sand Springs, and Keystone, Okla., and the intermediate or off-route point of Bowden, Okla. (2) Between Tulsa, Okla., and Keystone Dam Site, Okla., from Tulsa over U.S. Highway 66 to junction Oklahoma Highway 33 southwest of Sapulpa, Okla., thence west over Oklahoma Highway 33 to junction Oklahoma Highway 40 at Perkins, Okla., thence north over Oklahoma Highway 40 to Stillwater, Okla., thence east over Oklahoma Highway 51 to Keystone Dam Site, and return over the same route, serving all intermediate points including Sapulpa, Drumright, Cushing, Perkins, Stillwater, Silver City, Yale, Oilton, and Mannford, Okla., the intermediate or off-route point of Bowden, Okla., and the off-route points of Carney and Wellston, Okla. (3) Between Pawnee, Okla., and Fairfax, Okla., over Oklahoma Highway 18, serving all intermediate points, including Ralston, Okla. (4) Between Hominy, Okla., and Fairfax, Okla., from Hominy over Oklahoma Highway 20 to junction Oklahoma Highway 18, thence over Oklahoma Highway 18 to Fairfax, and return over the same route, serving all intermediate points including Ralston, Okla. ALTERNATE ROUTES, for operating convenience only, serving no intermediate points, in connection with proposed routes (1) and (2) above: (5) Between Cushing, Okla., and junction Oklahoma Highway 18 and 64 south of Pawnee, Okla., over Oklahoma Highway 18. (6) Between Stillwater, Okla., and junction U.S. Highway 40 and Oklahoma Highway 64 west of Morrison, Okla., over U.S. Highway 40. Applicant is authorized to conduct operations in Oklahoma.

NOTE: This application is directly related to MC–F 7398.

No. MC 98980 (Sub No. 2), filed January 4, 1960. Applicant: S & S TRANSPORTATION, INC., P.O. Box 157, Wolcott, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (a) between points in Erie County, N.Y., and points in Wayne County, N.Y., (b) from New York, N.Y., to points in Cortland, Erie, Monroe, and Wayne Counties, N.Y., and (c) from points in Monroe, Orleans, and Wayne Counties, N.Y., to New York, N.Y.; and *refrigerated products*, between points in New York.

NOTE: Applicant is authorized to conduct operations under the Second Proviso of section 206(a)(1) in No. MC 98980. The instant application is directly related to proceeding in No. MC–F–7414.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–7409. Authority sought for control by LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla., of SUMMIT FAST FREIGHT, INC., 1142 Newton Street, Akron 9, Ohio, and for acquisition by R. W. LEE, also of Oklahoma City, of control of SUMMIT FAST FREIGHT, INC., through the acquisition by LEE WAY MOTOR FREIGHT, INC. Applicants' attorneys: Sidney P. Upsher, 3000 West Reno, Oklahoma City, Okla., Roland Rice, Rice, Carpenter and Carraway, 616 Perpetual Building, Washington, D.C., and Dwight Parsons, Buckingham, Doolittle and Burroughs, Second National Building, Akron 8, Ohio. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Fort Wayne, Ind., and Chicago, Ill., between Cleveland, Ohio, and Mansfield, Ohio, between Lima, Ohio, and St. Louis, Mo., between Youngstown, Ohio, and Lodi, Ohio, between Warren, Ohio, and junction Ohio Highway 45 and Ohio Highway 18, between Akron, Ohio, and Massillon, Ohio, between Beaverdam, Ohio, and Lima, Ohio, and between Wooster, Ohio, and Warren, Ohio, serving all intermediate points; between junction Indiana Highway 152 and U.S. Highway 6 and Cleveland, Ohio, and between junction Indiana Highway 152 and U.S. Highway 6 and Akron, Ohio, serving no intermediate points; between Chicago, Ill., and Pittsburgh, Pa., and between Cleveland, Ohio, and Canton, Ohio, serving all intermediate and certain off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, from points in the CHICAGO, ILL., COMMERCIAL ZONE, as defined by the Commission, to points in Ohio and certain points in West Virginia, Pennsylvania and New York, from North Canton, Massillon, and Youngstown, Ohio, to certain points in West Virginia and Pennsylvania, from Canton, Ohio, to certain points in West Virginia and Pennsylvania, from certain points in Pennsylvania, Ohio, and Indiana to points in Lake County, Ind., and Cook, Du Page, Kane, and Will Counties, Ill., between points in the CHICAGO, ILL., COMMERCIAL ZONE, as defined by the Commission, from certain points in Illinois to points in Alleghany County, Pa., between certain points in Ohio, on the one hand, and, on the other, certain points in Ohio, between points in the ST. LOUIS, MO., COMMERCIAL ZONE, as defined by the Commission, between Canton, Ohio, on the one hand, and, on the other, certain points in Ohio, Pennsylvania, and West Virginia, between St. Louis, Mo., on the one hand, and, on the other, certain points in Illinois, between points in St. Louis County, Mo., other than Valley Park, Mo., on the one hand, and, on the other, certain points in Illinois and St. Louis, Mo., and between junction U.S. Highway 40 and Illinois Highway 111 (Fairmont City, Ill.), on the one hand, and, on the other, certain points in Illinois. LEE WAY MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Texas, Kansas, Oklahoma, Illinois, Missouri, and New Mexico. Application has been filed for temporary authority under section 210a(b).

No. MC–F–7412. Authority sought for purchase by CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City, Utah, of a portion of the operating rights of FRED S. HAYLETT, doing business as HAYLETT TRUCK LINES, Jordan Valley, Oreg., and for acquisition by BOYCE R. CLARK, also of Salt Lake

City, of control of such rights through the purchase. Applicants' attorneys: Edward M. Berol and Bertram S. Silver, 100 Bush Street, San Francisco 4, Calif. Operating rights sought to be transferred: *Cement,* as a *common carrier* over irregular routes, between Lime, Oregon, on the one hand, and, on the other, points in Malheur County, Oregon, and Owyhee, Canyon, and Ada Counties, Idaho. Vendee is authorized to operate as a *common carrier* in Arizona, California, Idaho, Colorado, Montana, Nevada, New Mexico, Oregon, Utah, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7413. Authority sought for purchase by BUCKINGHAM FREIGHT LINES, 900 East Omaha, Rapid City, S. Dak., of a portion of the operating rights of RISS & COMPANY, INC., Ninth and Burlington, North Kansas City, Mo., and for acquisition by EARL F. BUCKINGHAM and HAROLD D. BUCKINGHAM, both of Rapid City, of control of such rights through the purchase. Applicants' attorneys, and representative, respectively: Jones & Meiklejohn, 526 Denham Building, Denver 2, Colo., and Ivan Moody, Riss & Company, Inc., Ninth and Burlington, North Kansas City, Mo. Operating rights sought to be transferred: *General commodities,* except livestock, and Class A and B explosives, as a *common carrier* over regular routes, between Kansas City, Mo., and Denver, Colo., between Salina, Kans., and Durant, Okla., between Hutchinson, Kans., and junction Kansas Highway 17 and U.S. Highway 81, between Dodge City, Kans., and Ardmore, Okla., between South Haven, Kans., and junction U.S. Highways 177 and 77, between Kansas City, Mo., and Commerce, Okla., between Pittsburg, Kans., and Parsons, Kans., between Ottawa, Kans., and Denison, Tex., between Oklahoma City, Okla., and Atoka, Okla., between Oklahoma City, Okla., and junction Kansas Highway 26, and U.S. Highway 66, and between junction U.S. Highway 85 and Colorado Highway 398, and junction U.S. Highway 85 and Colorado Highway 105, serving certain intermediate and off-route points; several alternate routes for operating convenience only; *general commodities,* excepting, among others, household goods and commodities in bulk, between Catoosa, Okla., and Tulsa, Okla., between Dallas, Tex., and Denison, Tex., between Dallas, Tex., and Fort Worth, Tex., and between Osage City, Kans., and Topeka, Kans.; serving certain intermediate and off-route points; several alternate routes for operating convenience only; *general commodities,* except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, between Augusta, Kans., and Iola, Kans., and between Sapulpa, Okla., and junction U.S. Highways 75 and 270, about nine miles north of Calvin, Okla., serving no intermediate points; *general commodities,* including *household goods* as defined by the Commission, *commodities in bulk,* and *those requiring special equipment,* but excluding livestock and Class A and B explosives, between Oklahoma City, Okla., and Denver, Colo., with no service at intermediate points and the termini, except as otherwise authorized; *general commodities,* except livestock, Class A and B explosives, and petroleum products, in bulk, in tank vehicles, serving the site of the United States Atomic Energy Plant, at or near Marshall, Colo., as an off-route point in connection with regular route operations to and from Denver, Colo.; *salt,* from Pueblo, Colo., to Canon City, Colo., serving no intermediate points; *petroleum products,* in containers, in truckload lots only, from Okmulgee, Okla., to Denver, Colo., serving the intermediate points of Greensburg, Ford, and Dodge City, Kans., and Pueblo and Lamar, Colo., for delivery only; and from Okmulgee, Okla., to Colby, Kans., serving the intermediate point of Great Bend, Kans., for delivery only; *petroleum products,* other than in tank trucks, from Eldorado, Kans., to Pueblo, Colo., and from Wichita, Kans., to Pritchett, Colo, serving certain intermediate and off-route points restricted to delivery only; *paper boxes,* in truckload lots only, from Sand Springs, Okla., to Denver, Colo., serving no intermediate points; *canned goods,* from Brighton, Colo., to Tulsa, Okla., serving the intermediate point of Wichita, Kans., and the off-route points of Muskogee and Bristow, Okla., for delivery only; *general commodities,* except those of unusual value, livestock Class A and B explosives, commodities in bulk, and commodities exceeding ordinary equipment and loading facilities, over irregular routes, between Denison, Tex., and Colbert, Okla., on the one hand, and, on the other, the Denison Dam Site in Texas and Oklahoma, and Cartwright, Okla.; *general commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and those requiring special equipment, between Denison, Tex., and Colbert, Okla., on the one hand, and, on the other, Cartwright, Okla., and the Denison Dam Site in Texas and Oklahoma; *dried beans,* in bags, from points in Colorado, to Wichita, Arkansas City, and Anthony, Kans., and certain points in Oklahoma. Vendee is authorized to operate as a *common carrier* in Minnesota, South Dakota, Nebraska, Iowa, Wyoming, Colorado, North Dakota, Montana, Illinois, Wisconsin, Utah, California, Nevada, Missouri, Washington, Idaho, and Oregon. Application has been filed for temporary authority under section 210a(b).

No. MC–F–7414. Authority sought for control by EUGENE W. ADAMS and HELEN V. ADAMS, 600 Cayuga Creek Road, Cheektowaga 25, N.Y., of S. & S. TRANSPORTATION, INC., Box 157, Wolcott, N.Y. Applicant's attorneys: Norman M. Pinsky, 407 South Warren Street, Syracuse, N.Y., and Robert J. Ast, 1300 Marine Trust Building, Buffalo 2, N.Y. Operating rights sought to be controlled: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, which authorizes transportation of general and specified commodities as a common carrier within the State of New York. These operating rights are more specifically described in Docket No. MC–98980. Confirmed operating rights covered by an application seeking Interim operating authority under section 7(c) of the Transportation Act of 1958, viz, *frozen fruits, berries,* vegetables and bananas, as a *common carrier* over irregular routes, from Chautauqua, Cortland, Cayuga, Erie, Fulton, Chemung, Genesee, Monroe, Onondaga, Orleans, Oswego, Steuben, Wayne, and New York City area Counties in New York State and Northern and Central New Jersey areas, to New York City and Northern New Jersey areas and Cayuga, Chemung, Cortland, Erie, Fulton, Genesee, Monroe, Onondaga, Ontario, Orleans, Oswego, Steuben, and Wayne Counties in New York State. EUGENE W. ADAMS and HELEN V. ADAMS holds no authority from this Commission. However they are affiliated with GENE ADAMS REFRIGERATED TRUCKING SERVICE, INC., 600 Cayuga Creek Road, Cheektowaga 25, N.Y., which is authorized to operate as a *contract carrier* in New York, New Jersey, Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia. A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether GENE ADAMS REFRIGERATED TRUCKING SERVICE, INC., status is that of a common or contract carrier in No. MC–110339 (Sub–No. 4). Application has not been filed for temporary authority under section 210a(b).

NOTE: MC–98980 Sub 2 is a matter directly related.

No. MC–F 7415. Authority sought for control and merger by ST. JOHNSBURY TRUCKING COMPANY, INC., 38 Main Street, St. Johnsbury, Vt., of the operating rights and property of COOKE-McFARLAND TRANSPORTATION, INC., 15 Middletown Avenue, North Haven, Conn. (corporate address 1007 Dixwell Avenue, Hamden, Conn.), and for acquisition by HARRY D. ZABARSKY, 38 Main Street, St. Johnsbury, Vt., and MILTON J. ZABARSKY and MAURICE ZABARSKY, both of 40 Erie Street, Cambridge, Mass., of control of such rights and property through the transaction. Applicants' attorneys: Francis E. Barrett, Jr., 7 Water Street, Boston, Mass., Harold Kagan, 85 Devonshire Street, Boston, Mass., and Joseloff, Murrett & Ahern, 410 Asylum Street, Hartford, Conn. Operating rights sought to be controlled and merged: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between New York, N.Y., and Clinton, Conn., between New Haven, Conn., and Greenwich, Conn., between New Haven, Conn., and Springfield, Mass., between New Haven, Conn., and Hartford, Conn., between New Haven, Conn., and Bridgeport, Conn., between New Haven, Conn., and Norwich, Conn., between New Haven, Conn., and Waterbury, Conn., and between Westfield, Mass., and Northampton, Mass., serving certain intermediate and off-route points; *beds, bed springs, mattresses,*

couches, cots, hammocks, sofas, pillows, and *bedding,* from Elizabeth, N.J., to New Haven, Conn., serving no intermediate points; *general commodities,* excepting, among others, household goods and commodities in bulk, over irregular routes, between certain points in Connecticut on the one hand, and, on the other, certain points in New York and New Jersey, between New Haven, Conn., on the one hand, and, on the other, certain points in Massachusetts, New Jersey, New York, Rhode Island and Connecticut, and from New Haven, Conn., to Apponaug and Providence, R.I., and points in Massachusetts; *household goods,* between certain points in Connecticut, on the one hand, and, on the other, points in New York, New Jersey, Massachusetts, and Pennsylvania; *waste paper, rags, and scrap cloth materials,* between New Haven, Manchester, and Stamford, Conn., New York, N.Y., Westfield, Springfield, Lowell, Fitchburg, Holyoke, and Boston, Mass., Providence and Valley Falls, R.I., and Bogota and Manville, N.J.; *scrap metals,* in truckloads, from Bridgeport, Ansonia, and New Haven, Conn., to Laurel Hill, N.Y., and Carteret, Newark, Perth Amboy, and Riverside, N.J.; *brass and copper ingots,* from Bridgeport, Conn., to certain points in New Jersey and Port Chester, N.Y.; *copper rod,* from Phillipsdale, R.I., to Hamden, Conn.; *fertilizer,* and *fertilizer compounds,* between Bridgeport, Conn., on the one hand, and, on the other, points in Rhode Island and certain points in New York and Massachusetts; *packing-house products,* from Springfield, Mass., to certain points in Connecticut and Mass. The above rights are described in Certificates Nos. MC 69268 and MC 34487 (the latter purchased from PHILANDER COOKE, doing business as COOKE'S EXPRESS COMPANY, pursuant to MC–F 7176, consummated November 2, 1959). Certificate No. MC 69268 contains the following restriction: Authority to transport general commodities over both regular and irregular routes shall be restricted against the transportation of malt beverages from Newark, N.J., to Fairfield and Hamden, Conn., and empty malt beverage containers from Fairfield and Hamden, Conn., to Newark, N.J. ST. JOHNSBURY TRUCKING COMPANY, INC., is authorized to operate as a *common carrier* in Vermont, New Hampshire, Maine, Pennsylvania, New York, Massachusetts, Rhode Island, Connecticut, and New Jersey. Application has been filed for temporary authority under section 210a (b).

No. MC–F–7416. Authority sought for purchase by WESTERN OIL TRANSPORTATION COMPANY, INCORPORATED, P.O. Box 4187, Midland, Texas, of the operating rights of S & W TRUCKS, INC., P.O. Box 792, Hobbs, New Mexico, and for acquisition by W. R. DAVIS, 1203 Country Club Drive, Midland, Texas, of control of such rights through the purchase. Applicants' attorney: Charles D. Mathews, P.O. Box 858, Austin 65, Texas. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipelines, as a *common carrier,* over irregular routes, between points in Lea and Eddy Counties, New Mexico, and Andrews, Cochran, Crane, Ector, Gaines, Hockley, Loving, Midland, Terry, Ward, Winkler, and Yoakum Counties, Texas. Vendee is authorized to operate as a *common carrier* in Texas and New Mexico. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–7417. Authority sought for purchase by MOLLERUP VAN LINES, 2900 South Main Street, Salt Lake City 15, Utah, of the operating rights of ARCHER VAN LINES, INC., Ogallala, Nebraska, and for acquisition by MARVIN J. MOLLERUP, 1356 Roxbury Road, Salt Lake City, Utah, of control of such rights through the purchase. Applicants' attorney: William T. Croft, Wrape and Hernly, 1624 Eye Street NW., Washington 6, D.C. Operating rights sought to be transferred: *Household goods,* as defined by the Commission, as a *common carrier,* over irregular routes, between Julesburg, Colo., and points within 75 miles thereof, on the one hand, and, on the other, points in Wyoming, South Dakota, Nebraska, and Kansas. Vendee is authorized to operate as a *common carrier* in Utah, Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Washington, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–306; Filed, Jan. 12, 1960; 8:55 a.m.]

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