FEDERAL REGISTER

VOLUME 23 NUMBER 207

Washington, Wednesday, October 22, 1958

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934 LITTERA SCRIPTA MANET

MAIN READING ROOM

TITLE 7—AGRICULTURE

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

Subchapter B—Prohibitions of Imported Commodities

PART 1065—TOMATOES

TOMATO REGULATION NO. 4

§ 1065.4 *Tomato Regulation No. 4*—(a) *Findings and determinations.* (1) Notice of rule making regarding proposed restrictions on importation of tomatoes into the United States, to be made effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), was published in the FEDERAL REGISTER October 1, 1958 (23 F. R. 7603). This notice afforded interested persons an opportunity to file data, views, or arguments in regard thereto not later than 10 days after publication in the FEDERAL REGISTER. None was filed. After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, it is hereby found and determined that the restrictions on the importation of tomatoes into the United States, as hereinafter provided, are in accordance with section 8e of the act.

(2) It is hereby found and determined that good cause exists for not postponing the effective date of this section beyond that herein specified (5 U. S. C. 1001 et seq.) in that (i) the requirements established by this section are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq. 68 Stat. 906, 1047), which makes such regulation mandatory; (ii) the same regulations are in effect on domestic shipments of tomatoes under Marketing Agreement No. 125 and Order No. 45 (§ 945.305 of this chapter; 23 F. R. 7578); (iii) compliance with this section should not require any special preparation by importers which cannot be completed by the effective date; (iv) notice hereof is in excess of the minimum period of three days specified in section 8e of the act; (v) in fixing the effective date hereof due consideration has been given to the time required for the transportation and entry into the United States after picking of imported tomatoes to which this section is applicable as required by section 8e of the act; (vi) such notice is hereby determined to be reasonable; and (vii) the regulations hereby established for tomatoes that may be imported into the United States comply with grade, size, quality, and maturity restrictions imposed upon domestic tomatoes under the aforesaid marketing agreement and order.

(b) *Import restrictions.* During the period from November 3, 1958, to June 30, 1959, both dates inclusive, and subject to the general regulations (Part 1060 of this chapter) applicable to the importation of listed commodities and the requirements of this section, no person shall import any tomatoes of any variety, except elongated types, commonly referred to as pear shaped or paste tomatoes and including, but not limited to, San Marzano, Red Top, and Roma varieties; and cerasiform type tomatoes, commonly referred to as cherry tomatoes, unless such tomatoes meet the requirements of the U. S. No. 3, or better grade, and are 1⅞ inches minimum diameter or larger: *Provided,* That not more than ten (10) percent, by count, of the tomatoes in any lot of 7 x 8 (1⅞ inches minimum diameter to 2⅛ inches maximum diameter) may be smaller than the specified minimum diameter.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 60 pounds, may be imported without regard to the provisions of paragraph (b) of this section.

(d) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions on tomatoes under the Plant Quarantine Act of 1912.

(e) *Inspection and certification.* (1) The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated pursuant to § 1060.4 (a) of this chapter, as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of tomatoes that are imported, or to be imported into the United States under the provisions of section 8e of the act.

(2) Inspection and certification by the Federal or the Federal-State Inspection Service of each lot of imported tomatoes is required pursuant to § 1060.3 of this

(Continued on next page)

CONTENTS

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

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

CODIFICATION GUIDE—Con.

chapter and this section. Each such lot shall be made available and accessible for inspection. Such inspection and certification will be made available in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of uninspected and uncertified tomatoes should make advance arangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located each importer must give the specified advance notice to the applicable office listed below prior to the time the tomatoes will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, 222 McClendon Building, 305 East Jackson Street, Harlingen, Tex. (Telephone—Garfield 3-5644).	1 day.
All Arizona points.	R. H. Bertelson, Room 202 Trust Building, 305 American Avenue, P. O. Box 1646, Nogales, Ariz. (Telephone—Atwater 7-2902).	Do.
All California points.	Carley D. Williams, 294 Wholesale Terminal Building, 784 South Central Avenue, Los Angeles 21, Calif. (Telephone—Madison 2-8756).	3 days.
All Florida points.	Lloyd W. Boney, Dade County Growers Market, 1200 NW. 21st Terrace, Room 5, Miami 42, Fla. (Telephone — Franklin 1-6932).	Do.
All other points.	E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, Washington 25, D. C. (Telephone — Republic 7-4142, Ext. 5870).	Do.

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

(4) The inspections performed, and certificates issued by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh

fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

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

(i) The date and place of inspection;

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

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

(iv) The commodity inspected;

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

(vi) The principal identifying marks on the containers;

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

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

(f) *Definitions.* (1) The term "U. S. No. 3" means the U. S. No. 3 grade, as set forth in the United States Standards for Tomatoes (§§ 51.1855 to 51.1877, inclusive, of this title; 21 F. R. 9559), including the tolerances set forth therein.

(2) All other terms have the same meaning as when used in the general regulations (Part 1060 of this chapter) applicable to the importation of listed commodities.

(Sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c)

Dated: October 17, 1958.

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

[F. R. Doc. 58-8750; Filed, Oct. 21, 1958; 8:50 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. T, Supp.]

PART 220—CREDIT BY BROKERS, DEALERS AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

MAXIMUM LOAN VALUE; MARGIN REQUIRED FOR SHORT SALES

1. Effective October 16, 1958, § 220.8 (the Supplement to Regulation T) is hereby amended to read as follows:

§ 220.8 *Supplement*—(a) *Maximum loan value for general accounts.* The maximum loan value of a registered security (other than an exempted security) in a general account, subject to § 220.3, shall be 10 per cent of its current market value.

(b) *Margin required for short sales in general accounts.* The amount to be included in the adjusted debit balance of a general account, pursuant to § 220.3 (d) (3), as margin required for short sales of securities (other than exempted securities), shall be 90 percent of the current market value of each such security.

2. (a) This amendment is issued pursuant to the Securities Exchange Act of 1934, particularly section 7 thereof. Its purpose is to change loan values and margin requirements in order to carry out the purposes of the act.

(b) The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act, and the thirty day prior publication described in section 4 (c) of such act, are impracticable, unnecessary, and contrary to the public interest in connection with this amendment for the reasons and good cause found as stated in § 262.2 (e) of this chapter.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w. Interprets or applies secs. 3, 7, 8, 17, 48 Stat. 882, as amended, 886, as amended, 888, as amended, 897, as amended; 15 U. S. C. 78c, 78g, 78h, 78q)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F. R. Doc. 58-8719; Filed, Oct. 21, 1958; 8:47 a. m.]

[Reg. U, Supp.]

PART 221—LOANS BY BANKS FOR PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

MAXIMUM LOAN VALUE OF STOCKS

1. Effective October 16, 1958, § 221.4 (the Supplement to Regulation U) is hereby amended to read as follows:

§ 221.4 *Maximum loan value of stocks.* For the purpose of § 221.1, the maximum loan value of any stock, whether or not registered on a national securities exchange, shall be 10 per cent of its current market value, as determined by any reasonable method.

2. (a) This amendment is issued pursuant to the Securities Exchange Act of 1934, particularly section 7 thereof. Its purpose is to change loan values in order to carry out the purposes of the act.

(b) The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act, and the thirty day prior publication described in section 4 (c) of such act, are impracticable, unnecessary, and contrary to the public interest in connection with this amendment for the reasons and good cause found as stated in § 262.2 (e) of this chapter.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w. Interprets or applies secs. 3, 7, 17, 48 Stat. 882, as amended, 886, as amended, 897, as amended; 15 U. S. C. 78c, 78g, 78q)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F. R. Doc. 58-8720; Filed, Oct. 21, 1958; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6806]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ETTINGER MANUFACTURING CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Wool Products Labeling Act; § 13.130 *Manufacture or preparation:* Wool Products Labeling Act; § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking; § 13.235 *Source or origin:* Maker or seller, etc.: *Wool Products Labeling Act.*[1] Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act. Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition:* Wool Products Labeling Act; § 13.1680 *Manufacture or preparation:* § 13.1745 *Source or origin:* Maker or seller, etc.; [*Misrepresenting oneself and goods*]—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68c) [Cease and desist order, Ettinger Manufacturing Company et al., Chicago, Ill., Docket 6806, Sept. 23, 1958]

In the Matter of Ettinger Manufacturing Company, a Corporation, and Homer V. Lundeberg and Lawrence A. Jacobson, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers in Chicago with labeling as "All wool filled", bed comforters the filling of which contained a substantial amount of fibers other than wool and the only batting which they purchased from their sources of supply being either "reprocessed wool" or "Wool Shoddy felt;" and with representing falsely by means of advertising streamers, flyers, and inserts enclosed in the individual containers as well as by other advertising circulated to the retail trade, that their products had been moth proofed and bacteria proofed, that certain of them had been manufactured by Pepperell Manufacturing Co., that the filling in some was composed of all wool, and that the amount of $24.95 or other specified price was the usual retail price.

At the termination of trial in due course, the hearing examiner made his initial decision and order to cease and desist which became on September 23 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Ettinger Manufacturing Company, a corporation, and its officers, and Homer V. Lundeberg and Lawrence A. Jacobson, individually and as officers of said cor-

[1] New.

poration, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of bed comforters or other "wool products," as such products are defined in and subject to said Wool Products Labeling Act, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That Ettinger Manufacturing Company, a corporation, and its officers, and Homer V. Lundeberg and Lawrence A. Jacobson, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of bed comforters or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly:

1. Representing that bed comforters or other products are moth proofed or bacteria proofed when such is not a fact.

2. Representing that their bed comforters or other products are manufactured by Pepperell Manufacturing Company or any other corporation, person or firm, unless such is the fact.

3. Misrepresenting in any way the constituent fiber or material used in their products or the respective percentages thereof.

4. Representing in any manner that certain amounts are the regular and usual retail prices of their products when such amounts are in excess of the prices at which such products are usually and customarily sold at retail.

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

It is ordered, That the above-named respondents 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: September 23, 1958.

By the Commission.

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

[F. R. Doc. 58-8721; Filed, Oct. 21, 1958; 8:47 a. m.]

[Docket 7138]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

STANLEY LIEBERMAN ET AL.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Stanley Lieberman et al. trading as Wm. Devitz & Co., New York, N. Y., Docket 7138, September 23, 1958]

In the Matter of Stanley Lieberman and William Devitz, Individually, and as Co-partners, Trading as Wm. Devitz & Co.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in New York City with violating the Fur Products Labeling Act by failing to comply with the labeling and invoicing requirements.

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

The order to cease and desist is as follows:

It is ordered, That respondents Stanley Lieberman and William Devitz, individually, and as co-partners, trading as Wm. Devitz & Co., or under any other name, 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 any fur product, or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is 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:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) 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;

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

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

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

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

(f) The name of the country of origin of any imported furs used in the fur product;

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

2. Setting forth on labels affixed to fur products:

(a) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder mingled with non-required information.

B. Falsely or deceptively invoicing fur products by:

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

(a) 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;

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

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

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

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

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

(g) The item number or mark assigned to a fur 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: September 23, 1958.

By the Commission.

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

[F. R. Doc. 58-8722; Filed, Oct. 21, 1958; 8:47 a. m.]

[Docket 7059]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GENERAL MOWER CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; list or catalog as regular selling. Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, General Mower Corporation et al., Buffalo, N. Y., Docket 7059, September 24, 1958]

In the Matter of General Mower Corporation, a Corporation, and Louis Faxstein, Harry Faxstein, Max Faxstein and Arthur Ganger, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging distributors of power lawn mowers in Buffalo, N. Y., to cease—in newspaper advertising and in letters, price lists, brochures, and circulars mailed to retailers in various States—representing as the prices at which their mowers were regularly sold at retail, "list prices" which were in fact fictitious.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 24 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents General Mower Corporation, a corporation, and its officers and Louis Faxstein, Harry Faxstein, Max Faxstein and Arthur Ganger, individually and as officers of said corporation, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of power lawn mowers, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using prices, whether identified as "list prices" or otherwise identified, which are in excess of the prices at which their products are regularly and customarily sold at retail.

2. Providing retailers and distributors of their products with material by and through which they may mislead and deceive the purchasing public as to the regular and customary retail prices of their products.

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: September 24, 1958.

By the Commission.

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

[F. R. Doc. 58-8723; Filed, Oct. 21, 1958; 8:47 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 780—AGRICULTURE, PROCESSING OF AGRICULTURAL COMMODITIES, AND RELATED SUBJECTS

SUBPART E—GENERAL, AND PROCESSING AGRICULTURAL COMMODITIES

COMPRESSING OF COTTON

OCTOBER 17, 1958.

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and General Order No. 45-A (15 F. R. 3290) of the Secretary of Labor, Subpart E, Part 780, Title 29, Code of Federal Regulations is hereby amended by adding a new § 780.53, to read as follows:

§ 780.53 *Compressing of cotton under section 7 (c)—(a) Introductory statement.* Section 7 (c) of the Fair Labor Standards Act provides an exemption from the overtime requirements during 52 weeks a year for employees in any place of employment where their employer is engaged in certain named operations, including the compressing of cotton. This exemption applies to two groups of employees: (1) Those who are actually engaged in the named occupations, and (2) those whose occupations are a necessary incident to the named operations, and who work in those portions of the premises devoted by their employer to these operations.

(b) *Compressing of cotton.* The term "compressing of cotton" includes all the operations which are directly connected with pressing gin bales of cotton into standard density or high density bales, or pressing standard density bales into high density bales, as a part of a single process. Included within the term are the receiving and weighing of bales arriving for compression only or for compression prior to storage; moving the bales to be compressed from receiving areas to the press, or from storage to the press; operating the press or the dinky press, including removing bands, feeding, tieing, sewing, and hoisting; and moving the bales from the press to transportation media or to storage after compressing.

(c) *Operations incidental to compressing.* (1) Included within the exemption are operations which are a necessary incident to the compressing, when performed in weeks when the employer is engaged in compressing and by employees who work in those portions of the premises devoted to compressing. Activities performed in connection with ordinary warehouse storage of cotton are not considered incidental to compressing. On the other hand, "transit" storage or similar temporary storage of cotton awaiting compressing, or awaiting loading out after compressing, is incidental to compressing and within the exemption. "Transit" or similar short-period temporary storage is usually provided free or at reduced cost in connection with receiving, compressing, and assembling cotton for shipment. Such storage is within the exemption only if it takes place in that portion of the warehouse devoted to compressing or in some clearly segregable portion of the warehouse designated or reserved for temporary storage.

(2) Over-the-road transportation of incoming bales for temporary or "transit" storage pending compressing or for compressing prior to storage, and transporting outgoing bales which were loaded immediately after compressing or were loaded from temporary or "transit" storage after compressing are within the exemption as a necessary incident to the compressing. Since the exemption is applicable only to employees of an employer who is engaged in compressing, employees of independent truckers are not exempt under this provision of the Act. However, the fact that some of the transportation duties of an employee are necessarily performed away from the portions of the premises devoted by his employer to compressing will not defeat the exemption.

(3) Such operations as preparing and handling bagging and ties for use in the employer's compressing operations, tending the boiler used to operate the press, marking or recording bales compressed, and maintenance of the compressing equipment are also considered to be within the exemption.

(d) *Nonexempt operations.* Activities performed in connection with ordinary warehouse storage (as opposed to temporary or "transit" storage, defined in paragraph (c) of this section are not exempt under this section of the Act. Thus, receiving, weighing, and moving cotton received for ordinary storage, and office, watching, and other work done in connection with ordinary storage, are nonexempt. Also not exempt are activities performed in connection with the storage or handling of bales which pass through the establishment without being compressed, and such activities as handling bagging, ties, or fertilizer sold by the employer.

(e) All prior interpretations concerning the compressing of cotton under section 7 (c) of the Fair Labor Standards Act of 1938, contained in interpretative bulletins, releases, statements, rulings, or opinion letters issued by the Department

of Labor are, to the extent that they are inconsistent or in conflict with these interpretations, hereby rescinded and withdrawn.

(50 Stat. 1060, as amended; 29 U. S. C. 201–219)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 15th day of October 1958.

CLARENCE T. LUNDQUIST,
Administrator.

[F. R. Doc. 58-8760; Filed, Oct. 20, 1958; 12:30 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

DEPENDENTS MEDICAL CARE

1. In § 577.62, amend paragraph (k) (3) to read as follows:

§ 577.62 *Definition of terms used in §§ 577.60 to 577.70.* * * *

(k) *Miscellaneous medical and technical terminology.* * * *

(3) "Maternity and infant care" means the medical and surgical care for the mother incident to pregnancy, including prenatal care, delivery, postnatal care, care of the infant, and treatment of complications of pregnancy.

2. Revise § 577.66 to read as follows:

§ 577.66 *Determination of sources from which eligible dependents receive medical care*—(a) *Among uniformed services facilities.* Normally, a dependent requesting care at a uniformed service medical facility will be expected to use the facilities servicing the area in which the dependent resides. Exception to this policy may be authorized, subject to local regulations, to permit utilization by the dependent of the facilities of the sponsor's own service. In areas where medical facilities of two or more of the uniformed services are available, the appropriate officials of each service, with due consideration for the relative size and capacities of the facilities, shall jointly prescribe areas of medical responsibility. Delineation of such areas shall include a zone in which dependents are permitted to use either the facility of the sponsor's own service or the facility which has medical responsibility for the area in which the dependent resides.

(b) *Between civilian medical facilities and uniformed services medical facilities.* Spouses and children, as defined in § 577.62 (e), are the only dependents authorized care in civilian medical facilities at Government expense.

(1) *Within the continental United States, Alaska, Hawaii, and Puerto Rico.* (i) Spouses and children who are not residing with their sponsors shall have free choice between uniformed services medical facilities and civilian medical facilities.

(ii) Outpatient medical care at Government expense for spouses and children is not authorized from civilian sources except that certain specified treatment for such dependents who are not hospitalized will be authorized in accordance with § 577.69 (d) (4) (i) (*c*) or (ii).

(iii) On and after October 1, 1958, spouses and children residing with their sponsors may obtain authorized medical care at Government expense from civilian sources only after it has been determined that such care cannot be provided by a uniformed services medical facility located within reasonable distance of the patient's residence, except in emergencies and under other circumstances listed herein. For purposes of §§ 577.60 to 577.70, the term "spouses and children residing with their sponsor" includes those who reside in an area to which their sponsor is assigned; e. g., those who reside in the household of the sponsor in the area of his permanent duty station, or the home port or home yard of a ship, even though the sponsor may be temporarily away, by reason of temporary duty with his unit or ship, from the permanent duty station or home port or home yard, respectively, or by reason of the sponsor's absence on individual temporary duty or temporary additional duty orders. Therefore, the claim form, DA Form 1863, covering a dependent residing in an area to which the sponsor is assigned should be filled in to show that the dependent is residing with the sponsor.

(iv) Spouses and children who are residing with their sponsors and who are receiving medical care from civilian sources on October 1, 1958 may complete that care without obtaining a Medicare Permit (DD Form 1251) (paragraph (c) of this section). Examples are set forth in (*a*), (*b*), and (*c*) of this subdivision. Additionally, any eligible dependent, either living with or apart from sponsor, who has commenced receiving care authorized from civilian sources prior to October 1, 1958 may complete that care even though that care may have been deleted from the categories of "authorized care" effective October 1, 1958. Examples are set forth in (*d*), (*e*), and (*f*) of this subdivision.

(*a*) Patients in civilian hospitals will be permitted to complete their current period of hospitalization.

(*b*) Maternity patients whose expected date of delivery is within the 26-week period following October 1, 1958, and who are under the care of a civilian physician on that date, will be permitted to continue care under that physician, including delivery and postpartum care. However, if for reason of change of station, or other reasons, a change of physicians is made, maternity patients will be required to clear with appropriate uniformed services authorities for determination of whether care will be made available in a medical facility of the uniformed services or whether a Medicare Permit will be given for civilian care.

(*c*) Patients who are undergoing a course of X-ray therapy which was begun or prescribed during hospitalization will be permitted to complete such course of treatment.

(*d*) Two neonatal visits during a maximum period of 60 days following delivery will be permitted for infants whose birth occurs prior to October 1, 1958.

(*e*) Patients admitted to civilian hospitals prior to October 1, 1958 will be permitted to receive and complete care authorized prior to that date.

(*f*) Patients who are receiving, prior to October 1, 1958, outpatient care from civilian sources for bodily injuries will be permitted to continue such care until completion of the course of treatment.

(v) Unit commanders or officers in charge will take immediate action to make members of their command aware that effective October 1, 1958 spouses and children who reside with them are not authorized medical care from civilian sources at Government expense (other than as outlined in §§ 577.60 to 577.70) if the required care can be provided by a uniformed services medical facility. This does not, of course, preclude the seeking of medical care in a civilian hospital at the dependent's or sponsor's personal expense. Additionally, commanders or officers in charge will inform members of their commands of the source from which they may obtain the Medicare Permit referred to in paragraph (c) of this section.

(vi) Spouses and children residing with their sponsors will retain the Uniformed Services Identification and Privilege Card (DD Form 1173) showing that medical care in civilian facilities is authorized, since such dependents will continue to be authorized care from civilian sources in case of an emergency and under certain other circumstances outlined in §§ 577.60 to 577.70.

(2) *In areas other than the continental United States, Alaska, Hawaii, and Puerto Rico.* Where medical facilities of the uniformed services are available within the area and are capable of providing the required medical care, spouses and children will utilize these facilities for such medical care. In areas where medical facilities of the uniformed services are either nonexistent or incapable of providing adequate medical care to spouses and children, those spouses and children who are residing with their sponsors are authorized civilian medical care from professionally acceptable local sources in accordance with §§ 577.60 to 577.70. Dependents residing in areas where medical facilities of the uniformed services are either nonexistent or incapable of providing adequate care and who do not reside with their sponsors, may apply to the appropriate oversea commander for medical care from professionally acceptable civilian sources. In order to implement §§ 577.60 to 577.70, authority is hereby delegated to the major oversea commander or comparable commander with oversea responsibility to conduct the medical and dental care program for dependents as provided for in §§ 577.60 to 577.70 in accordance with the joint regulations on fiscal policies contained in §§ 577.80 to 577.93. Dependents who are receiving medical care from civilian sources on October 1, 1958 may complete such care

even though that care may have been deleted from the categories of care authorized from civilian sources effective October 1, 1958.

(c) *Determination of source of medical care for spouses and children residing with sponsors in the continental United States, Alaska, Hawaii, and Puerto Rico, effective October 1, 1958.* (1) When residing in an area where there is no uniformed services medical facility, the sponsor or dependent may request a Medicare Permit from the nearest uniformed services installation or off-post activity in order to obtain civilian medical care. It will be the responsibility of the commander of such installation or off-post activity, or his designated representative, to furnish the sponsor or dependent with a DD Form 1251 (Medicare Permit) if he determines that a medical facility of the uniformed services is not within reasonable distance of the sponsor's residence. In determining what constitutes reasonable distance, in addition to the distance factor, consideration will be given to time required to normally complete the trip, unusual geographic and transportation factors, such as availability of private or public transportation, and the presence of toll bridges or ferries which would increase unreasonably the time and expense of travel. The fact that a uniformed services medical facility is located in another geographic area, as delineated by a State, county, city, town, or similar boundary, does not, in and of itself, place the facility outside that area of the sponsor's residence.

(2) When residing in an area where there is a uniformed services medical facility, the dependent will apply for medical care at such facility. The commander of the medical facility, or his designee, will determine whether adequate medical facilities and medical staff are available to furnish the required care. If it is determined that the required care cannot be provided, a Medicare Permit will be furnished the dependent.

(3) When requirement for a Medicare Permit will be waived:

(i) When it is necessary for spouse or child to obtain care from civilian sources due to a bona fide emergency; e. g., serious injury following an accident or illness of sudden onset requiring immediate treatment at the nearest available medical facility to preserve life, health, or to prevent undue suffering. In such cases, the attending physician is required to certify that the emergency did, in fact, exist.

(ii) During the period of absence from the area of the sponsor's household on a trip, i. e., not within a reasonable distance (subparagraph (1) of this paragraph). This exception is not to be used to circumvent the requirement for obtaining a Medicare Permit.

(4) In areas where there are medical facilities of two or more uniformed services, a "Dependents' Regulating Office" will be established to insure optimum utilization of such facilities. It will be the responsibility of the service having the largest medical facility, in terms of operating beds, in the area to establish and to operate the local "Dependents' Regulating Office." The commander of each medical facility concerned will furnish the regulating office with periodic reports of his capability to care for additional dependents. The frequency and composition of these reports will be determined locally. When required care cannot be furnished at the uniformed services medical facility where the dependent presents herself for care, the regulating office will be contacted to determine whether the care can be provided at another facility before a Medicare Permit is issued. When two or more facilities are available, the patient will be permitted to make a choice of the facility to be utilized.

(5) A DD Form 1251, will be furnished dependent spouses and children who reside with their sponsors when adequate medical facilities of the uniformed services are not available for the required care, or when there are no medical facilities of the uniformed services in the area in question. Forms will be prepared in quadruplicate and all copies will be signed by the issuing officer. Three copies will be furnished to the patient; one to be given to the attending physician, one to the civilian hospital, and one to be retained by the patient. The remaining copy will be retained by the issuing authority. The Medicare Permit is for immediate use for the current illness or pregnancy for which issued, and is limited to the types of care specified in § 577.69 (c).

(6) An issuing authority may issue a DD Form 1251, on a retroactive basis to cover care already commenced or completed by civilian medical sources when it is determined that the permit could have been issued before the care was commenced if application for same had been made. Permits issued under these circumstances will bear a statement in the "Remarks" portion of the form that the permit is issued on a retroactive basis with an effective date of (_____).

3. In § 577.69, revise paragraphs (a) and (c) (2) and (7); in paragraph (d) (4), revoke subdivision (i) (*d*), revise subdivision (ii) (*c*), and revoke subdivision (iii); revise opening portion of paragraph (e) and subparagraphs (2) and (8); revise paragraph (f) (2); amend the opening portion of paragraph (g) and revoke subparagraph (5); and revise paragraph (i), as follows:

§ 577.69 *Medical care for eligible dependents in civilian medical facilities*—(a) *Eligibility for civilian medical care.* Only the lawful wife, the dependent lawful husband, and children who are dependents of members of the uniformed services are eligible to receive specified medical care in civilian hospitals and from civilian physicians and surgeons at Government expense. Spouses and children requesting medical care from civilian sources will be required to observe the identification procedures prescribed by the uniformed services (see §§ 577.64 and 577.65). In addition, effective October 1, 1958, spouses and children who are residing with their sponsors in the continental United States, Alaska, Hawaii, and Puerto Rico will be required to provide civilian sources with a DD Form 1251. Claims for payments submitted by civilian sources for care furnished such dependents after that date must be accompanied by a DD Form 1251 except the following circumstances:

(1) The dependent was receiving care from civilian sources on October 1, 1958 and is permitted to continue such care under the provisions of § 577.66 (b) (1) (iv).

(2) Authorized medical care was obtained from civilian sources due to a bona fide emergency. A statement from the attending physician on the claim form that the case was an emergency will be sufficient to justify an exception.

(3) The dependent was temporarily absent from the area of the sponsor's household on a trip which was not made to circumvent the requirement for a Medicare Permit. A statement by the person signing the patient's portion of the claim form that the patient was temporarily absent from the area of the sponsor's household will be sufficient to justify an exception so far as the source of civilian medical care is concerned unless that source has knowledge to the contrary.

(4) The source of care was other than the attending physician or hospital; e. g., radiologist, anesthesiologist or nurse. These sources may, in lieu of attaching a Medicare Permit to the claim form, accept a statement from the person signing the certification in item 14 on DA Form 1863 that a Medicare Permit has been furnished to the attending physician (identifying him by name) or to the hospital (identifying it by name).

* * * * *

(c) *Medical and hospital care authorized from civilian sources.* * * *

(2) Treatment of acute surgical conditions only during hospitalization except as otherwise provided in §§ 577.60 to 577.70.

* * * * *

(7) Treatment in a hospital of bona fide emergencies; e. g., serious injury following an accident or illness of sudden onset requiring immediate treatment at the nearest available medical facility to preserve life, health, or to prevent undue suffering, except acute emotional disorders. Hospitalization is authorized at Government expense for such emergencies only pending completion of arrangements for care elsewhere unless the illness or condition also qualifies for care under subparagraphs (1) to (4) of this paragraph. With special exceptions as authorized by the Surgeon General of a uniformed service, additional care in a hospital of the uniformed services on a space-available basis may be provided in accordance with § 577.67 (d) (2). In such cases, transfer to a uniformed service hospital at Government expense is authorized as provided in paragraph (h) (3) of this section.

(i) In continental United States, Hawaii, Alaska, and Puerto Rico, if the patient's illness or condition does not qualify for admission as in the foregoing references, the civilian hospital admitting the patient will immediately notify the executive agent furnishing the patient's name, diagnosis, type and duration of treatment required, and the

name, age, and branch of service of the member on whom dependent.

(ii) In all other areas, immediate notification of all emergency admissions will be forwarded by the civilian hospital admitting the patient in accordance with regulations issued by the oversea commander or other commander concerned.

(iii) The executive agent or appropriate oversea commander will request the Surgeon General of the uniformed service concerned to determine whether or not the patient can be accepted in a medical facility of the uniformed services.

* * * * *

(d) *Terms of reference and rules for the provision of authorized medical care from civilian sources.* * * *

(4) *Professional services.* (i) *Professional services related to hospitalization.* * * *

(d) [Revoked]

(ii) *Obstetrical and maternity service including certain infant care.* * * *

(c) Necessary or required infant care will be provided during the period of hospitalization following delivery. If the infant requires further hospitalization following delivery, and after discharge of the mother, such care is authorized as a continuation of the original admission. Also, in the case of a home or office delivery, necessary or required infant care may be provided on an outpatient basis for a period not to exceed 10 days following the date of delivery.

(iii) *Other professional services.* [Revoked]

* * * * *

(e) *Medical care not authorized.* Medical care and services specified in this section shall not be authorized for any of the following, except as provided in § 577.66 (b) (1) (iv).

* * * * *

(2) Nervous and mental disorders, including acute emotional disorders, except that care of this type may be furnished to a dependent requiring it during the period of hospitalization of that dependent for a condition that does qualify as authorized care under paragraph (c) of this section.

* * * * *

(8) Medical or surgical care that is desired or requested by the patient which in the opinion of the cognizant medical authority can be planned, subsequently scheduled, and effectively treated at later date without detriment to the patient; e. g., diagnostic surveys, heart surgery, hysterectomies (routine), rhinoplasties, tonsillectomies, uncomplicated hernias, interval appendectomies, and reconstructive orthopedic and plastic procedures.

(f) *Administration of dependent patients who become ineligible for care.* * * *

(2) In cases of spouses and children of members of the uniformed services receiving treatment from civilian sources at Government expense at the time entitlement to receive care from civilian sources ceases (by reason of the release of the member from active duty, separation of the member from the service by punitive-type discharge, dropping of the member from the rolls of the service in desertion, divorce, or otherwise), the Government's responsibility for payment for such care ceases, so far as the source of civilian care is concerned, as of 2400 hours of the date of receipt of notice by the source of care that the dependent's entitlement to medical care from civilian sources has terminated, or the normal expiration date of the DD Form 1173, whichever is earlier. The Government's responsibility ceases, so far as the dependent or member is concerned, as of 2400 hours of the date the dependent, for any reason, ceases to be entitled to receive care from civilian sources at Government expense. In cases of spouses and children receiving care from civilian sources when they are not authorized to receive such care because a Medicare Permit has not been obtained in accordance with §§ 577.60 to 577.70, the Government may reimburse the source of civilian care if the applicable provisions of paragraph (i) of this section are met. The foregoing shall have no effect on the Government's right of recovery from the dependent or member concerned, for amounts expended for care obtained from civilian sources at a time when there was no entitlement to or authorization for such care at Government expense under §§ 577.60 to 577.70 and related regulations.

(g) *Charges for dependent medical care.* When the charge for the hospitalization of a spouse or child is $25 or less, the patient shall pay the charge as a direct transaction not involving the Government. In other instances, the patient shall pay the charge as prescribed under applicable circumstances listed below.

* * * * *

(5) [Revoked]

* * * * *

(i) *Government liability for payment of civilian medical care costs.* As prescribed in §§ 577.64 and 577.65, the uniformed services shall provide eligible dependents with means of identification. When spouses and children of members of the uniformed services are provided civilian medical care, it is expected that the attending physician and medical facility will use reasonable care and precaution in identifying them. When medical care has been provided in good faith by the attending physician and medical facility and it is subsequently determined that the persons concerned were not in fact entitled to medical care at Government expense under the Dependents' Medical Care Act, collection and other legal action shall be taken only against the sponsor, guardian, or individual who was not entitled to the medical care. Collection action in individual cases will be the responsibility of the uniformed service whose appropriations reimbursed the executive agent or whose appropriations were used in payments made on behalf of persons not entitled to medical care at Government expense. Where fraud is indicated, the matter may be referred to the Attorney General of the United States with recommendation for prosecution. Notwithstanding the foregoing, the Government will not be responsible for paying for care rendered on and after October 1, 1958, to spouses and children residing with their sponsors in the continental United States, Alaska, Hawaii, and Puerto Rico unless the conditions set forth in paragraph (a) of this section are met. Where representations are made by the source of civilian medical care that it was not aware of the requirement for a Medicare Permit and that it furnished care authorized under §§ 577.60 to 577.70 to a spouse or child possessing a valid DD Form 1173, and efforts by the physician or hospital to obtain a "Medicare Permit" through the sponsor or dependent had failed (§ 577.66 (c) (6)), the matter will be brought to the attention of the Executive Director, Office for Dependents' Medical Care. The uniformed service concerned will be notified and the matter will be brought to the attention of the service member as an unpaid debt. In special circumstances where the source of civilian care shows that collection has not been possible, the Executive Director, Office for Dependents' Medical Care, may authorize payment provided the claim covers care authorized under §§ 577.60 to 577.70 and was otherwise executed in accordance with all requirements except those concerning a Medicare Permit.

[C 2, AR 40–121, Sept. 30, 1958] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interpret or apply secs. 101–303, 70 Stat. 250–254; 37 U. S. C. 401–423)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58–8746; Filed, Oct. 21, 1958; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 11–18]

PART 11—INDUSTRIAL RADIO SERVICES

MISCELLANEOUS AMENDMENTS

The Commission having under consideration the necessity of making certain editorial amendments in Part 11 of its rules; and

It appearing that amendment of § 11.58 (c) of such rules (to eliminate the requirement of that section as it applies to applicants specifying "20F3" emission) is necessary and appropriate in light of Commission actions reducing channel separations between assignable frequencies in certain bands; and

It appearing that in the Commission's recent action (in Docket No. 11991) merging the Low Power Industrial Radio Service into a new Business Radio Service, a section providing for exemption from technical standards under certain conditions was inadvertently omitted from the rules governing the new Service; and

It further appearing that the amendments hereinafter ordered are merely editorial in nature; that compliance with the public notice procedures of section 4

of the Administrative Procedure Act is, accordingly, inappropriate; and that the effective date of such amendments need not be delayed for the 30-day period specified in the said section 4; and

It further appearing that authority for the amendments is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, and section 0.341 of the Commission's Statement of Organization, Delegations of Authority, and Other Information.

It is ordered, This 16th day of October 1958, that effective October 24, 1958, Part 11 of the Commission's rules is amended in the respects set forth below.

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

Released: October 17, 1958.

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

1. Amend § 11.58 (c) to read as follows:

(c) Statement describing the type of emission to be used if it cannot be described as "8A3", "20F3" or "40F3" pursuant to Subpart C of this part.

2. Add a new § 11.555 reading as follows:

§ 11.555 *Exemption from technical standards.* Transmitters licensed in this Service which have a plate power input to the final radio frequency stage not exceeding 200 milliwatts are exempt from the technical requirements set out in Subpart C of this part: *Provided, however,* That the sum of the bandwidth occupied by the emitted signal plus the bandwidth required for frequency tolerance shall be so adjusted that any emission appearing on a frequency 40 kc. or more removed from the assigned frequency is attenuated at least 30 db below the unmodulated carrier.

[F. R. Doc. 58-8733; Filed, Oct. 21, 1958; 8:47 a. m.]

[Rules Amdt. 11-17]

PART 11—INDUSTRIAL RADIO SERVICES

MISCELLANEOUS AMENDMENTS

1. By order of December 11, 1957 (FCC 57-1353—released December 13, 1957 and effective February 3, 1958) the Commission revised and recodified Part 1—Practice and Procedure—of its rules and regulations. As revised and recodified certain conflicts or inconsistencies exist between the said Part 1 and Part 11—Industrial Radio Services. Because Part 1 must govern in situations involving such conflicts or inconsistencies (see § 1.500), it is appropriate that Part 11 be editorially amended in the respects concerned.

2. More specifically, conflicts, inconsistencies or other differences exist between §§ 1.64 and 11.59, between §§ 1.61 and 11.159, and between §§ 1.545 and 11.60. Thus, § 11.59 differs from § 1.64, principally, in that the latter specifies 20 days and the former specifies 30 days as the time period during which a partial grant may be rejected by the applicant. The principal difference between §§ 11.159 and 1.61 is that the latter specifies 10 days and the former specifies 3 days as the time period during which a notice of violation should be answered by the licensee. Section 11.60 differs from § 1.545 in that the latter contains more specificity and detail than does the former. It is the purpose of this order to amend §§ 11.59, 11.60 and 11.159 to conform, respectively, to §§ 1.64, 1.545 and 1.61.

3. The amendments hereinafter ordered are merely editorial in nature and involve no substantive change in rules presently obtaining. Accordingly, compliance with the public notice procedures of section 4 of the Administrative Procedure Act is inappropriate, and the effective date need not be delayed for the 30-day period specified in the said section 4. Authority for the amendments is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, and section 0.341 of the Commission's Statement of Organization, Delegations of Authority, and Other Information.

4. In view of the foregoing, and pursuant to the said section 0.341: *It is ordered,* This 16th day of October 1958, That, effective on the 24th day of October 1958, Part 11 of the Commission's rules is amended in the respects set forth below.

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

Released: October 17, 1958.

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

1. Amend § 11.59 to read as follows:

§ 11.59 *Partial grants.* Where the Commission without a hearing grants any application in part, or with any privileges, terms or conditions other than those requested, or subject to any interference that may result to a station if designated application or applications are subsequently granted, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 30 days from the date on which such grant is made or from its effective date if a later date is specified, file with the Commission a written request rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing.

2. Amend § 11.60 to read as follows:

§ 11.60 *Defective applications.* (a) Applications which are incomplete with respect to completeness of answers, supplementary statements, execution, or other matters of a formal character shall be deemed to be defective and may be returned to the applicant with a brief statement as to such defects.

(b) Applications will also be deemed to be defective and may be returned to the applicant in the following cases:

(1) Statutory disqualification of applicant, e. g., aliens under section 310 of the Communications Act;

(2) Proposed use or purpose of station would be unlawful;

(3) Requested frequency is not allocated for assignment for the service proposed.

(c) Applications which are not in accordance with the provisions of this chapter, or other requirements of the Commission will be considered defective and may be dismissed unless accompanied either by (1) a petition to amend any rule or regulation with which the application is in conflict, or (2) a request of the applicant for waiver of, or exception to, any rule, regulation, or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof. Applications may be dismissed, if the accompanying petition for waiver or amendment of rules does not set forth reasons which, sufficient if true, would justify a waiver or change of the rules.

(d) If an applicant is requested by the Commission to file any additional documents or information not included in the prescribed application form, failure to comply with such request will be deemed to render the application defective, and such application may be dismissed.

3. Amend § 11.159 to read as follows:

§ 11.159 *Notice of violations.* (a) Any licensee who appears to have violated any provision of the Communications Act or any provision of this chapter shall be served with a written notice calling the facts to his attention and requesting a statement concerning the matter. FCC Form 793 may be used for this purpose.

(b) Within 10 days from receipt of notice or such other period as may be specified, the licensee shall send a written answer, in duplicate, direct to the office of the Commission originating the official notice. If an answer cannot be sent nor an acknowledgment made within such 10-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay.

(c) The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, have been taken to prevent future violations, and, if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and the promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification shall be given as will permit ready identification of the application. If the notice of violation relates to lack of attention to or improper operation of the transmitter, the name and license num-

ber of the operator in charge shall be given.

[F. R. Doc. 58-8732; Filed, Oct. 21, 1958; 8:47 a. m.]

[Rules Amdt. 16-35; FCC 58-987]

PART 16—LAND TRANSPORTATION RADIO SERVICES

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on this 15th day of October 1958;

The Commission having under consideration the desirability of making certain editorial changes to Part 16, Land Transportation Radio Services; and

It appearing that the amendments adopted herein are editorial in nature in that they reflect recent Commission actions, correct certain typographical errors, or are clarifying and nonsubstantive, and, therefore prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are, in brief, designed to accomplish the following:

(1) Rearrange the definitions in a more logical order;

(2) Amend § 16.58 (c) to include "20F3" as a type of emission which may regularly be authorized in accordance with recent rule changes without the requirement that the application be accompanied by a statement describing the emission;

(3) Correct wherever it appears in the rules, the reference to the Commission's Radio Equipment List, Part C;

(4) Amend §§ 16.59, 16.60, and 16.159 to make them consistent with the provisions of Part 1 as revised, effective February 3, 1958;

(5) Amend §§ 16.105 (a) and 16.354 (a) to delete the references to paragraph "(f)" and "Class III" railroads, respectively, inasmuch as these references are no longer applicable.

(6) Amend § 16.106 (c) to spell out "radio frequency" to avoid the use of abbreviation "r. f.";

(7) Amend § 16.109 to bring that section into conformity with the rule changes ordered in Docket Nos. 11253, 12169 and 12295;

(8) Delete the undesignated text following the table of frequencies in § 16.352 (a) and insert it, with certain nonsubstantive word changes, as a new paragraph (c) in § 16.357, inasmuch as the subject matter is more appropriate to the latter section;

(9) Delete the word "primarily" from § 16.352 (a) and the word "secondarily" from § 16.357 (a), inasmuch as these words add nothing to the substantive meaning of the sections and the possibility of their misinterpretation exists;

(10) Add the letter "s" to the word "transmitter" appearing in § 16.504 to correct typographical error; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended;

It is ordered, That, effective October 21, 1958, Part 16 is amended as set forth below.

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

Released: October 16, 1958.

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

1. Amend § 16.6 to read as follows:

§ 16.6 *Definition of terms.* For the purpose of this part, the following definitions shall be applicable. For other definitions, refer to Part 2 of this chapter, Frequency Allocations and Treaty Matters; General Rules and Regulations.

(a) Definition of services:

Automobile Emergency Radio Service. The term "Automobile Emergency Radio Service" as used in this part means a radiocommunication service for use in connection with the dispatching of emergency road service vehicles by associations of owners of private automobiles and public garages.

Fixed service. A service of radiocommunication between specified points.

Mobile service. A service of radiocommunication between mobile and land stations, or between mobile stations.

Motor Carrier Radio Service. A radiocommunication service for use in connection with the operation of a motor carrier land transportation system.

Radiopositioning Service. A service involving the use of radiopositioning.

Railroad Radio Service. The term "Railroad Radio Service" as used in this part means a radiocommunication service for use in connection with the operation and maintenance of a railroad common carrier.

Taxicab Radio Service. The term "Taxicab Radio Service", as used in this part, means a radiocommunication service for use in connection with the transportation facilities of a taxicab common carrier.

(b) Definition of stations:

Base station. See definition "Land station" of this section.

Control station. An operational fixed station, the transmissions of which are used to automatically control the emissions or operation of another radio station at a specified location.

Fixed relay station. An operational fixed station in the fixed service, established to receive radio signals directed to it from any source and to retransmit them automatically on a fixed service frequency for reception at one or more fixed points.

Land radiopositioning station. A station in the radiopositioning service not intended for operation while in motion.

Land station. A station in the mobile service not intended for operation while in motion. (Of the various types of land stations, only the base station is pertinent to this part, and will be used interchangeably with land stations.)

Mobile radiopositioning station. A station in the radiopositioning service intended to be used while in motion or during halts at unspecified points.

Mobile relay station. A base station in the mobile service, authorized primarily to retransmit automatically on a mobile service frequency, communications originated either by mobile units or by an associated operational fixed (control) station operated on either a fixed service frequency or the mobile service frequency assigned to the associated mobile station. (Authorized in the Railroad Radio Service only.)

Mobile station. A station in a mobile service intended to be used while in motion or during halts at unspecified points.

Operational fixed station. A fixed station, not open to public correspondence, operated by, and for the sole use of those agencies operating their own radiocommunication facilities in the Public Safety, Industrial, Land Transportation, Marine, or Aviation Services. (This term includes all stations licensed in the fixed service under this part.)

(c) Miscellaneous definitions:

Antenna structure. The term antenna structure includes the radiating system, its supporting structure, and any surmounting appurtenances.

Assigned frequency. The frequency appearing on a station authorization, from which the carrier frequency may deviate by an amount not to exceed that permitted by the frequency tolerance.

Authorized bandwidth. The frequency band, specified in kilocycles and centered on the carrier frequency, containing those frequencies upon which a total of 99 percent of the radiated power appears, extended to include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power.

Bandwidth occupied by an emission. The band of frequencies comprising 99 percent of the total radiated power extended to include any discrete frequency on which the power is at least 0.25 percent of the total radiated power. (Par. 58, Atlantic City Radio Regulations.)

Common carrier. As used in the Motor Carrier Radio Service, a person who holds himself out to the general public to engage in the transportation of passengers or property without discrimination, for compensation as a regular occupation or business.

Contract carrier. As used in the Motor Carrier Radio Service, a person who under individual contracts or agreements engages in the transportation of passengers or property for compensation as a regular occupation or business.

Harmful interference. Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service or obstructs or repeatedly interrupts a radio service operating in accordance with the regulations in this part. (For purposes of this definition only, a safety service is any radio service whose operation is directly related, whether permanently or temporarily, to the safety of human life and the safeguarding of property.)

Landing area. A landing area means any locality, either of land or water, including airports and intermediate land-

ing fields, which is used, or approved for use for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

Motor carrier. Any streetcar, bus, truck, or other land motor vehicle operated over public streets or highways by a common or contract carrier and used for the transportation of passengers or property (freight) for compensation: *Provided, however,* That motor vehicles used as taxicabs, livery vehicles, or school buses, and motor vehicles used for sightseeing or special charter purposes, shall not be included within the meaning of this term as used in the Motor Carrier Radio Service.

Person. An individual, partnership, association, joint stock company, trust, or corporation.

Radiopositioning. The determination of position or direction by means of the constant velocity or rectilinear propagation properties of Hertzian waves for purposes other than the navigation of ships or aircraft, or other than warning of obstructions to navigation.

Station authorization. Any construction permit, license, or special temporary authority issued by the Commission.

Telemetering. Automatic radiocommunication, in a fixed or mobile service, intended to indicate or record a measurable variable quantity at a distance.

Urban area. As used in the Motor Carrier Radio Service, one or more contiguous, incorporated or unincorporated cities, boroughs, towns, or villages, having aggregate population of 2,500 or more persons.

2. Amend § 16.58 (c) to read as follows:

(c) Statement describing the type of emission to be used if it cannot be described as "8A3", "20F3", or "40F3" pursuant to Subpart C of this part.

3. Amend § 16.58 (h) to read as follows:

(h) Description of any equipment, proposed to be used, which does not appear on the Commission's current Radio Equipment List, Part C, and designated for use in the Land Transportation Radio Services.

4. Amend § 16.59 to read as follows:

§ 16.59 *Partial grant.* Where the Commission, without a hearing, grants an application in part, or with any privileges, terms, or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 30 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, file with the Commission a written request rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action and set the application for hearing in the same manner as other applications are set for hearing.

5. Amend § 16.60 to read as follows:

§ 16.60 *Defective applications.* (a) Applications which are incomplete with respect to completeness of answers, supplementary statements, execution, or other matters of a formal character shall be deemed to be defective and may be returned to the applicant with a brief statement as to such defects.

(b) Applications will also be deemed to be defective and may be returned to the applicant in the following cases:

(1) Statutory disqualification of applicant, e. g., aliens under section 310 of the Communications Act;

(2) Proposed use or purpose of station would be unlawful;

(3) Requested frequency is not allocated for assignment for the service proposed.

(c) Applications which are not in accordance with the provisions of this chapter, or other requirements of the Commission will be considered defective and may be dismissed unless accompanied either by (1) a petition to amend any rule or regulation with which the application is in conflict, or (2) a request of the applicant for waiver of, or exception to, any rule, regulation, or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof. Applications may be dismissed, if the accompanying petition for waiver or amendment of rules does not set forth reasons which, sufficient if true, would justify a waiver or change of the rules.

(d) If an applicant is requested by the Commission to file any additional documents or information not included in the prescribed application form, failure to comply with such request will be deemed to render the application defective, and such application may be dismissed.

6. Amend § 16.64 (c) to read as follows:

(c) Proposed changes which will not depart from any of the terms of the outstanding authorization for the station involved may be made without prior Commission approval. Included in such changes is the substitution of various makes of transmitting equipment at any station provided the particular equipment to be installed is contained in the Commission's current Radio Equipment List, Part C, and designated for use in the Land Transportation Radio Services and provided the substitute equipment employs the same type of emission and does not exceed the power limitations as set forth in the station authorization.

7. Amend § 16.105 (a) to read as follows:

§ 16.105 *Modulation requirements.* (a) The maximum audio frequency required for satisfactory radiotelephone intelligibility in these services is considered to be 3000 cycles per second; in any transmitter not subject to the provisions of paragraph (d) of this section, the overall frequency response of the audio and modulating circuits nevertheless shall correspond approximately with that required thereby.

8. Amend § 16.106 (c) to read as follows:

(c) The plate power input to the final radio frequency stage under actual operation shall not exceed by more than 10 percent the plate power input shown in the Radio Equipment List, Part C, for transmitters included in this list, or the manufacturer's rated plate power input for the particular transmitter specifically listed on the authorization.

9. Amend § 16.109 to read as follows:

§ 16.109 *Acceptability of transmitters for licensing.* (a) From time to time the Commission will publish a list of equipment entitled "Radio Equipment List, Part C". Copies of this list are available for inspection at the Commission's offices in Washington, D. C., and at each of its field offices. Equipment once placed on that list will continue to be included on the list until it is removed therefrom by Commission action in accordance with the provisions of Part 2 of this chapter.

(b) Except for transmitters used at developmental stations, each transmitter utilized by a station authorized for operation under the provisions of this part must be of a type which is included on the Commission's current Radio Equipment List, Part C, and designated for use in the Land Transportation Radio Services or be of a type which has been accepted by the Commission for use in these services. Until January 1, 1965, however, equipment presently in use may continue to be used by the licensee, his successors, or his assigns in business for operation on frequencies other than those within the bands 25–50 Mc and 150.8–162 Mc, provided the operation of such equipment does not result in harmful interference due to the failure of such equipment to comply with the current technical standards of the rules, and may continue to be used for operation on frequencies within the bands 25–50 Mc and 150.8–162 Mc in accordance with the provisions of §§ 16.102, 16.104, and 16.105.

10. Amend § 16.110 (b) to read as follows:

(b) Type-acceptance for an individual transmitter may also be requested by an applicant for a station authorization by following the type-acceptance procedure set forth in Part 2 of this chapter. Such transmitters, if accepted, will not normally be included in the Commission's Radio Equipment List, Part C, but will be individually enumerated on the station authorization.

11. Amend § 16.159 to read as follows:

§ 16.159 *Answers to a notice of violation.* Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act or treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 10 days from such receipt or such other period as may be specified, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an ac-

knowledgment made within such period, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. The reply shall set forth the steps taken to prevent a recurrence of improper operation.

12. Amend § 16.352 (a) by deleting that portion of the text which follows the table of frequencies and footnotes (see § 16.357 (c)), and by amending that portion of paragraph (a) which precedes the table to read as follows:

§ 16.352 *Frequencies available for base and mobile stations.* (a) Base and mobile radio stations used for end-to-end, fixed point-to-train, or train-to-train communications in connection with the operation of railroad trains over a track or tracks extending through yards and between stations upon which trains are operated by timetable, train order, or both, or the use of which is governed by block signals, may use the following frequencies:

13. Amend the paragraph preceding subparagraph (1) of § 16.354 (a) to read as follows:

§ 16.354 *Operator requirements, fixed and base stations.* (a) Notwithstanding the provisions of § 16.154 (e), the employees of Class I and II railroads of the United States may, without holding any class of commercial radio operator license issued by the Commission, operate fixed stations and base stations in the Railroad Radio Service when specifically authorized to do so by the station licensee: *Provided, however,* That:

14. Amend § 16.357 (a) to read as follows:

§ 16.357 *Scope of service.* (a) Base and mobile stations in this service may be used for any communications which are necessary in connection with railroad operation or maintenance, including use in connection with the operation of land motor vehicles engaged in the pickup, delivery, or transfer between stations of property shipped, continued in, or destined for shipment by railroad common carrier; provided interference is not caused to stations authorized under the provisions of § 16.352 (a).

15. Amend § 16.357 by the addition of a new paragraph (c) to read as follows:

(c) Stations in this service operating on frequencies listed in § 16.352 (a) may be used (1) for intercommunication between adjacent base stations, provided interference is not caused to communications involving radio stations aboard railroad rolling stock; and (2) for transmission of tone signals for signaling and control purposes where a satisfactory showing of need therefor has been made in compliance with § 16.103 (b), provided interference is not caused to other stations licensed under this subpart.

16. Amend the paragraph preceding the table in § 16.504 (a) to read as follows:

§ 16.504 *Frequencies available for base, mobile and operational fixed stations.* (a) The following frequencies are available for assignment to base, mobile, or operational fixed stations in the Automobile Emergency Radio Service on a shared basis with stations in the same service and other services, subject to no protection from interference due to the operation of industrial, scientific, or medical devices on the frequency 27.12 Mc, and limited to the use of transmitters having not more than 30 watts plate power input to the final radio frequency stage:

[F. R. Doc. 58-8734; Filed, Oct. 21, 1958; 8:48 a. m.]

[Rules Amdt. 21-14]

[Docket No. 12322; FCC 58-983]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

MISCELLANEOUS AMENDMENTS

1. On February 12, 1958, the Commission adopted a Notice of Proposed Rule Making (FCC 58-136) in the above-entitled matter. The notice, released February 13, 1958, was published in the FEDERAL REGISTER on February 19, 1958 (Volume 23, Number 35) and the time allowed for filing comments has expired. The purpose of the proposed amendment is to permit a radio system in the Domestic Public Land Mobile Radio Service to be operated with a control station on its mobile station frequency (proposed rule § 21.517 (a)) and to permit the base station of the system to operate as a repeater station (proposed rule § 21.517 (b)).

2. Comments directed to the matter involved in this rule-making were received from the American Telephone and Telegraph Company (AT&T) and the United States Independent Telephone Association (USITA) on behalf of telephone companies which they represent. Additionally, comments were filed by, or in behalf of, miscellaneous common carriers, viz. American Radio-Telephone Service, Inc.; Robert C. Crabb; Empire Dispatch, Inc.; Fresno Mobile Radio, Inc.; Mobilfone of Boston; Radiotelephone of Cass County; Tri-City Radio Dispatch Company; and Two-Way Radio Communications Company. The comments of AT&T and USITA are critical of the proposal, but the remainder of the comments favor the proposed rules. The comments are discussed below.

3. AT&T and USITA take the position that the proposed plan could be used only when push-to-talk operation is employed by both the control station and by the mobile station and, therefore, it would not be suitable with the duplex base station type of operation typically employed where connection is made to wire line telephone exchange plant. (In this duplex operation, push-to-talk is not employed at the base station). In this connection, we note that, by use of a voice-operated relay, which can be constructed readily or purchased at nominal cost, push-to-talk type of operation at the base station would not be necessary and telephone company land mobile systems that are interconnected with the landline telephone system could also avail themselves of the method of operation contemplated by the proposed rule. Such voice-operated devices are presently used in other radio services, e. g. in the common carrier International Fixed Public Point-to-Point Radiotelephone Service.

4. AT&T and USITA comments indicate that, because frequency modulation is used in the Domestic Public Land Mobile Radio Service, under the proposed method of operation mobile units could, in many instances, capture the fixed receiver of the repeater (base) station, thereby overriding the transmission of the control station so as to cause the base station operator to lose control over the radio system. Because of this possibility, we have revised the proposed rule more clearly to indicate that such plan of operation shall not be installed where those circumstances exist. The rule revision also deletes use of the term "multi-tone signal", as suggested in the filed comments. However, the suggestion that no limit be placed upon the duration of coded signals is adopted only to the extent that it pertains to selective signaling incidental to the establishment of subscriber communication and does not involve the vital functions of being able instantaneously to shut down or reactivate the base station, as may be necessary.

5. Various parties requested, in their comments, that the Commission continue to make available, for control and repeater stations, frequencies in the 72-76 Mc and 890-940 Mc bands and to make available frequencies in the 450-460 Mc band. All of these requests are outside the scope of this rule proposal. Moreover, with regard to the band 450-460 Mc, we considered a similar request in Docket No. 11995 and, in our Second Report and Order therein (FCC 58-135; 23 F. R. 1074), on February 12, 1958 stated, "The Commission, though aware of the requirements of the common carriers in that respect, is unable, due to the scarcity of frequencies below the microwave region and the need for such lower frequencies for mobile services, to accede to this request in this proceeding." Since that time, the demand for frequencies of that order for land mobile systems has increased. With regard to the 890-940 Mc band, for urgent and cogent reasons then stated, the frequencies were reallocated by Commission Order (FCC 58-379), on April 16, 1958, from non-Government to Government use. Provision was made at that time, for "grandfathering" existing frequency assignments in that band under conditions set forth in the Commission's rules (cf. § 21.501 (g), et al.). No new stations may now be authorized in the 890-940 Mc band. Frequencies in the 72-76 Mc band remain available for assignment in accordance with the limitations set forth in Part 21 of the Commission's rules. The Commission contemplates soon starting public hearings in Docket No. 11997 to review the utilization presently being made of the radio spectrum between 25 Mc and 890 Mc and to investigate the nature and

relative future needs of various interests for such radio frequencies, as a basis for future frequency reallocations. It is anticipated that parties having unsatisfied requirements for frequencies in that portion of the radio spectrum will make their needs known in Docket No. 11997.

6. No action is being taken on requests filed by miscellaneous common carriers for rule amendments to permit the use of radio in lieu of wire lines for dispatch circuits for subscribers because such requests are outside the scope of this rule-making proceeding. Persons wishing to employ radio for that purpose should file applications for necessary authorizations in accordance with the procedures set forth in the Rural Radio Service (Subpart H of Part 21 of the rules) or petition for appropriate rule changes.

7. In view of the comments filed in this proceeding, and the considerations and determinations related above, we are of the opinion that the public interest, convenience and necessity would be served by adoption of new rule §§ 21.517 and 21.518 in lieu of the language contained in the rule proposed as § 21.517 in this proceeding. Accordingly, pursuant to the authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, it is ordered, effective November 17, 1958, that Part 21, Domestic Public Radio Services (other than Maritime Mobile) is amended as shown below, and the proceedings in Docket No. 12322 are terminated.

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

Adopted: October 15, 1958.

Released: October 16, 1958.

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

Add the following new sections to Part 21:

§ 21.517 *Use of base station as a repeater station.* On its regularly assigned frequency, a base station may be used to perform the added functions of a repeater station when means are provided whereby the licensee of the radio system is able to turn the base station on and off at will from its control point irrespective of the transmissions of subscriber units on the mobile station frequency associated therewith.

§ 21.518 *Use of mobile station frequency for control station.* Upon proper application to the Commission for a construction permit to install a control station, a base station applicant or licensee may be authorized to operate its base station via a control station using the mobile station frequency paired therewith. In order to ensure retention of essential operational control of the radio system by its licensee, it is expected that this method of operation will not be installed where the signals from subscriber operated units are able to override the functions of the control path between the control and base station, or where such operation will cause harmful interference to another radio system. The control station shall be provided with coded signals whose transmission will enable the control station to shut down and reactivate the base station at will, irrespective of the transmissions of subscriber units associated therewith. Additional coded signals may be employed by the control station for selective signaling of subscriber units or for performing essential functions at the base station, e. g. controlling aeronautical obstruction marking lights on the base station antenna tower. The coded signals used by control stations for shut down and reactivation of the base station, or for any other essential control functions (other than selective signaling incidental to establishment of subscriber communications) connected therewith, shall consist of two or more sequentially transmitted tones whose combined duration shall not exceed one second. Use of tone modulation for selective signaling to and from subscriber radio installations is not required; however, when tone modulation is used for this purpose, the aforementioned limitation on the combined duration of tones is not applicable. Radio installations in the premises of, or in vehicles of, subscribers are not permitted to be equipped with code signaling devices (other than for signaling incidental to establishment of subscriber communications) whereby the user would be able to reactivate the base station after the radio system has been shut down by the licensee. Applications for authority to operate a control station upon the mobile station frequency shall be supported by complete engineering information disclosing, among other things, all particulars of the code signaling system which is to be employed.

[F. R. Doc. 58-8735; Filed, Oct. 21, 1958; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 14, 16]

PROCEDURES UNDER ANTIDUMPING ACT OF 1921, AS AMENDED

NOTICE OF PROPOSED RULE MAKING

In order that the regulations under the Antidumping Act of 1921, as amended (19 U. S. C. 160–173), may conform with recent amendments of the act contained in Public Law 85–630, and to provide certain administrative improvements, notice is hereby given, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that the Customs Regulations (19 CFR Ch. I) are proposed to be amended as set forth in tentative form below. Prior to the final adoption of such amendment, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Customs, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held. The proposed amendments are to be issued under the authority of R. S. 161, 251, sec. 407, 42 Stat. 18; 5 U. S. C. 22, 19 U. S. C. 66, 173.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: October 13, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

PART 14—APPRAISEMENT

1. Section 14.6 (a) is amended by substituting the words "constructed value" for the words "cost of production."

2. Section 14.6 (b) (2) is amended by substituting the words "constructed value" for the words "cost of production."

3. Section 14.6 (b) (3) is amended to read as follows:

(3) Such information as to the existence or likelihood of injury to an established or prospective industry in the United States as is reasonably available to the person furnishing the information, including information as to the total volume and value of domestic production of the merchandise in question and the selling price in the United States of the domestic and imported products.

4. Section 14.6 (b) (4) is deleted.

5. Section 14.6 (d) is amended to read as follows:

(d) Upon receipt pursuant to paragraph (a), (b), or (c) of this section of information in proper form, the Commissioner will proceed expeditiously to obtain such additional information as may be necessary to enable the Secretary to reach a determination as provided by § 14.8 (a).

6. Section 14.6 (e) is amended to read as follows:

(e) If, in the course of obtaining such additional information, the Commissioner determines that there are reasonable grounds to suspect that any merchandise is being, or is likely to be, sold at less than its statutory value under the Antidumping Act, he shall publish notice of that fact in the FEDERAL REGISTER, furnishing an adequate description of the merchandise and the name of each country of exportation, and shall advise all appraisers of his action and of the date when the question of dumping was raised by or presented to the Secretary or his delegate. Upon receipt of such advice the appraisers shall proceed in accordance with the pertinent provisions of § 14.9.

(Secs. 201, 407, 42 Stat. 11, as amended 18; 19 U. S. C. 160, 173)

7. Section 14.7 (a) (2) is amended to read as follows:

(2) *Fair value based on sales for exportation to countries other than the United States.* If, however, it is demonstrated that during a representative period the quantity of such or similar merchandise sold by the foreign producer for consumption in the country of exportation is so small, in relation to the quantity sold by such producer for exportation to countries other than the United States, as to be an inadequate basis for comparison, then merchandise imported into the United States will ordinarily be deemed to have been sold at less than fair value if the purchase price or the exporter's sales price (as defined in sections 203 and 204, respectively, of the Antidumping Act, 1921, as amended (19 U. S. C. 162, 163)), as the case may be, is less than the price (after adjustment, as provided for in section 205 of the Antidumping Act, 1921, as amended (19 U. S. C. 164)), at which such or similar merchandise is sold by the foreign producer for exportation to countries other than the United States on or about the date of purchase or agreement to purchase of the merchandise imported into the United States or, in the case of merchandise imported on consignment, the date of exportation thereof.

8. Section 14.7 (a) (4) is amended by substituting the words "constructed value" for the words "cost of production" wherever the latter term appears.

9. Section 14.7 (b) is amended to read as follows:

(b) *Calculation of fair value.* In calculating fair value under section 201 (a) Antidumping Act, 1921, as amended (19 U. S. C. 160 (a)), the following criteria shall be applicable:

(1) *Quantities and circumstances of sale.* In comparing the purchase price or exporter's sales price, as the case may be, with the sales on which a determination of fair value is to be based, reasonable adjustments will be made for any differences in quantities and circumstances of sale.

(2) *Similar merchandise.* In comparing the purchase price or exporter's sales price, as the case may be, of the merchandise imported into the United States with the selling price in the home market, or for exportation to countries other than the United States, of similar merchandise described in subdivisions (C), (D), (E), or (F) of section 212 (3) Antidumping Act, 1921, as amended (19 U. S. C. ------), due allowance will be made for differences in costs of manufacture.

(3) *Offering price.* The foreign producer's offering price will be considered in the absence of sales.

(4) *Sales agency.* If the foreign producer sells through a sales agency or other organization related to such producer in any of the respects described in section 207 of the Antidumping Act, 1921, as amended (19 U. S. C. 166), the price at which such or similar merchandise is sold or, in the absence of sales, offered for sale by such sales agency or other organization may be used in determining whether there have been sales at less than fair value.

(5) *Fictitious sales.* In the determination of fair value, no pretended sale or offer for sale, and no sale or offer for sale intended to establish a fictitious market, shall be taken into account.

(6) *Sales at varying prices.* Where the prices in the sales which are being examined for a determination of fair value vary (after adjustments and allowances provided for in subparagraphs (1) and (2) of this paragraph) determination of fair value will take into account the prices of a preponderance of the merchandise thus sold, weighted averages of the prices of the merchandise thus sold, or any other available criteria that the Secretary may deem reasonable.

(7) *Quantities involved and differences in price.* Merchandise will not be deemed to have been sold at less than fair value unless the quantity involved in the sale or sales to the United States, or the difference between the purchase price or exporter's sales price, as the case may be, and the fair value, is more than insignificant.

(Sec. 407, 42 Stat. 18; 19 U. S. C. 173)

10. Section 14.8 (a) is amended to read as follows:

§ 14.8 *Determination of fact or likelihood of sales at less than fair value; determination of injury; finding of dumping.* (a) Upon receipt of information obtained by the Commissioner of Customs pursuant to § 14.6 (d), the Secretary of the Treasury will proceed as promptly as possible to determine whether the merchandise in question is in fact being, or is likely to be, sold in the United States or elsewhere at less than its fair value. If the determination is affirmative, the Secretary will advise the United States Tariff Commission accordingly.

11. Section 14.8 (b) is amended by substituting the words "Secretary of the Treasury" for the words "Commissioner of Customs."

12. Section 14.9 (a) is amended to read as follows:

§ 14.9 *Action by appraiser; appearance of importer.* (a) Upon receipt of advice from the Commissioner of Customs pursuant to § 14.6 (e), the appraiser shall withhold appraisement of any merchandise within the purview of the advice entered, or withdrawn from warehouse, for consumption, not more than 120 days before the question of dumping was raised by or presented to the Secretary of the Treasury or his delegate and shall notify the collector and importer immediately of each lot of merchandise with respect to which appraisement is so withheld. Upon advice of a finding made in accordance with § 14.8 (b), the appraiser shall give immediate notice thereof to the collector and the importer when any shipment subject thereto is imported after the date of the finding and information is not on hand for completion of appraisement of such shipment.

13. Section 14.9 is further amended by substituting the words "constructed value" for the words "cost of production" in paragraphs (c) and (d), and by deleting the parenthetical material following paragraph (g) and adding the following new paragraph (h):

(h) If the importer fails to appear within 30 days of the date of the request made by the appraiser under the provisions of paragraph (b) of this section or fails to file an appropriate certificate within 30 days after being notified by the appraiser that a certificate is required under the provisions of paragraph (d) of this section, the appraiser shall proceed upon the basis of the best information available.

(Secs. 201, 202, 208, 407, 42 Stat. 11, as amended, 14, 18, sec. 486, 46 Stat. 725, as amended; 19 U. S. C. 160, 161, 167, 173, 1486)

14. Section 14.10 (b) is amended by adding the following new sentence at the end thereof: "The penalty of any additional bond required under this subsection shall be in such amount as will assure payment of any special duty that may accrue by reason of the Antidumping Act, but in no case less than $100."

15. Section 14.10 (c) is amended by adding the following at the end thereof: "The penalty of such bond shall be in an amount equal to the estimated value of the merchandise covered by the finding.

(Secs. 208, 407, 42 Stat. 14, 18; 19 U. S. C. 167, 173)

16. Section 14.10 (d) is deleted.

17. Section 14.11 is amended by substituting the words "constructed value" for the words "cost of production."

18. Section 14.13 (a) is amended to read as follows:

§ 14.13 *Publication of findings.* (a) Each determination made in accordance with § 14.8 (a), whether such determination is in the affirmative or in the negative, and each finding made in accordance with § 14.8 (b) will be published in a weekly issue of Treasury Decisions and in the FEDERAL REGISTER.

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U. S. C. 160, 173)

19. Footnote 14 is amended to read as follows:

[14] SEC. 201 (b) Whenever, in the case of any imported merchandise of a class or kind as to which the Secretary has not so made public a finding, the Secretary has reason to believe or suspect, from the invoice or other papers or from information presented to him or to any person to whom authority under this section has been delegated, that the purchase price is less, or that the exporter's sales price is less or likely to be less, than the foreign market value (or, in the absence of such value, than the constructed value), he shall forthwith publish notice of that fact in the FEDERAL REGISTER and shall authorize, under such regulations as he may prescribe, the withholding of appraisement reports as to such merchandise entered, or withdrawn from warehouse, for consumption, not more than one hundred and twenty days before the question of dumping has been raised by or presented to him or any person to whom authority under this section has been delegated, until the further order of the Secretary, or until the Secretary has made public a finding as provided for in subdivision (a) in regard to such merchandise.

20. Footnote 14a is amended to read as follows:

SEC. 201. (a) Whenever the Secretary of the Treasury (hereinafter called the "Secretary") determines that a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value, he shall so advise the United States Tariff Commission, and the said Commission shall determine within three months thereafter whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. The said Commission, after such investigation as it deems necessary, shall notify the Secretary of its determination, and, if that determination is in the affirmative, the Secretary shall make public a notice (hereinafter in this act called a "finding") of his determination and the determination of the said Commission. For the purposes of this subsection, the said Commission shall be deemed to have made an affirmative determination if the Commissioners of the said Commission voting are evenly divided as to whether its determination should be in the affirmative or in the negative. The Secretary's finding shall include a description of the class or kind of merchandise to which it applies in such detail as he shall deem necessary for the guidance of customs officers.

(b) Whenever, in the case of any imported merchandise of a class or kind as to which the Secretary has not so made public a finding, the Secretary has reason to believe or suspect, from the invoice or other papers or from information presented to him or to any person to whom authority under this section has been delegated, that the purchase price is less, or that the exporter's sales price is less or likely to be less, than the foreign market value (or, in the absence of such value, than the constructed value), he shall forthwith publish notice of that fact in the FEDERAL REGISTER and shall authorize, under such regulations as he may prescribe, the withholding of appraisement reports as to such merchandise entered, or withdrawn from warehouse, for consumption, not more than one hundred and twenty days before the question of dumping has been raised by or presented to him or any person to whom authority under this section has been delegated, until the further order of the Secretary, or until the Secretary has made public a finding as provided for in subdivision (a) in regard to such merchandise.

(c) The Secretary, upon determining whether foreign merchandise is being, or is likely to be, sold in the United States at less than its fair value, and the United States Tariff Commission, upon making its determination under subsection (a) of this section, shall each publish such determination in the FEDERAL REGISTER, with a statement of the reasons therefor, whether such determination is in the affirmative or in the negative.

SEC. 202. (a) In the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary has made public a finding as provided for in section 201, entered, or withdrawn from warehouse, for consumption, not more than one hundred and twenty days before the question of dumping was raised by or presented to the Secretary or any person to whom authority under section 201 has been delegated, and as to which no appraisement report has been made before such finding has been so made public, if the purchase price or the exporter's sales price is less than the foreign market value (or, in the absence of such value, than the constructed value) there shall be levied, collected, and paid, in addition to any other duties imposed thereon by law, a special dumping duty in an amount equal to such difference.

(b) In determining the foreign market value for the purposes of subsection (a), if it is established to the satisfaction of the Secretary or his delegate that the amount of any difference between the purchase price and the foreign market value (or that the fact that the purchase price is the same as the foreign market value) is wholly or partly due to—

(1) The fact that the wholesale quantities in which such or similar merchandise is sold or, in the absence of sales, offered for sale for exportation to the United States in the ordinary course of trade, are less or are greater than the wholesale quantities in which such or similar merchandise is sold or, in the absence of sales, offered for sale in the principal markets of the country of exportation in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, then for exportation to countries other than the United States);

(2) Other differences in circumstances of sale; or

(3) The fact that merchandise described in subdivision (C), (D), (E), or (F) of section 212 (3) is used in determining foreign market value;

then due allowance shall be made therefor.

(c) In determining the foreign market value for the purposes of subsection (a), if it is established to the satisfaction of the Secretary or his delegate that the amount of any difference between the exporter's sales price and the foreign market value (or that the fact that the exporter's sales price is the same as the foreign market value) is wholly or partly due to—

(1) The fact that the wholesale quantities in which such or similar merchandise is sold or, in the absence of sales, offered for sale in the principal markets of the United States in the ordinary course of trade, are less or are greater than the wholesale quantities in which such or similar merchandise is sold or, in the absence of sales, offered for sale in the principal markets of the country of exportation in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, then for exportation to countries other than the United States);

(2) Other differences in circumstances of sale; or

(3) The fact that merchandise described in subdivision (C), (D), (E), or (F) of section 212 (3) is used in determining foreign market value;

then due allowance shall be made therefor.

SEC. 203. That for the purposes of this title, the purchase price of imported merchandise shall be the price at which such merchandise has been purchased or agreed to be purchased, prior to the time of exportation, by the person by whom or for whose account the merchandise is imported, plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, less the amount, if any, included in such price, attributable to any additional costs, charges, and expenses, and United States import duties, incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States; and plus the amount, if not included in such price, of any export tax imposed by the country of exportation on the exportation of the merchandise to the United States; and plus the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States; and plus the amount of any taxes imposed in the country of exportation upon the manufacturer, producer, or seller, in respect to the manufacture, production or sale of the merchandise, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States.

SEC. 204. That for the purpose of this title the exporter's sales price of imported merchandise shall be the price at which such merchandise is sold or agreed to be sold in the United States, before or after the time of importation, by or for the account of the exporter, plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, less (1) the amount, if any, included in such price, attributable to any additional costs, charges, and expenses, and United States import duties, incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States; (2) the amount of the commissions, if any, for selling in the United States the particular merchandise under consideration; (3) an amount equal to the expenses, if any, generally incurred by or for the account of the exporter in the United States in selling identical or substantially identical merchandise; and (4) the amount of any export tax imposed by the country of exportation on the exportation of the merchandise to the United States; and plus the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States; and plus the amount of any taxes imposed in the country of exportation upon the manufacturer, producer, or seller in respect to the manufacture, production, or sale of the merchandise, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States.

SEC. 205. For the purposes of this title, the foreign market value of imported merchandise shall be the price, at the time of exportation of such merchandise to the United States, at which such or similar merchandise is sold or, in the absence of sales, offered for sale in the principal markets of the country from which exported, in the usual wholesale quantities and in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, or if the Secretary determines that the quantity sold for home consumption is so small in relation to the quantity sold for exportation to countries other than the United States as to form an inadequate basis for comparison, then the price at which so sold or offered for sale for exportation to countries other than the United States), plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition packed ready for shipment to the United States, except that in the case of merchandise purchased or agreed to be purchased by the person by whom or for whose account the merchandise is imported, prior to the time of exportation, the foreign market value shall be ascertained as of the date of such purchase or agreement to purchase. In the ascertainment of foreign market value for the purposes of this title no pretended sale or offer for sale, and no sale or offer for sale intended to establish a fictitious market, shall be taken into account. If such or similar merchandise is sold or, in the absence of sales, offered for sale through a sales agency or other organization related to the seller in any of the respects described in section 207, the prices at which such or similar merchandise is sold or, in the absence of sales, offered for sale by such sales agency or other organization may be used in determining the foreign market value.

SEC. 206. (a) For the purposes of this title, the constructed value of imported merchandise shall be the sum of—

(1) The cost of materials (exclusive of any internal tax applicable in the country of exportation directly to such materials or their disposition, but remitted or refunded upon the exportation of the article in the production of which such materials are used) and of fabrication or other processing of any kind employed in producing such or similar merchandise, at a time preceding the date of exportation of the merchandise under consideration which would ordinarily permit the production of that particular merchandise in the ordinary course of business;

(2) An amount for general expenses and profit equal to that usually reflected in sales of merchandise of the same general class or kind as the merchandise under consideration which are made by producers in the country of exportation, in the usual wholesale quantities and in the ordinary course of trade, except that (A) the amount for general expenses shall not be less than 10 per centum of the cost as defined in paragraph (1), and (B) the amount for profit shall not be less than 8 per centum of the sum of such general expenses and cost; and

(3) The cost of all containers and coverings of whatever nature, and all other expenses incidental to placing the merchandise under consideration in condition, packed ready for shipment to the United States.

(b) For the purposes of this section, a transaction directly or indirectly between persons specified in any one of the paragraphs in subsection (c) of this section may be disregarded if, in the case of any element of value required to be considered, the amount representing that element does not fairly reflect the amount usually reflected in sales in the market under consideration of merchandise of the same general class or kind as the merchandise under consideration. If a transaction is disregarded under the preceding sentence and there are no other transactions available for consideration, then the determination of the amount required to be considered shall be based on the best evidence available as to what the amount would have been if the transaction had occurred between persons not specified in any one of the paragraphs in subsection (c).

(c) The persons referred to in subsection (b) are:

(1) Members of a family, including brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants;

(2) Any officer or director of an organization and such organization;

(3) Partners;

(4) Employer and employee;

(5) Any person directly or indirectly owning, controlling, or withholding with power to vote, 5 per centum or more of the outstanding voting stock or shares of any organization and such organization; and

(6) Two or more persons directly or indirectly controlling, controlled by, or under common control with, any person.

SEC. 207. That for the purposes of this title the exporter of imported merchandise shall be the person by whom or for whose account the merchandise is imported into the United States:

(1) If such person is the agent or principal of the exporter, manufacturer, or producer; or

(2) If such person owns or controls, directly or indirectly, through stock ownership or control or otherwise, any interest in the business of the exporter, manufacturer, or producer; or

(3) If the exporter, manufacturer, or producer owns or controls, directly or indirectly, through stock ownership or control or otherwise, any interest in any business conducted by such person; or

(4) If any person or persons, jointly or severally, directly or indirectly, through stock ownership or control or otherwise, own or control in the aggregate 20 per centum or more of the voting power or control in the business carried on by the person by whom or for whose account the merchandise is imported into the United States, and also 20 per centum or more of such power or control in the business of the exporter, manufacturer, or producer.

SEC. 208. That in the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary has made public a finding as provided in section 201, and delivery of which has not been made by the collector before such finding has been so made public, unless the person by whom or for whose account such merchandise is imported makes oath before the collector, under regulations prescribed by the Secretary, that he is not an exporter, or unless such person declares under oath at the time of entry, under regulations prescribed by the Secretary, the exporter's sales price of such merchandise, it shall be unlawful for the collector to deliver the merchandise until such person has made oath before the collector, under regulations prescribed by the Secretary, that the merchandise has not been sold or agreed to be sold by such person, and has given bond to the collector, under regulations prescribed by the Secretary, with sureties approved by the collector, in an amount equal to the estimated value of the merchandise, conditioned: (1) that he will report to the collector the exporter's sales price of the merchandise within 30 days after such merchandise has been sold or agreed to be sold in the United States, (2) that he will pay on demand from the collector the amount of special dumping duty, if any, imposed by this title upon such merchandise, and (3) that he will furnish to the collector such information as may be in his possession and as may be necessary for the ascertainment of such duty, and will keep such records as to the sale of such merchandise as the Secretary may by regulation prescribe.

SEC. 209. That in the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary has made public a finding as provided in section 201, and as to which the appraiser or person acting as appraiser has made no appraisement report to the collector before such finding has been so made public, it shall be the duty of each appraiser or person acting as appraiser, by all reasonable ways and means to ascertain, estimate, and appraise (any invoice or affidavit thereto or statement of constructed value to the contrary notwithstanding) and report to the collector the foreign market value or the constructed value, as the case may be, the purchase price, and the exporter's sales price, and any other facts which the Secretary may deem necessary for the purposes of this title.

SEC. 210. That for the purposes of this title the determination of the appraiser or person acting as appraiser as to the foreign market value or the constructed value, as the case may be, the purchase price, and the exporter's sales price, and the action of the collector in assessing special dumping duty, shall have the same force and effect and be subject to the same right of appeal and protest, under the same conditions and subject to the same limitations; and the general appraisers, the Board of General Appraisers, and the Court of Customs Appeals shall have the same jurisdiction, powers, and duties in connection with such appeals and protests as in the case of appeals and protests relating to customs duties under existing law.

SEC. 211. That the special dumping duty imposed by this title shall be treated in all respects as regular customs duties within the meaning of all laws relating to the drawback of customs duties.

SEC. 212. For the purposes of this title—

(1) The term "sold or, in the absence of sales, offered for sale" means sold or, in the absence of sales, offered (A) to all purchasers at wholesale, or (B) in the ordinary course of trade to one or more selected purchasers at wholesale at a price which fairly reflects the market value of the merchandise, without regard to restrictions as to the disposition or use of the merchandise by the purchaser except that, where such restrictions are found to affect the market value of the merchandise, adjustment shall be made therefor in calculating the price at which the merchandise is sold or offered for sale.

(2) The term "ordinary course of trade" means the conditions and practices which, for a reasonable time prior to the exportation of the merchandise under consideration, have been normal in the trade under consideration with respect to merchandise of the same class or kind as the merchandise under consideration.

(3) The term "such or similar merchandise" means merchandise in the first of the following categories in respect of which a determination for the purposes of this title can be satisfactorily made: (A) The merchandise under consideration and other merchandise which is identical in physical characteristics with, and was produced in the same country by the same person as, the merchandise under consideration. (B) Merchandise which is identical in physical characteristics with, and was produced by another person in the same country as, the merchandise under consideration. (C) Merchandise (i) produced in the same country and by the same person as the merchandise under consideration, (ii) like the merchandise under consideration in component material or materials and in the purposes for which used, and (iii) approximately equal in commercial value to the merchandise under consideration. (D) Merchandise which satisfies all the requirements of subdivision (C) except that it was produced by another person. (E) Merchandise (i) produced in the same country and by the same person and of the same class or kind as the merchandise under consideration, (ii) like the merchandise under consideration in the purposes for which used, and (iii) which the Secretary or his delegate determines may reasonably be compared for the purposes of this title with the merchandise under consideration. (F) Merchandise which satisfies all the requirements of subdivision (E) except that it was produced by another person.

(4) The term "usual wholesale quantities", in any case in which the merchandise in respect of which value is being determined is sold in the market under consideration at different prices for different quantities, means the quantities in which such merchandise is there sold at the price or prices for one quantity in an aggregate volume which is greater than the aggregate volume sold at the price or prices for any other quantity.

SEC. 213. That this title may be cited as the "Antidumping Act, 1921."

SEC. 406. That when used in Title II * * *

The term "person" includes individuals, partnerships, corporations, and associations; and

The term "United States" includes all Territories and possessions subject to the jurisdiction of the United States, except the Virgin Islands, the islands of Guam and Tutuila, and the Canal Zone.

SEC. 407. That the Secretary shall make rules and regulations necessary for the enforcement of this Act. (Antidumping Act, 1921, as amended; 19 U. S. C. 160–173.)

21. Footnote 15 is amended by substituting the words "constructed value" for the words "cost of production" wherever the latter words appear; by substituting the words "for exportation otherwise

than to the United States" for the words "otherwise than for exportation to the United States" in the first and second sentences of the third paragraph; and by amending Examples 1 and 2 to read as follows:

Example 1. A foreign producer has made the following sales of a particular product over a representative period:

Sales for consumption in country of exportation	Sales for exportation to countries other than the United States	Sales to the United States
75,000 units @ $1.00	25,000 units @ $0.85	15,000 units @ $0.90.

The quantity of sales of this product in the country of exportation, amounting to 75,000 units, is sufficiently large in relation to the total of 25,000 units sold for exportation to countries other than the United States to constitute an adequate basis for comparison with sales to the United States. (See § 14.7 (a) (1) and (2).) The price for sale to the United States is less than the price in the country of exportation. The foreign producer is therefore selling in the United States at less than fair value. This will be so even if the home market sales involve a restriction for which allowance need not be made because of circumstances of sale (such a restriction might be the typical limitation or right of resale to a specified area) and the third country sales are made without any restriction.

Example 2. A foreign producer has made the following sales of a particular product:

Sales for consumption in country of exportation	Sales for exportation to countries other than the United States	Sales to the United States
25,000 units @ $0.95	75,000 units @ $0.90	15,000 units @ $0.90.

The foreign producer can show that the quantity of sales of this product in the country of exportation, amounting to 25,000 units, is so small in relation to the total of 75,000 units sold for exportation to countries other than the United States, as to be an inadequate basis for comparison with sales to the United States. Determination of fair value will therefore be based on the selling price for exportation to countries other than the United States, pursuant to § 14.7 (a) (2). In the absence of special circumstances it would appear that the sales for exportation to the United States were not below fair value. This will be so even if the third country sales involve a restriction for which allowance need not be made because of circumstances of sale (such as the typical limitation of right of resale to a specified area) and the home market sales are made without any restriction.

PART 16—LIQUIDATION OF DUTIES

1. Section 16.21 (a) is amended by substituting the words "Secretary of the Treasury" for the words "Commissioner of Customs" and by substituting the words "constructed value" for the words "cost of production."

2. Section 16.22 is amended by substituting the words "constructed value" for the words "cost of production" wherever the latter term appears.

3. Footnote 16 is amended to read as follows:

[16] See § 14.13 of this chapter.

For regulations regarding finding of dumping by the Secretary and procedure under the Antidumping Act, 1921, see §§ 14.6 to 14.13.

The fact that the importer has added on entry the difference between the purchase price or the exporter's sales price and the foreign market value or constructed value and the appraiser has approved the resulting entered value shall not prevent the assessment of the special dumping duty. However, a mere difference between the purchase price or exporter's sales price and the foreign market value or constructed value, without a finding by the Secretary of the Treasury, as above referred to, is not sufficient for the assessment of the special dumping duty.

[F. R. Doc. 58-8731; Filed, Oct. 21, 1958; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 33]

NORTH PLATTE NATIONAL WILDLIFE REFUGE, NEBRASKA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i), and under authority delegated by Commissioner's Order 4 (22 F. R. 8126), it is proposed to add to Chapter I, Title 50, Code of Federal Regulations, a new subpart entitled Subpart—North Platte National Wildlife Refuge, Nebraska, and § 33.145 to read as set forth in tentative form below. The purpose of the proposed regulation is to permit fishing and the use of boats on certain waters of the North Platte National Wildlife Refuge under certain limitations and subject to compliance with the laws and regulations of the State of Nebraska.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: October 16, 1958.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

SUBPART—NORTH PLATTE NATIONAL WILDLIFE REFUGE, NEBRASKA

FISHING

§ 33.145 *Fishing permitted.* Subject to compliance with the provisions of Parts 18 and 21 of this chapter, noncommercial fishing is permitted during the daylight hours of the period from January 15 to September 30, inclusive, on the waters of the North Platte National Wildlife Refuge, Nebraska, subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Use of boats.* The use of boats, motorboats, and other floated craft is permitted on the waters of the refuge during the daylight hours of the period January 15 to September 30, inclusive.

[F. R. Doc. 58-8712; Filed, Oct. 21, 1958; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 961]

[Docket No. AO-160-A20]

MILK IN PHILADELPHIA, PA., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING BRIEFS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900) notice is hereby given that the time for filing briefs on the record of the public hearing held at Philadelphia, Pennsylvania, on September 18, 1958, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area, pursuant to notices issued August 19, 1958 (23 F. R. 6510; F. R. Doc. 58-6782), August 22, 1958 (23 F. R. 6628; F. R. Doc. 58-6940) and September 11, 1958 (23 F. R. 7144; F. R. Doc. 58-7499) is hereby extended to October 22, 1958.

Dated: October 17, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-8771; Filed, Oct. 21, 1958; 8:50 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purposes 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 Presidio County, Texas, a production disaster has caused a need for agricultural credit 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 county after December 31, 1959, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 16th day of October 1958.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 58-8724; Filed, Oct. 21, 1958; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11757; FCC 58M-1163]

EVANSVILLE TELEVISION, INC.

ORDER CONTINUING HEARING

In the matters of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Evansville, Indiana, and Louisville, Kentucky) and order directing Evansville Television, Inc. to show cause why its authorization for Station WTVW, Evansville, Indiana, should not be modified to specify operation on Channel 31 in lieu of Channel 7; Docket No. 11757.

It is ordered, This 17th day of October 1958, that hearing in the above-entitled proceeding, which is scheduled to be resumed on this date, is continued indefinitely.

Released: October 17, 1958.

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

[F. R. Doc. 58-8736; Filed, Oct. 21, 1958; 8:48 a. m.]

[Docket Nos. 12264, 12266; FCC 58-968]

HIRSCH BROADCASTING CO. (KFVS) AND FIRMIN CO.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re applications of Hirsch Broadcasting Company (KFVS), Cape Girardeau, Missouri, Docket No. 12264, File No. BP-11001; W. H. Firmin, J. H. Firmin and Bernard Lurie d/b as The Firmin Company, Vincennes, Indiana, Docket No. 12266, File No. BP-11621; for construction permits.

1. This proceeding arises from the application of Hirsch Broadcasting Company (KFVS), Cape Girardeau, Missouri, to increase power with which has been consolidated for hearing, because of possible interference, the application of The Firmin Company for a new standard broadcast station to be located at Vincennes, Indiana. Forrest City Broadcasting Company, Inc., licensee of Station KXJK, Forrest City, Arkansas, has been made a party intervenor because of possible interference to its existing operation. KSGM, St. Genevieve, Missouri, is not a party to this proceeding but has an existing station and an application for change of transmitter site to Chester, Illinois, now pending before the Commission.

2. The Commission has under consideration, (1) a joint petition of The Firmin Company and Forrest City Broadcasting Co., Inc., (KXJK) (hereinafter Firmin/Forrest) to enlarge issues in the above-entitled proceeding, filed April 22, 1958, (2) the reply of the Broadcast Bureau, filed May 5, 1958, and (3) the answer of Firmin/Forrest, filed May 9, 1958.

3. The issues in this matter were published on December 16, 1957 (22 F. R. 10230). Firmin/Forrest now petitions to add issues, to wit:

12. To determine whether the proposed operation of Hirsch Broadcasting Company would cause objectionable interference to Stations KXJK, Forrest City, Arkansas, KSGM, Ste. Genevieve, Missouri, or any other existing standard broadcast stations or pending applications and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

13. To determine whether there will be an overlap of the 2 and 25 mv/m contours of the proposals of the Hirsch Broadcasting Company and Station KSGM.

4. Firmin/Forrest alleges in support of its position that engineering data contained in the petition in intervention of KXJK, Forrest City, Arkansas, reveals a possible interference problem from the Hirsch proposal to increase power; that it has been discovered since the start of hearing process that existing KSGM and the Hirsch proposal will mutually interfere; and that proposed KSGM (to operate from a different transmitter location) is now before the Commission and may have an overlap of contours as indicated in proposed Issue 13, supra. Firmin/Forrest points out that the existing issues relative to Hirsch do not permit of such determinations.

5. The Broadcast Bureau concurs in the proposed additional issue 12 insofar as the reference to KXJK, Forrest City, Arkansas, is concerned. It opposes the inclusion of existing KSGM on the basis that there has been no offer of engineering proof to justify inclusion of such an issue. As to the inclusion of "pending applications" (proposed issue 12), the Bureau contends that such applications are either entitled to consolidation with appropriate issues under normal Commission processing, or of no significance. Broadcast Bureau further opposes proposed additional issue 13 as premature. However, the Bureau points out that the petition of KXJK, Forrest City, Arkansas, to intervene discloses potential interference with WABG, Greenwood, Mississippi.

6. We have examined the present issues (22 F. R. 10230) and we note that there is no interference issue pertaining to the proposal of Hirsch Broadcasting Company. Hence, none of the proposed issues can be resolved as matters now stand. We agree with the Broadcast Bureau that Firmin/Forrest has offered no engineering data to support the requested issue as to existing KSGM, and that pending applications will either be included in this matter as a matter of Commission routine or should not be so consolidated. That being so, the request for proposed issue 13, supra is premature. We further agree that potential interference to WABG, Greenwood, Mississippi, is disclosed by Forrest City's petition to intervene.

It is ordered, This 15th day of October 1958 that the petition to enlarge issues of Firmin/Forrest is denied except to the extent granted by our action hereinafter; and

It is further ordered, That existing Issue 11 be re-numbered Issue 12; and

It is further ordered, That a new Issue 11 be added to the existing issues, to wit:

11. To determine whether the proposed operation of Hirsch Broadcasting Company would cause objectionable interference to Station KXJK, Forrest City, Arkansas, Station WABG, Greenwood, Mississippi, or any other existing standard broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

Released: October 16, 1958.

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

[F. R. Doc. 58-8737; Filed, Oct. 21, 1958; 8:48 a. m.]

[Docket No. 12559 etc.; FCC 58M-1159]

DONNER BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Dr. Nathan Movich, tr/as Donner Broadcasting Company, Truckee, California, Docket No. 12559, File No. BP-11377; Edward J. Jansen and Keith Jack Rudd, d/b as Lakeside Broadcasters, Sparks, Nevada, Docket No. 12560, File No. BP-11656; Joseph William Rupley and Robert Sherman, d/b as Truckee Broadcasting, Truckee, California, Docket No. 12561, File No. BP-11910; for construction permits.

On petition of Lakeside Broadcasters and without objection of the other parties in the proceeding: *It is ordered,* This 16th day of October 1958, that hearing in the above-entitled proceeding now scheduled to be held on October 24, 1958, is continued to November 21, 1958.

Released: October 17, 1958.

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

[F. R. Doc. 58-8738; Filed, Oct. 21, 1958; 8:48 a. m.]

[Docket No. 12597; FCC 58M-1156]

JANE A. ROBERTS

ORDER CONTINUING HEARING

In re application of Jane A. Roberts, Cedar Falls, Iowa, Docket No. 12597, File No. BL-7011; for station license.

It is ordered, This 16th day of October 1958, that the hearing now scheduled for November 10, is rescheduled for

Wednesday, November 12, 1958, at 10 a. m., in the offices of the Commission, Washington, D. C., in accordance with agreement reached at the prehearing conference of October 15, 1958.

Released: October 16, 1958.

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

[F. R. Doc. 58-8739; Filed, Oct. 21, 1958; 8:48 a. m.]

[Docket Nos. 12600, 12601; FCC 58M-1160]

SHELBY COUNTY BROADCASTING CO. AND ROUNSAVILLE OF CINCINNATI, INC. (WCIN)

ORDER CONTINUING HEARING

In the matter of H. T. Parrott, R. D. Ingram, J. W. Pickett & Edwin L. Rogers, d/b as Shelby County Broadcasting Company, Shelbyville, Indiana, Docket No. 12600, File No. BP-11202; Rounsaville of Cincinnati, Inc. (WCIN), Cincinnati, Ohio, Docket No. 12601, File No. BP-11539; for construction permits.

A prehearing conference in the above-entitled mater having been held on October 15, 1958, and it appearing from the record made therein that inter alia certain agreements were made which properly should be formalized in an order: *It is ordered,* This 15th day of October 1958, that:

(1) The direct cases of the applicants shall be in writing;

(2) Engineering exhibits and testimony shall be exchanged by the parties on December 15, 1958;

(3) Copies of the exhibits and testimony exchanged shall be supplied the Commission's Broadcast Bureau and the Hearing Examiner on December 15, 1958;

(4) A further prehearing conference shall be held on January 5, 1959; and

It is further ordered, That the hearing in this matter presently scheduled to commence on November 21, 1958, is continued to a date to be fixed by a subsequent order.

Released: October 17, 1958.

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

[F. R. Doc. 58-8740; Filed, Oct. 21, 1958; 8:48 a. m.]

[Docket Nos. 12623, 12624; FCC 58-976]

CENTRAL W. VA. SERVICE CORP. AND CLARKSBURG BROADCASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Central W. Va. Service Corporation, Weston, West Virginia, Docket No. 12623, File No. BP-11486; Clarksburg Broadcasting Corporation, Clarksburg, West Virginia, Docket No. 12624, File No. BP-11580; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of October 1958;

The Commission having under consideration the above-captioned applications of Central W. Va. Service Corporation and of the Clarksburg Broadcasting Corporation, each for a construction permit to change frequency to 980 kilocycles, operate daytime only, with powers of 1 kilowatt and 5 kilowatts, respectively, at Weston, West Virginia, and Clarksburg, West Virginia, respectively;

It appearing, that, except as indicated by the issues specified below, both applicants are legally, financially, technically and otherwise qualified to operate the proposed stations but that the simultaneous operation of both proposals would result in mutually destructive interference, and that the proposed operation of Clarksburg Broadcasting Corporation would cause interference to Station WWSW, Pittsburgh, Pennsylvania (970 kc, 5 kw, DA-2, U);

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicants were advised by a letter dated July 21, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that both applicants filed timely replies to the Commission's letter; and

It further appearing, that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operations of Stations WHAW and WPDX as proposed and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Clarksburg Broadcasting Corporation would cause interference to Station WWSW, Pittsburgh, Pennsylvania, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

3. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That WWSW Radio Inc., licensee of Station WWSW is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: October 17, 1958.

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

[F. R. Doc. 58-8741; Filed, Oct. 21, 1958; 8:48 a. m.]

[Docket No. 12625; FCC 58-977]

CHEROKEE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Roy Alexander tr/as Cherokee Broadcasting Company, Centre, Alabama, Docket No. 12625, File No. BP-11300; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of October 1958;

The Commission having under consideration the above-captioned application of Roy Alexander tr/as Cherokee Broadcasting Company for a construction permit for a new standard broadcast station to operate on 990 kilocycles with a power of 250 watts, daytime only, at Centre, Alabama;

It appearing that, except as indicated by the issues specified below, the applicant is legally, financially, technically and otherwise qualified to operate the proposed station but that the proposed operation would not comply with § 3.28 (c) of the Commission's rules because the interference which would be received from Station WNOX, Knoxville, Tennessee (990 kc, 10 kw, DA-N, U) would affect more than ten percent of the population in the proposed normally protected primary service area and that the proposed transmitter site may not be satisfactory in that the operation from the proposed site would not provide a minimum field intensity of 25 mv/m over the business and factory areas of Centre as required by § 3.188 (b) (1) of the Commission's rules; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised by letter dated September 11, 1958, of the aforementioned

deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that the applicant, by amendment dated September 13, 1958, submitted data purporting to show that the proposed operation would comply with § 3.28 (c) of the Commission's rules and requested a waiver of § 3.188 (b) (1) of the rules on the grounds that a suitable site near Centre is difficult to obtain and that there are no heavy industries in Centre which would cause extremely high noise level by use of electrical equipment; and

It further appearing that the applicant's data purporting to show that the proposed operation would be in compliance with § 3.28 (c) of the Commission's rules is not sufficiently complete; and

It further appearing that the Commission is unable to make a determination in this matter on the basis of the data before it and is of the opinion that an evidentiary hearing is necessary to obtain complete information concerning the area which would be under interference, the population residing therein and the grounds advanced in support of the applicant's request for a waiver of § 3.188 (b) (1) of the Commission rules to enable the Commission to determine whether the public interest would be served by a grant of the application;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation and the availability of other primary service to such areas and populations.

2. To determine whether, because of the interference received, the proposed operation would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

3. To determine whether the proposed transmitter site would be satisfactory in accordance with the provisions of § 3.188 (b) (1) of the Commission's rules; and if said site is not satisfactory, whether circumstances exist which would warrant a waiver of § 3.188 (b) (1) of the rules.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: October 17, 1958.

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

[F. R. Doc. 58-8742; Filed, Oct. 21, 1958; 8:48 a. m.]

[Docket No. 12626; FCC 58-978]

IRVING BRAUN (WEZY)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Irving Braun (WEZY), Cocoa, Florida, Docket No. 12626, File No. BMP-7766; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of October 1958;

The Commission having under consideration the above-captioned application of Irving Braun for a modification of construction permit to change the facilities of Station WEZY (1480 kc, 1 kw, Day) to operate on 1350 kilocycles with a power of one kilowatt nighttime, 500 watts daytime, utilizing a directional antenna at night, unlimited time;

It appearing, that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issue specified below, to operate WEZY as proposed, but that the proposed operation would cause interference to Station WROD, Daytona Beach, Florida (1340 kc, 250 w, U); and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated August 22, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that the applicant, by amendment dated September 20, 1958, submitted data purporting to show that the proposed WEZY operation would not cause interference to Station WROD; but that such data is inconclusive to prove the absence of interference to WROD; and

It further appearing, that the Daytona Beach Broadcasting Corporation, licensee of Station WROD, by letter dated September 12, 1958, expressed a desire to appear at a hearing on the application; and

It further appearing, that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WEZY as proposed and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station WEZY would cause interference to Station WROD, Daytona Beach, Florida, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the availability of other primary service to such areas and populations.

3. To determine, whether, in the light of evidence adduced pursuant to the foregoing issues, a grant of the above-captioned application would serve the public interest.

It is further ordered, That Daytona Beach Broadcasting Corporation, licensee of Station WROD, is made a party to the proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, Irving Braun and Daytona Beach Broadcasting Corporation, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: October 17, 1958.

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

[F. R. Doc. 58-8743; Filed, Oct. 21, 1958; 8:48 a. m.]

[Docket No. 12627 etc.; FCC 58-982]

ROBERT C. CRABB ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Robert C. Crabb, Los Angeles, California, Docket No. 12627, File No. 1387-C2-P/ML-58; Farrell McKean, d/b as Business and Professional Telephone Exchanges, Los Angeles, California, Docket No. 12628, File No. 1603-C2-P-58; Warren M. Seeley, d/b as Mobile Radio Call Service, Beverly Hills, California, Docket No. 12629, File No. 1628-C2-P-58; Lyman G. Berg (Station KMD691), San Diego, California, Docket No. 12630, File No. 1937-C2-P-58; George W. Smith, Santa Ana, California, Docket No. 12631, File No. 2797-C2-P-58; Benjamin H. Warner, Jr., El Modeno, California, Docket No. 12632, File No. 2801-C2-P-58; New York Technical Institute of Cincinnati, Inc., Los Angeles, California, Docket No. 12633, File No. 2998-C2-P-58; one way signaling stations in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of October 1958;

The Commission having under consideration the above-entitled applications of miscellaneous common carriers

for authorizations in the city of Los Angeles and nearby communities and San Diego, California; and

It appearing that the number of applicants for such facilities in the Los Angeles urbanized area, Santa Ana and El Modeno exceeds the number of frequencies available; and

It further appearing that, operation of one or more of the applicants in the Los Angeles urbanized area, Santa Ana and El Modeno co-channel with station KMD691, as it now operates, and as it proposes to operate, on the frequency 35.22 Mc at San Diego, California may result in harmful interference due to abnormal radio wave propagation which exists in this area; and

It further appearing that satisfactory one-way signaling service requires a minimum radio signal field strength ratio of 5 to 1 (14 decibels) between desired and undesired co-channel stations; and

It further appearing that, § 21.504 of our rules prescribes a median field strength contour of 43 decibels above one microvolt per meter as the limit of reliable service area for stations engaged in one-way signaling service; and

It further appearing that, the 43 dbu median field strength set forth in § 21.504 is based upon the Commission's report T. R. R. 3.3.1, entitled "Service Field Intensity Required for Radio Paging Service at 40 MC/S"; and

It further appearing that the procedures set forth in a Commission report, No. T. R. R. 4.3.8, entitled "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band" and use of the F(50, 50) and F(50, 10) radio wave propagation charts for TV channel 2 (contained in Part 3 of the Commission's rules, and the Commission's sixth Report and Order in Docket Nos. 8736, et al.) adjusted downward in field strength by 6 decibels, to compensate for the change in receiving antenna height to 6 feet above ground in lieu of the 30 foot height for which the charts were drawn, are proper for evaluation of the service contours and interference potential of the stations proposed in this proceeding; and

It further appearing that, evaluation of the co-channel interference potential between the installation, as authorized, and as now proposed, at Station KMD691, San Diego and the other radio systems proposed in this proceeding requires that an additional factor, attributable to abnormal radio wave propagation conditions which exist along the radio paths between such other systems and San Diego, must be taken into account, and evidence will be required as to the nature of, and extent of interference effects attributable to, such abnormal propagation; and

It further appearing that, in accordance with § 21.100 of the Commission's rules, each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally assigned exclusively to a single applicant in any service area in order to permit the rendition of service on an interference-free basis; and

It further appearing that, the Commission has advised each of the above-entitled applicants, and all other known parties in interest, by letters dated February 4, April 24 and June 16, 1958, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, as to the reasons why such applications cannot be granted without hearing, and the replies have been received from each of the interested parties, and that such replies have been considered; and

It further appearing that, each of the applicants herein is legally, financially and technically qualified to be a licensee in this service;

It is ordered, That, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at the Commission's offices in Washington, D. C. on a date to be hereafter specified, upon the following issues:

1. To determine, on a comparative basis, the nature and extent of the service proposed by each of the applicants, including rates, charges, practices, classifications, regulations, personnel and facilities pertaining thereto.

2. To determine the reasons, basis for, and the extent of the alleged need of Robert C. Crabb for a second one-way signaling frequency in the Domestic Public Land Mobile Radio Service at Los Angeles, California.

3. To determine the nature of, and interference effects attributable to, abnormal propagation conditions which may be involved herein between similar co-channel facilities at San Diego and the Los Angeles urbanized area and the Santa Ana and El Modeno areas and whether such interference would be undesirable or intolerable.

4. To determine, on the basis of the engineering standards relative to the 43 dbu service contour as set forth above, whether any harmful interference would result from operation of any two of the proposed facilities, if such facilities were operated on a co-channel basis and, if so, in view of the nature of the service proposed, whether such interference would be undesirable or intolerable.

5. To determine the area and population which may be expected to receive service from each of the proposed facilities and the need for such service in the area proposed to be served.

6. To determine whether co-channel operations are feasible between any proposed facility herein in the Los Angeles urbanized area, Santa Ana and El Modeno and station KMD691, as now authorized, at San Diego, California.

7. To determine whether any co-channel problem that may be found to exist between station KMD691 and a like station in the Los Angeles urbanized area, Santa Ana and El Modeno would be materially intensified by the construction now proposed for station KMD691.

8. To determine a fair, efficient and equitable distribution of Domestic Public Land Mobile Radio Service in the several communities involved herein, in accordance with the provisions of section 307 (b) of the Communications Act of 1934, as amended.

9. To determine, in the light of the evidence adduced on the foregoing issues, which, if any of the applications should be granted or denied.

10. To determine, in the event of a grant of one or more of the pending applications for the Los Angeles urbanized area, Santa Ana and El Modeno, which available frequency or frequencies should be assigned.

It is further ordered, That, the parties desiring to participate herein shall file their appearances in accordance with § 1.140 of the Commission's rules.

Released: October 16, 1958.

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

[F. R. Doc. 58-8744; Filed, Oct. 21, 1958; 8:48 a. m.]

[Docket No. 12627 etc.; FCC 58M-1162]

ROBERT C. CRABB ET AL.

ORDER SCHEDULING HEARING

In re applications of Robert C. Crabb, Los Angeles, California, Docket No. 12627, File No. 1387-C2-P/ML-58; Farrell McKean, d/b as Business and Professional Telephone Exchanges, Los Angeles, California, Docket No. 12628, File No. 1603-C2-P-58; Warren M. Seeley, d/b as Mobile Radio Call Service, Beverly Hills, California, Docket No. 12629, File No. 1628-C2-P-58; Lyman G. Berg, (Station KMD691), San Diego, California, Docket No. 12630, File No. 1937-C2-P-58; George W. Smith, Santa Ana, California, Docket No. 12631, File No. 2797-C2-P-58; Benjamin H. Warner, Jr., El Modeno, California, Docket No. 12632, File No. 2801-C2-P-58; New York Technical Institute of Cincinnati, Inc., Los Angeles, California, Docket No. 12633, File No. 2998-C2-P-58; one-way signaling stations in the Domestic Public Land Mobile Radio Service.

It is ordered, This 16th day of October 1958, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 8, 1958, in Washington, D. C.

Released: October 17, 1958.

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

[F. R. Doc. 58-8745; Filed, Oct. 21, 1958; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11806 etc.]

OHIO OIL CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

OCTOBER 16, 1958.

In the matter of the Ohio Oil Company, Docket Nos. G-11806, G-11808,

G–11809, G–11810, G–11811, G–11812, G–11814, G–11815, G–11816, G–11817, G–11818, G–11819, G–11820, G–11822, G–11823, G–11824, G–11825, G–11842.

Take notice that The Ohio Oil Company (Applicant), an Ohio corporation with principal place of business at Findlay, Ohio, filed in the above-captioned proceedings, as hereinafter tabulated, separate applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection. These applications were amended as shown in the tabulation and were filed by Applicant for itself and as operator in Docket Nos. G–11809, G–11810, G–11815, G–11819, G–11823 and G–11842. The remaining applications were filed by Applicant for itself.

Applicant proposes to continue the sale of natural gas in interstate commerce from production of certain units, leases, or acreage to various purchasers for resale as tabulated below.

Docket No.	Date filed	Source of gas	Purchaser
G–11806	Jan. 25, 1957	Little Buffalo Basin Field, Park and Hot Springs Counties, Wyo.	Montana-Dakota Utilities Co.
G–11808	Jan. 25, 1957	Elk Basin Field, Park County, Wyo., and Carbon County, Mont.	Montana-Dakota Utilities Co.
G–11809	Jan. 25, 1957 Mar. 6, 1957 July 8, 1958	Lea County, N. Mex.	Permian Basin Pipeline Co.
G–11810	Jan. 25, 1957	Blinebry-Tubb Gas Pool, Lea County, N. Mex.	El Paso Natural Gas Co.
G–11811	Jan. 25, 1957	Jalmat Gas Pool, Lea County, N. Mex.	El Paso Natural Gas Co.
G–11812	Jan. 25, 1957	Denton Field, Lea County, N. Mex.	El Paso Natural Gas Co.
G–11814	Jan. 25, 1957 Sept. 3, 1957	East Sweet Field, Gray County, Tex.	Phillips Petroleum Co.
G–11815	Jan. 25, 1957 Dec. 5, 1957	North Markham-North Bay City Field, Matagorda County, Tex.	Transcontinental Gas Pipe Line Corp.
G–11816	Jan. 25, 1957 Mar. 6, 1958	North Garwood Field, Colorado County, Tex.	Tennessee Gas Transmission Co.
G–11817	Jan. 25, 1957	La Gloria Field, Jim Wells and Brooks Counties, Tex.	Transcontinental Gas Pipe Line Corp.
G–11818	Jan. 25, 1957	do	Texas Illinois Natural Gas Pipeline Co.
G–11819	Jan. 25, 1957 July 22, 1957	Phoenix Lake Field, Calcasieu Parish, La.	United Gas Pipe Line Co.
G–11820	Jan. 25, 1957	Duck Lake Field, St. Mary and St. Martin Parishes, La.	Do.
G–11822	Jan. 25, 1957	Padroni Area, Logan County, Colo.	Kansas-Nebraska Natural Gas Co., Inc.
G–11823	Jan. 25, 1957	East Haynesville Field, Claiborne Parish, La.	Arkansas Louisiana Gas Co.
G–11824	Jan. 25, 1957	Jefferson Rodessa Field, Marion County, Tex.	Do.
G–11825	Jan. 25, 1957	Canaan Valley Field, Tucker County, W. Va.	Cumberland and Allegheny Gas Co.
G–11842	Jan. 29, 1957	Cotton Valley Field, Webster Parish, La.	United Gas Pipe Line Co.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 18, 1958, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for 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 November 6, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

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

[F. R. Doc. 58-8714; Filed, Oct. 21, 1958; 8:45 a. m.]

[Docket No. G–15228]

HOME GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 16, 1958.

Take notice that on June 4, 1958, and supplemented on August 29, 1958, Home Gas Company (Applicant) filed in Docket No. G–15228 an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the operation, for emergency service when necessary, of an existing connection between Applicant's pipeline system and that of Southern Tier Gas Corporation (Southern Tier) at a point near the community of Cameron Mills, New York, approximately 11 miles south of Bath, New York, where Southern Tier's line crosses Applicant's Wellsville-Corning line, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The subject connection facilities of Applicant have been in existence but unused and uncertificated since prior to 1942. By direction of the New York Public Service Commission in 1955, Southern Tier installed emergency interconnection facilities with Applicant's facilities at the aforementioned point as a protection against interruption of service to the community of Bath, and emergency service from Applicant to Southern Tier at this point was in fact rendered in the fall of 1957 and in February, 1958. The presently requested authorization is to operate the interconnection for any possible future emergency deliveries.

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 November 18, 1958, 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 November 7, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

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

[F. R. Doc. 58–8715; Filed Oct. 21, 1958; 8:46 a. m.]

[Docket No. G–16532]

PAN AMERICAN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

OCTOBER 16, 1958.

Pan American Petroleum Corporation (Pan American) on September 24 and 29, 1958, tendered for filing proposed changes in its presently effective rate schedules[1] for sales of natural gas subject to the jurisdiction of the Commis-

[1] Pan American's FPC Gas Rate Schedule Nos. 20, 101 and 110 subject to further orders of the Commission in Docket No. G–14318.

sion. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated September 17, 23 and 26, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: (1) Supplement No. 9 to Pan American's FPC Gas Rate Schedule No. 20. (2) Supplement No. 5 to Pan American's FPC Gas Rate Schedule No. 68. (3) Supplement No. 4 to Pan American's FPC Gas Rate Schedule No. 101. (4) Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 110. (5) Supplement No. 3 to Pan American's FPC Gas Rate Schedule No. 133. (6) Supplement No. 2 to Pan American's FPC Gas Rate Schedule No. 191.

Effective date: (1), (2) and (6): October 25, 1958; (3), (4) and (5): October 30, 1958 (effective date is the first day after expiration of the required thirty days' notice).

Pan American proposes to increase the price of natural gas in the Permian Basin Area of Texas and New Mexico so as to reflect the change due to the contractually provided favored-nation provisions which are said to be triggered by the 15.05 percent and the 10.494 percent spiral escalation increases of Phillips Petroleum Company to El Paso in that area.[2]

The increased 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 a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 9 to Pan American's FPC Gas Rate Schedule No. 20; Supplement No. 5 to Pan American's FPC Gas Rate Schedule No. 68; Supplement No. 4 to Pan American's FPC Gas Rate Schedule No. 101; Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 110; Supplement No. 3 to Pan American's FPC Gas Rate Schedule No. 133 and Supplement No. 2 to Pan American's FPC Gas Rate Schedule No. 191 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), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in aforementioned supplements to Pan American's rate schedules.

(B) Pending such hearing and decision thereon, said aforementioned supplements be and they are hereby suspended and the use of Supplement No. 9 to Pan American's FPC Gas Rate Schedule No. 20; Supplement No. 5 to Pan American's FPC Gas Rate Schedule No. 68 and Supplement No. 2 to Pan American's FPC Gas Rate Schedule No. 191 is hereby deferred until March 25, 1959, and thereafter until such further time as each is made effective in the manner prescribed by the Natural Gas Act and the use of Supplement No. 4 to Pan American's FPC Gas Rate Schedule No. 101; Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 110 and Supplement No. 3 to Pan American's FPC Gas Rate Schedule No. 133 is hereby deferred until March 30, 1959, and thereafter until such time as each is made effective in the manner prescribed by the Natural Gas Act.

(C) 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.

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

By the Commission.

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

[F. R. Doc. 58-8716; Filed, Oct. 21, 1958; 8:46 a. m.]

[2] Phillips' tenders reflecting said price increase were suspended in Docket Nos. G-4769 and G-12948, and are currently in effect subject to refund.

[Project No. 2016]

CITY OF TACOMA, WASHINGTON

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

OCTOBER 16, 1958.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by the City of Tacoma, Washington, licensee for Project No. 2016 located on Cowlitz River in Lewis County, Washington, for amendment of its license for the project so as to change the construction schedule of the Mayfield and Mossyrock developments specified in Article 28 of the license. The licensee seeks to resume construction of the Mayfield and Mossyrock developments by July 1, 1959 and requests that an extension of time to July 1, 1962 to complete construction of the developments be granted.

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 of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 26, 1958. The application is on file with the Commission for public inspection.

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

[F. R. Doc. 58-8717; Filed, Oct. 21, 1958; 8:46 a. m.]

[Project No. 2249]

LEWIS-CLARK G AND T COOPERATIVE, INC.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

OCTOBER 16, 1958.

Public notice is hereby given that Lewis-Clark G and T Cooperative, Inc., of Walla Walla, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for a preliminary permit for proposed water-power Project No. 2249, to be known as Long Meadows dam, located on Yaak River, a tributary of Kootenai River, in Lincoln County, near Libby and Troy, Montana, affecting lands of the United States within the Kootenai National Forest. The proposed project will consist of a dam, located about 30 miles upstream from the confluence of the Yaak River and Kootenai River, which will be a concrete gravity structure about 250 feet high and 1,500 feet long, creating a reservoir at normal pool elevation of 3,100 feet, with a surface area of about 7,740 acres, and with a storage capacity of about 726,000 acre-feet and about 397,700 acre-feet of usable storage; a separate spillway; and a powerhouse at the foot of the dam with an installed capacity of 25,000 kilowatts.

No construction is authorized under a preliminary permit. A permit, if issued, merely gives the permittee, during the period of the permit, the right to priority of application for license while the permittee undertakes the necessary studies and examinations, including the preparation of maps and plans, in order to determine the economic feasibility of the proposed project, the means of securing the necessary financial arrangements for construction, the market for the project power, and all other information necessary for inclusion in an application for license, should one be filed.

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 of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is December 1, 1958. The application is on file with the Commission for public inspection.

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

[F. R. Doc. 58-8718; Filed, Oct. 21, 1958; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

SHOSHONE PROJECT, WYOMING

ORDER OF REVOCATION

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), and pursuant to Departmental Order No. 2765 of July 30, 1954, I hereby revoke departmental

orders dated October 21, 1913, and March 18, 1914, in so far as said orders affect the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 52 N., R. 103 W.,
Sec. 33, lot 98.
T. 52 N., R. 104 W.,
Secs. 10, 11, 14, 15, 22, and 23, tracts 54 and 56.

The areas described aggregate 526.87 acres.

WILLIAM I. PALMER,
Acting Associate Commissioner.

[Wyoming 062737]

OCTOBER 16, 1958.

I concur.
The lands are non-public lands.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 58-8713; Filed, Oct. 21, 1958; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 57]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 17, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Special 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 1968 (Deviation No. 1), D. C. HALL COMPANY, 201 Raynolds Boulevard, El Paso, Tex., filed October 13, 1958. Attorney for said carrier, M. Ward Bailey, 807 Continental Life Building, Fort Worth, Tex. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Dallas, Tex., and Fort Worth, Tex., as follows: from Dallas over the Dallas-Fort Worth Turnpike and access routes to Fort Worth 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 Dallas, Tex., and Fort Worth, Tex., over the following pertinent routes: from Dallas over U. S. Highway 80 to Fort Worth; and from Dallas over Industrial Boulevard to Irving, Tex., thence over unnumbered highway to junction U. S. Highway 183, thence over U. S. Highway 183 to junction U. S. Highway 121, thence over U. S. Highway 121 to Fort Worth.

No. MC 20227 (Deviation No. 1), CLYDE D. DUFFEE, MOTOR EXPRESS, INC., 859 Progress Street, Pittsburgh 12, Pa., filed October 14, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between the Western Terminus of the Ohio Turnpike and the Eastern Terminus of the Pennsylvania Turnpike as follows: from the Western Terminus of the Ohio Turnpike over the Ohio Turnpike and access routes to junction Pennsylvania Turnpike, thence over the Pennsylvania Turnpike and access routes to the Eastern Terminus of the said Turnpike and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from Cleveland, Ohio over U. S. Highway 422 to Warren, Ohio; from Warren, over Ohio Highway 82 to the Pennsylvania State line; from the Ohio-Pennsylvania State line over U. S. Highway 62 to Mercer, Pa.; from Mercer, over Pennsylvania Highway 58 to Harrisville, Pa.; and from Harrisville, Pa., over Pennsylvania Highway 8 to Pittsburgh and Allegheny County; and return over the same routes.

No. MC 92873 (Deviation No. 1), EATON TRUCK LINE, 501 South Orchard Street, Clinton, Mo., filed October 6, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route between East St. Louis, Ill., and Kansas City, Kans., as follows: from East St. Louis over U. S. Highway 66 to junction U. S. Highway 50, thence over U. S. Highway 50 to Kansas City, Mo., thence over city streets to Kansas City, Kans., 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 East St. Louis, Ill., and Kansas City, Kans., over the following pertinent route: from East St. Louis over U. S. Highway 66 to junction U. S. Highway 50, thence over U. S. Highway 50 to junction U. S. Highway 65, thence over U. S. Highway 65 to junction Missouri Highway 52, thence over Missouri Highway 52 to junction Missouri Highway 2, thence over Missouri Highway 2 to junction Missouri Highway 13, thence over Missouri Highway 13 to junction U. S. Highway 50, thence over U. S. Highway 50 to Kansas City, Mo., thence over city streets to Kansas City, Kans.

No. MC 110325 (Sub No. 1) (Deviation No. 1), TRANSCON LINES, 1205 S. Maple Avenue, Los Angeles, Calif., filed October 9, 1958. Attorney for said carrier, Lee Reeder, 1012 Baltimore Building, Kansas City 5, Mo. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Wichita, Kans., and junction Kansas Turnpike and U. S. Highway 177 near Braman, Okla., as follows: from point of the Kansas Turnpike interchange in South Witchita (U. S. Highway 81) over the Kansas Turnpike and access routes to junction U. S. Highway 177 north of Braman, Okla., 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 Wichita, Kans., and junction U. S. Highway 177 and the Kansas Turnpike over the following pertinent route: from Wichita over U. S. Highway 81 to South Haven, Kans., thence over U. S. Highway 177 to junction Kansas Turnpike.

No. MC 111383 (Sub-No. 5) (Deviation No. 1), BRASWELL MOTOR FREIGHT LINES, INC., 201 Raynolds Blvd., El Paso, Tex., filed October 14, 1958. Attorney for said carrier, M. Ward Bailey, 807 Continental Life Bldg., Fort Worth, Tex. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Dallas, Tex., and Fort Worth, Tex., as follows: from Dallas over the Dallas-Fort Worth Turnpike and access routes to Fort Worth 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 Dallas, Tex., and Fort Worth, Tex., over the following pertinent routes: from Dallas over U. S. Highway 80 to Fort Worth; and from Dallas over Texas Highway 183 to Fort Worth.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-8725; Filed, Oct. 21, 1958; 8:47 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 17, 1958.

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. 35026: *Fine coal to Virginia and North Carolina.* Filed by R. B. LeGrande, Agent (No. 1), for interested rail carriers. Rates on fine coal, carloads, as described in the application from mines in Kentucky, Tennessee, Virginia, and West Virginia to points in southern Virginia and points on Atlantic and Danville Railway in North Carolina.

Grounds for relief: Competition with other fuels, market competition and grouping.

Tariffs: Supplement 4 to Chesapeake and Ohio Railway tariff I. C. C. 13590 and other schedules.

FSA No. 35027: *Trailer-on-flatcar service in the southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7391), for interested rail carriers. Rates on commodities loaded in or on highway trailers and transported on railroad flatcars from, to, and between points in southwestern territory.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 63 to Southwestern Lines tariff I. C. C. 4274 and three other schedules.

FSA No. 35028: *Fine coal between points in Virginia.* Filed by The Southern Railway Company (No. 137-A), for interested rail carriers. Rates on fine coal, carloads, as described in the application from mines in southwest Virginia to points in southern Virginia.

Grounds for relief: Market competition with other fuels, grouping, and operation through higher-rated groups.

Tariff: Supplement 55 to Southern Railway tariff I. C. C. A-11352.

FSA No. 35029: *Sugar from Louisiana to Memphis, Tenn.* Filed by New Orleans Freight Tariff Bureau, Agent (No. A-61), for interested rail carriers. Rates on sugar, carloads from points in Louisiana, west of the Mississippi River to Memphis, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 57 to Southern Freight Association tariff I. C. C. 450.

By the Commission.

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

[F. R. Doc. 58-8726; Filed, Oct. 21, 1958 8:47 a. m.]

[Notice 239]

MOTOR CARRIER APPLICATIONS

OCTOBER 17, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto.

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 200 (Sub No. 198), filed September 19, 1958. Applicant: RISS & COMPANY, INC., 9th and Burlington, North Kansas City, Mo. Applicant's attorney: Ivan E. Moody, 15 West Tenth Street, Kansas City, Mo. Authority sought to operate as a *common carrier,* by motor vehicle, over *irregular routes,* transporting: *Class A and B explosives,* moving on government bills of lading, from Kansas City, Mo., to Ethan Allen Air Force Base, near Winooski, Vt., and Presque Isle Air Force Base, near Presque Isle, Maine, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, and *damaged or defective shipments* of said commodities, on return. Applicant is authorized to conduct operations in Missouri, Kansas, Colorado, Oklahoma, Illinois, Iowa, Texas, Ohio, New York, Maryland, Pennsylvania, New Jersey, Michigan, Nebraska, Kentucky, Massachusetts, Indiana, Connecticut, Virginia, West Virginia and the District of Columbia.

NOTE: Applicant seeks authority to tack the above-described operations onto its authorized regular and irregular route operations at Kansas City Mo., and to interchange traffic at that point with other carriers.

HEARING: December 2, 1958, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 2229 (Sub No. 92), filed September 8, 1958. Applicant: RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street, P. O. Box 3148, Dallas, Tex. Applicant's attorney: Scott P. Sayers, 817 Taylor Street, Fort Worth, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *general commodities, including Class A and B Explosives,* but excluding commodities in bulk, those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, between Tucumcari, N. Mex., and Las Vegas, N. Mex.: from Tucumcari over New Mexico Highways 104 and 65, to Las Vegas, and return over the same route, serving no intermediate points, and coordinating the proposed service with applicant's present service. Applicant is authorized to conduct operations in Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

HEARING: December 16, 1958, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate, before Examiner Thomas F. Kilroy.

No. MC 4405 (Sub No. 309), filed September 15, 1958. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers* and *trailer and semi-trailer chassis,* other than house trailers and mobile homes, in initial movements, in truckaway and driveaway service. (2) *Truck and trailer bodies* from Savannah, Ga., to all points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. (3) *Truck-tractors,* in secondary movements, in driveaway service, only when drawing trailers moving in initial movements in driveaway service, from Savannah, Ga., to points in Arizona, Nevada, Oregon and Vermont. Applicant is authorized to conduct operations throughout the United States.

HEARING: December 9, 1958, at 680 West Peachtree St., NW., Atlanta, Ga., before Examiner Alfred B. Hurley.

No. MC 4405 (Sub No. 310), filed September 15, 1958. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Fire protection equipment* (tractor-trailer) in initial movements, in truckaway and driveaway service. (2) *Mobile heater-planers,* from the site of the Monatco Manufacturing Corporation in Kansas City, Kans., to all points in the United States. (3) *Trailers, semi-trailers* and *trailer and semi-trailer chassis,* except those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service. (4) *Truck and trailer bodies,* from Kansas City, Mo., to all points in the United States. (5) *Tractors* in secondary movements, in driveaway service, only when drawing trailers moving in initial movement in driveaway service, from Kansas City, Mo., to all points in Arizona, Nevada, Oregon and Vermont. Applicant is authorized to conduct operations throughout the United States.

HEARING: November 28, 1958, at the New Hotel Pickwick, Kansas City, Mo., before Harold W. Angle.

No. MC 8681 (Sub No. 69), filed September 24, 1958. Applicant: WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver, Colo. Applicant's attorney: Louis E. Smith, Suite 503, 1800 North Meridian Street, Indianapolis 2, Ind. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Automobiles, trucks* and *chassis,* in secondary movements, in truckaway service, from the site of the Chrysler Corporation Assembly Plant in St. Louis County, Mo., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Kentucky, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington and Wyoming, and *rejected* and *damaged shipments* of the above commodities on return. RESTRICTION: This authority restricted to traffic originating at plants of Chrysler Corporation and moving over the lines of authorized common motor carrier or the applicant by motor vehicles, under arrangement for through transportation between such connecting common motor carriers and applicant. Applicant is authorized to conduct operations throughout the United States.

HEARING: December 9, 1958, at the U. S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Harold W. Angle.

No. MC 11916 (Sub No. 3), filed September 2, 1958. Applicant: BOWLING GREEN EXPRESS, INC., 340 Kentucky Street, Bowling Green, Ky. Applicant's attorney: Stanley B. Mayer, Kentucky Home Life Building, Louisville 2, Ky. Authority sought to operate as a *common carrier,* by motor vehicle, over regular route, transporting: *General commodities,* except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Com-

mission, and commodities in bulk, between Bowling Green, Ky. and Auburn, Ky. over U. S. Highway 68, serving all intermediate points and points within five miles of Auburn, Ky. as off-route points. Applicant is authorized to conduct operations in Kentucky and Tennessee.

HEARING: November 26, 1958, at the Kentucky Hotel, Louisville, Ky., before Joint Board, No. 105, or, if the Joint Board waives its rights to participate, before Examiner Allen W. Hagerty.

No. MC 13806 (Sub No. 18), filed August 19, 1958. Applicant: VIRGINIA HAULING COMPANY, a Corporation, P. O. Box 9434, Lakeside Station, Richmond, Va. Applicant's attorney: Paul A. Sherier, 613 Warner Building, Thirteenth and E Streets NW., Washington 4, D. C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber* and *wooden pallets,* between points in Virginia, on the one hand and, on the other, points in Ohio, Rhode Island, Connecticut, and Massachusetts. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: November 25, 1958, at the U. S. Court Rooms, Richmond, Va., before Examiner Alfred B. Hurley.

No. MC 19227 (Sub No. 66), (REPUBLICATION) filed July 14, 1958, published October 8, 1958, at page 7788. Applicant: LEONARD BROS. TRANSFER & STORAGE CO., INC., 2595 Northwest 20th Street, Miami 42, Fla. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D. C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Mobile units; Trailers, equipped with scientific instruments or scientific equipment and the contents thereof,* in truck-away and driveaway service, between points in Los Angeles and San Diego Counties, Calif., on the one hand, and, on the other, points in the United States. Applicant is authorized to conduct operations in Alabama, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: Remains as assigned December 9, 1958, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 20783 (Sub No. 38), filed September 15, 1958. Applicant: TOMPKINS MOTOR LINES, INC., 120 Ewing Lane, Nashville, Tenn. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat by-products, dairy products,* and *articles distributed by meat-packing houses,* from Lexington, Ky., to points in Tennessee, Alabama, Georgia, Florida, North Carolina, and South Carolina. Applicant is authorized to conduct regular route operations in Georgia, North Carolina and Tennessee, and irregular route operations in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

HEARING: December 2, 1958, at the Kentucky Hotel, Louisville, Ky., before Examiner Allen W. Hagerty.

No. MC 35484 (Sub No. 34), filed September 10, 1958. Applicant: VIKING FREIGHT COMPANY, a Corporation, 614 South Sixth Street, St. Louis 2, Mo. Applicant's attorney: G. M. Rebman, 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier,* by motor vehicle, over a regular route, transporting: *General commodities,* including *articles of unusual value,* but excluding Class A and B explosives, livestock, household goods as defined by the Commission, loose bulk commodities, and those requiring special equipment, between Paducah, Ky., and Calvert City, Ky., from Paducah over U. S. Highway 62 to junction Kentucky Highway 95, thence over Kentucky Highway 95 to Calvert City, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, and Texas.

HEARING: December 1, 1958, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 156, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 42487 (Sub No. 370), filed July 28, 1958. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 N. W. Savier Street, Portland, Oreg. Applicant's attorneys: Donald A. Schafer, 1026 Public Service Building, Portland 4, Oreg., and Ronald E. Poelman, Consolidated Freightways, Inc., 431 Burgess Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier,* by motor vehicle, over a regular route, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Madison, Wis., and Los Angeles, Calif., from Madison over U. S. Highway 151 to Cedar Rapids, Iowa, thence over U. S. Highway 30 via Ames, Iowa to junction U. S. Highway 138 near Big Springs, Nebr., thence over U. S. Highway 138 to junction U. S. Highway 6 at Sterling, Colo., thence over U. S. Highway 6 to Denver, Colo., thence over U. S. Highway 87 to junction U. S. Highway 85, thence over U. S. Highway 85 to Albuquerque, N. Mex., thence over U. S. Highway 66 to Flagstaff, Ariz., thence over Alternate U. S. Highway 89 to junction U. S. Highway 89 at Prescott, Ariz., thence over U. S. Highway 89 to junction Arizona Highway 71 at Congress, Ariz., thence over Arizona Highway 71 to junction U. S. Highway 60 at Aguila, Ariz., and thence over U. S. Highway 60 to Los Angeles, and return over the same route, serving no intermediate points. (2) Between Minneapolis, Minn., and Los Angeles, Calif., from Minneapolis over U. S. Highway 65 to Albert Lea, Minn., thence over U. S. Highway 69 to Ames, Iowa, and thence over the above-specified route to Los Angeles, Calif., and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Arizona, California, Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin and Wyoming.

HEARING: December 4, 1958, at the Federal Building, Los Angeles, Calif., before Examiner Reece Harrison.

No. MC 42487 (Sub No. 372) filed August 4, 1958. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 NW. Savier Street, Portland, Oreg. Applicant's attorneys: Ron E. Poelman, Consolidated Freightways, Inc., Menlo Park, Calif., and Donald A. Schafer, 1026 Public Service Building, Portland, Oreg. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over an alternate route for operating convenience only, between Ames, Iowa and Rawlins, Wyo., serving no intermediate points, with service at the termini for purpose of joinder only, from Ames over U. S. Highway 30 to Rawlins, and return over the same route. Applicant is authorized to conduct operations in Arizona, California, Idaho, Illinois, Iowa, Michigan, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin and Wyoming.

NOTE: Applicant is authorized to conduct the above operations in Certificate No. MC 42487 (Sub No. 288), and the purpose of this application is to eliminate the restriction contained in such certificate reading "restricted to the transportation of traffic moving to or from points in Washington, Oregon and Idaho".

HEARING: December 1, 1958, at the Wyoming Public Service Commission, Supreme Court and State Library Bldg., Cheyenne, Wyo., before Joint Board No. 335, or, if the Joint Board waives its right to participate before Examiner Thomas F. Kilroy.

No. MC 42537 (Sub No. 23), filed September 24, 1958. Applicant: CASSENS TRANSPORT COMPANY, a Corporation, Hamel, Ill. Applicant's attorney: George S. Dixon, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, chassis,* in secondary movement in truckaway service, from the site of the Chrysler Corporation Assembly Plant in St. Louis County, Mo., to points in Arkansas, Colorado, Idaho, Illinois, Iowa, Kansas, Kentucky, Montana, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah and Wyoming, and *rejected and/or damaged shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations in Michigan, Illinois, Missouri, Indiana, Ohio,

Iowa, Kentucky, Nebraska, Wisconsin and Kansas.

NOTE: Applicant sets forth the following restriction: This authority restricted to traffic originating at plants of Chrysler Corporation and moving over the lines of authorized common motor carriers or the applicant, by motor vehicles, under arrangements for through transportation between such connecting common motor carriers and applicant.

HEARING: December 9, 1958, at the U. S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Harold W. Angle.

No. MC 43038 (Sub No. 409), filed September 24, 1958. Applicant: COMMERCIAL CARRIERS, INC. 3399 East McNichols Road, Detroit 12, Mich. Applicant's attorney: George S. Dixon, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, chassis*, in secondary movement in truckaway service from the site of the Chrysler Corporation Assembly Plant in St. Louis County, Mo., to points in Florida and Texas; and *rejected and/or damaged shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations in Alabama, Colorado, Florida, Arkansas, District of Columbia, Georgia, Illinois, Iowa, Indiana, Kansas, Kentucky, Maryland, Louisiana, Michigan, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, South Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Virginia, Washington, West Virginia, Wyoming and Wisconsin.

NOTE: Applicant sets forth the following restriction: This authority restricted to traffic originating at plants of Chrysler Corporation and moving over the lines of authorized common motor carriers or the applicant, by motor vehicles, under arrangements for through transportation between such connecting common motor carriers and applicant.

HEARING: December 9, 1958, at the U. S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Harold W. Angle.

No. MC 52574 (Sub No. 4) filed September 17, 1958. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 599 Adams Avenue, Elizabeth, N. J. Applicant's attorney: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N. J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, in fiberglass containers, from Newark, N. J., and Bronx, N. Y., to Bridgeport and New Haven, Conn., and *empty fiberglass containers*, in specialized equipment, on return. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

HEARING: November 26, 1958, at 346 Broadway, New York, N. Y., before Examiner Walter R. Lee.

No. MC 57770 (Sub No. 8), filed September 11, 1958. Applicant: FORREST MILTON DURRETT, doing business as DURRETT TRANSFER COMPANY, Springfield, Tenn. Applicant's attorney: A. O. Buck, Suite 434 Stahlman Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, (1) between Livermore, Ky., and Calhoun, Ky.: from Livermore over Kentucky Highway 136 to Calhoun, and return over the same route; (2) between Owensboro, Ky., and Evansville, Ind.: from Owensboro over U. S. Highway 231 to junction Indiana Highway 66, and thence over Indiana Highway 66 to Evansville, and return over the same route; and (3) between Owensboro, Ky., and Stanley, Ky.: from Owensboro over U. S. Highway 60 to Stanley, and return over the same route, as alternate routes for operating convenience only in connection with applicant's authorized regular routes as follows: (a) between Russellville, Ky. and Owensboro, Ky. over Kentucky Highway 75; (b) between South Carrollton, Ky. and Owensboro, Ky., over Kentucky Highway 81; (c) between Sacramento, Ky., and Evansville, Ind.; from Sacramento over Kentucky Highway 81 to Calhoun, Ky., thence over Kentucky Highway 136 to Beech Grove, Ky., thence over Kentucky Highway 56 to Sorgho, Ky., thence over county road to Stanley, Ky., thence over U. S. Highway 60 to junction unmarked county road, thence over unmarked county road to Cypress Beach Ferry, Ind., and thence over Indiana Highway 66 to Evansville; and (d) between Stanley, Ky., on the one hand, and, on the other, Evansville, Ind.; from Stanley over U. S. Highway 60 to junction U. S. Highway 41 near Henderson, Ky., and thence over U. S. Highway 41 to Evansville, and return over the above-specified authorized regular routes. Applicant is authorized to conduct operations in Tennessee, Kentucky and Indiana.

NOTE: In connection with proposed alternate routes (2) and (3) above, applicant requests that service be restricted to the transportation of traffic originating at or destined to points south of Owensboro, Ky. and its commercial zone. Applicant states it does not propose to serve any authorized points from the routes sought in the instant application.

HEARING: December 1, 1958, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 155, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 63959 (Sub No. 5), filed October 3, 1958. Applicant: LOUIS FOLTZ, Princeton, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, in bulk and in bags, from points in the Kansas City, Mo.-Kans., Commercial Zone, as defined by the Commission, St. Joseph, Mo., and the cooperative refinery located approximately four miles east of Galina, Kans., to points within 15 miles of Princeton, Kans., and *damaged and rejected shipments* of the commodity specified in this application on return. Applicant is authorized to conduct operations in Kansas and Missouri.

HEARING: November 25, 1958, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 65392 (Sub No. 76), filed September 24, 1958. Applicant: AUTOMOBILE SHIPPERS, INCORPORATED, 9760 Van Dyke, Detroit 13, Mich. Applicant's attorney: George S. Dixon, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks*, and *chassis*, in secondary movements, in truckaway service, from the site of the Chrysler Corporation Assembly Plant located in St. Louis County, Mo., to points in Alabama, Florida, Kansas, Kentucky, Louisiana, Mississippi, Tennessee, and Texas, and *rejected and/or damaged shipments* of the above-specified commodities on return. RESTRICTION: The service to be performed by applicant will be restricted to traffic originating at plants of Chrysler Corporation and moving over the lines of authorized common motor carriers or the applicant, by motor vehicles, under arrangement for through transportation between such connecting common motor carriers and applicant. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that the purpose of the instant application is to provide it with authority which will enable it to move Chrysler traffic originating at the St. Louis County Assembly Plant in mixed loads with traffic transported to the St. Louis County Assembly Plant from other Chrysler manufacturing and assembly origins.

HEARING: December 9, 1958, at the U. S. Court House and Custom House, 1114 Market St., St. Louis, Mo., before Examiner Harold W. Angle.

No. MC 74367 (Sub No. 5), filed September 22, 1958. Applicant: BILLY PALMA WRIGHT, doing business as WRIGHT MOTOR LINES, 21 John Street, Asheville, N. C. Applicant's attorney: Boyce A. Whitmire, Hendersonville, N. C. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Dry ground mica*, from points in Mitchell County, N. C., to points in Oklahoma, Texas, Louisiana and California, and to Savannah, Ga., Jacksonville, Fla., Memphis, Tenn., Camden, Ark., Mobile and Ensley, Ala., Summit, Marseilles, Madison, Joliet, Chicago Heights and Chicago, Ill., St. Louis and Robertson, Mo., York, Philadelphia and Erie, Pa., South Bound Brook, Kearney, Senasco, Edgewater and Bound Brook, N. J., Baltimore, Md., Edgemoor, Del., Chester, W. Va., Brookville and La Porte, Ind., Detroit, Mich., Minneapolis, Minn., Kansas City, Kans., Denver, Colo., Waltham, Mass., and Keokuk, Iowa. Applicant is authorized to conduct operations in North Carolina, Maryland, Pennsylvania, New York, Virginia, Delaware, New Jersey, the District of Columbia, Ohio, Georgia, Alabama, Tennessee, West Virginia, Indiana, Michigan, South Carolina, Florida, Tennessee and Kentucky.

HEARING: December 1, 1958, at the North Carolina Utilities Commission, State Library Bldg., Morgan Street, Raleigh, N. C., before Examiner Alfred B. Hurley.

No. MC 76052 (Sub No. 14), filed May 26, 1958. Applicant: JOHN B. ABLE, doing business as MONTEZUMA TRUCK LINE, P. O. Box 246, 873 East Third Street, Durango, Colo. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bulk, from Portland, Colo., to points in San Juan County, N. Mex., and those in Apache and Navajo Counties, Ariz.; (2) *Cement*, from Portland, Colo., to points in Bernalillo and Rio Arriba Counties, N. Mex.; (3) *Sand* and *gravel*, from points in Apache County, Ariz., to points in McKinley and San Juan Counties, N. Mex. Applicant is authorized to conduct operations in Colorado, New Mexico and Arizona.

NOTE: Applicant states that it is in the process of acquiring MC 113993, which authorizes the transportation of cement in containers from Portland, Colo., to points in San Juan County, N. Mex., and those in Apache and Navajo Counties in Arizona, north of U. S. Highway 66. It is applicant's contention, and he is here seeking an order so stating, that he will thereby be authorized to transport cement from Portland, Colo., to points in those three counties or described portions thereof.

HEARING: December 17, 1958, at the Hilton Hotel, Albuquerque, N. Mex., before Joint Board No. 306, or, if the Joint Board waives its right to participate, before Examiner Thomas F. Kilroy.

No. MC 76177 (Sub No. 266), filed September 16, 1958. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye St. NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, blasting supplies, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Chattanooga, Tenn., and Decatur, Ala., from Chattanooga over U. S. Highway 72 to Huntsville, Ala., thence over Alabama Highway 20 to Decatur, and return over the same route, with service to no intermediate points other than those presently authorized. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

NOTE: Applicant is also authorized to conduct operations as a contract carrier and a proceeding has been instituted under section 212 (c) to determine whether applicants status is that of a common or contract carrier in No. MC 89778 (Sub No. 69).

HEARING: December 11, 1958, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 106, or, if the Joint Board waives its rights to participate, before Examiner Alfred B. Hurley.

No. MC 76177 (Sub No. 267), filed September 16, 1958. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye St. NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, blasting supplies, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Attalla, Ala., and Decatur, Ala., from Attalla over U. S. Highway 278 to junction of Alabama Highway 67, thence over Alabama Highway 67 to Decatur, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

NOTE: Applicant is also authorized to conduct operations as a contract carrier and a proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a common or contract carrier in No. MC 89778 (Sub No. 69).

HEARING: December 11, 1958, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 100, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 84528 (Sub No. 12), filed September 2, 1958. Applicant: AUTOMOBILE TRANSPORT COMPANY OF CALIFORNIA, a corporation, 1650 West 139th Street, Gardena, 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: *Used motor vehicles*, which have been repossessed, embezzled, stolen, or damaged, by tow-away or driveaway under the vehicle's own power, between points in Arizona and California, on the one hand, and, on the other, points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: December 9, 1958, at the Federal Bldg., Los Angeles, Calif., before Examiner Reece Harrison.

No. MC 92983 (Sub No. 319), filed September 29, 1958. Applicant: ELDON MILLER, INC., 330 E. Washington Street,, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from points in Michigan, New York, New Jersey and Pennsylvania to points in Illinois and Missouri. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, West Virginia, Virginia, Wisconsin and Wyoming.

HEARING: December 4, 1958, at the U. S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Harold W. Angle.

No. MC 92983 (Sub No. 320), filed September 29, 1958. Applicant: ELDON MILLER, INC., 330 E. Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, from Owensboro, Ky., and points within 5 miles thereof to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Maryland, Michigan, Minnesota, Missouri, Ohio, Tennessee, West Virginia and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Deleware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky Louisiana, Maryland, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, West Virginia, Virginia, Wisconsin, and Wyoming.

HEARING: December 5, 1958, at the U. S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Harold W. Angle.

No. MC 92983 (Sub No. 321), filed September 29, 1958. Applicant: ELDON MILLER, INC., 330 E. Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, resins, varnishes* and *ingredients thereof*, in bulk, in tank vehicles, from points in Minnesota, North Dakota and South Dakota to points in the Kansas City, Mo., Commercial Zone as defined by the Commission. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, West Virginia, Virginia, Wisconsin, and Wyoming.

HEARING: December 3, 1958, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 92983 (Sub No. 322), filed October 2, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in

bulk, from Calvert City, Ky., to points in Iowa, Missouri and Nebraska. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, West Virginia, Virginia, Wisconsin and Wyoming.

HEARING: December 5, 1958, at the U. S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Harold W. Angle.

No. MC 92983 (Sub No. 323), filed October 8, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats* and *oils*, in bulk, in tank vehicles, from points in Indiana and Wisconsin to St. Louis, Mo. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin and Wyoming.

HEARING: December 4, 1958, at the U. S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Harold W. Angle.

No. MC 95627 (Sub No. 20), filed September 8, 1958. Applicant: EUGENE NELMS, P. O. Box 912, Suffolk, Va. Applicant's attorney: Harry F. Gillis, Mills Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Cleveland, Ohio to the following Virginia points: Charlottesville, Danville, Fredericksburg, Lynchburg, Norfolk, Petersburg, Richmond, Roanoke, South Hill, Virginia Beach, Camp A. P. Hill (approximately six (6) miles northeast of Bowling Green, Va., on U. S. Highway 301), Camp Pickett (approximately three (3) miles east of Blackstone, Va., on Virginia Highway 40), Cheatham Annex in Penniman, Va. (near Williamsburg, Va.), Fort Belvoir (approximately eleven (11) miles southwest of Alexandria, Va.), Fort Eustis (approximately ten (10) miles southeast of Williamsburg, Va.), Fort Lee (approximately six (6) miles northeast of Petersburg, Va.), Fort Monroe (Old Point Comfort), Fort Story (approximately four (4) miles north of Hampton, Va.), Marine Corps Air Station, Quantico (approximately 20 miles north of Fredericksburg, Va.), Naval Mine Depot, Yorktown (approximately two (2) miles from Yorktown, Va.), Naval Proving Ground, Dahlgren (approximately 28 miles northeast of Bowling Green, Va.), and Richmond Quartermaster Depot (approximately eight (8) miles south of Richmond, Va., on U. S. Highway 1); and *empty containers or other such incidental facilities* (not specified) used in transporting Malt Beverages and *rejected shipments*, from the above-specified destination points to Cleveland, Ohio. Applicant is authorized to conduct operations in Connecticut, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, and the District of Columbia.

HEARING: November 26, 1958, at the U. S. Court Rooms, Richmond, Va., before Examiner Alfred B. Hurley.

No. MC 98599 (Sub No. 5), filed March 28, 1958. Applicant: ZUNI TRUCKING COMPANY, a corporation, Airport Road, P. O. Box 746, Grants, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* and *dry sulphur*, in bulk, in hopper vehicles, from railheads in and near Grants, N. Mex., to points in Valencia and McKinley Counties, N. Mex.

NOTE: Applicant states the Valencia and McKinley Counties are located in mountainous country and are sparsely populated. All known potential users of the commodities covered in this application are located on paved or improved roads, and the potential users of the service are uranium mills and shippers of salt and sulphur.

HEARING: December 18, 1958, at the Hilton Hotel, Albuquerque, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate, before Examiner Thomas F. Kilroy.

No. MC 103378 (Sub No. 109), filed August 28, 1958. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clays* and *earths* (including, but not limited to, fuller's earth, kaolin, and bauxite), in bulk, from points in Georgia to points in Decatur County, Ga. Applicant is authorized to conduct operations in Alabama, Florida, Georgia and South Carolina.

HEARING: December 10, 1958, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 101, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 103378 (Sub No. 110), filed September 8, 1958. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gum rosin*, in bulk, in tank vehicles, from Jacksonville, Fla., to Valdosta, Ga. Applicant is authorized to conduct operations in Florida, Georgia, South Carolina, Alabama, and Tennessee.

HEARING: December 8, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 104128 (Sub No. 77), filed September 17, 1958. 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: (1) *New trailers*, designed to be drawn by passenger automobiles, in initial movements in truckaway service, (a) from points in Orange County, Calif., to points in Florida, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wisconsin; (b) from Bend, Oregon, to points in Colorado, Montana, Nebraska, North Dakota, South Dakota, and Wyoming. (2) *Trailer undercarriages, springs, wheels and tires*, between points 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. Applicant is authorized to conduct operations in Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, Arkansas, Colorado, Florida, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming.

NOTE: Applicant requests that the commodities under item (2) above be restricted to return of such commodities from delivery point of trailer back to origin shipping point, or point of manufacture or assembly of trailer.

HEARING: December 8, 1958, at the Federal Building, Los Angeles, Calif., before Examiner Reece Harrison.

No. MC 104589 (Sub No. 13), filed August 20, 1958. Applicant: J. L. LAWHON, 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, 214–16 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carbonated beverages*, from Atlanta, Ga., to points in Alabama, Mississippi, South Carolina, Tennessee, and points in Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, and Gulf Counties, Fla., those in Wayne, McCreary, Whitley, Bell, Harlan, Knox, Laurel, Pulaski, Rockcastle, Jackson, Clay, Letcher, Knott, Perry, Owsley, Leslie, Lee, Breathitt, Floyd, Pike, Martin, Johnson, Morgan, Wolfe, and Magoffin Counties, Ky., and to Asheville, Canton, and Hickory, N. C.; and (2) *Used empty bottles and containers*, from the above-specified destination points to Atlanta, Ga.

NOTE: Applicant holds authority to transport Carbonated beverages, in bottles, in wooden cases, and also Used empty bottles and wooden containers on return. Applicant states that the purpose of this application is to remove the restriction "in bottles, in wooden cases," and also to change used empty bottles to Used empty bottles and containers. No new territory is sought by this application. Duplication with present authority to be eliminated.

HEARING: December 10, 1958, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Alfred B. Hurley.

No. MC 106456 (Sub No. 27), filed August 6, 1958. Applicant: SUPER SERVICE MOTOR FREIGHT COMPANY, INC., Fessler Lane, Nashville,

Tenn. Applicant's attorney: A. O. Buck, Suite 434 Stahlman Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, 1. Between Stevenson, Ala., and Chicago, Ill., from Stevenson over U. S. Highway 72 to Chattanooga, Tenn., thence over U. S. Highway 41 to Madisonville, Ky., thence over Alternate U. S. Highway 41 to Henderson, Ky., thence over U. S. Highway 41 to Vincennes, Ind., thence over U. S. Highway 50 to Lawrenceville, Ill., thence over Illinois Highway 1 to junction Illinois Highway 1–A, thence over Illinois Highway 1–A to Chicago, and return over the same route, serving the intermediate points of Bridgeport, Ala., Nashville, Tenn., all points in Tennessee and Kentucky on the above described route north of Nashville, Tenn., and Evansville, Ind., and the off-route point of Widows Bar Steam Plant located between Stevenson and Bridgeport, Ala., off of U. S. Highway 72. (2) Between Stevenson, Ala., and St. Louis, Mo., from Stevenson over U. S. Highway 72 to Chattanooga, Tenn., thence over U. S. Highway 41 to Madisonville, Ky., thence over Alternate U. S. Highway 41 to Henderson, Ky., thence over U. S. Highway 41 to Evansville, Ind., thence over U. S. Highway 460 to Mt. Vernon, Ill., thence over Illinois Highway 15 to East St. Louis, Ill., thence across the Mississippi River to St. Louis, and return over the same route, serving the intermediate points of Bridgeport, Ala., Nashville, Tenn., all points in Tennessee and Kentucky north of Nashville, Tenn., on the above described route, Evansville, Ind., Eldorado, McLeansboro, Mt. Vernon, Nashville, Belleville, and East St. Louis, Ill., and the off-route point of Widows Bar Steam Plant located between Stevenson and Bridgeport, Ala., off of U. S. Highway 72, and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission. In connection with the above applied for authority it is stated that applicant proposes to conduct operations over its presently authorized routes and that the granting of this application will have the effect of removing the restriction contained in Certificate No. MC 106456 (Sub No. 22) insofar as the named Alabama points are concerned. Applicant is authorized to conduct operations in Georgia, Indiana, Kentucky, Maryland, Missouri, New Jersey, New York, Pennsylvania, Tennessee, Virginia, and West Virginia.

HEARING: December 15, 1958, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Alfred B. Hurley.

No. MC 107107 (Sub No. 106), filed August 22, 1958. Applicant: ALTERMAN TRANSPORT LINES, INC., P. O. Box 65, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products*, and *meat by-products*, as described by the Commission, from points in Florida to points in Georgia, Alabama, Arkansas, Mississippi, Louisiana, and Tennessee. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: December 4, 1958, at the U. S. Court Rooms, Tampa, Fla., before Examiner Alfred B. Hurley.

No. MC 107369 (Sub No. 12), filed September 22, 1958. Applicant: VERNON LLOYD MILLER, doing business as VERNON L. MILLER TRUCKING, 2607 East Seventh Street, Cheyenne, Wyo. Applicant's attorney: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: (1) *Cement*, in bulk and in containers, between points in Wyoming. (2) *Pozzolam*, a concrete admixture, from Laramie, Wyo., and points within five miles of Laramie, to points in Colorado and Nebraska. Applicant is authorized to conduct operations in Colorado, Nebraska, and Wyoming.

HEARING: December 3, 1958, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 198, or, if the Joint Board waives its right to participate, before Examiner Thomas F. Kilroy.

No. MC 108185 (Sub No. 20), filed September 4, 1958. Applicant: DIXIE HIGHWAY EXPRESS, INC., 1600 "B" Street, P. O. Box 631, Meridian, Miss. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Tuscaloosa, Ala., and Eutaw, Ala.: from Tuscaloosa over U. S. Highway 82 to Reform, thence over Alabama Highway 17 to Aliceville, and thence over Alabama Highway 14 to Eutaw, and return over the same route, serving all intermediate points and the off-route point of the site of the F. C. Huyck & Sons plant situated approximately 5.10 miles southwest of Aliceville, Ala., on Alabama Highway 17. Applicant is authorized to conduct operations in Alabama, Georgia, Mississippi, Louisiana, and Florida.

NOTE: Applicant has been granted temporary authority under section 210a (b), pending decision of the Commission in No. MC–F 6676, Dixie Highway Express, Inc.—Control and Merger—Mohawk Motor Lines, Inc., to lease and operate the authorities of Mohawk, Certificates MC 55828 and Sub Nos. 15 and 20 thereunder, conducting similar operations between points in Alabama, Tennessee, Kentucky, Missouri, and Illinois.

HEARING: December 16, 1958, at the Thomas Jefferson, Birmingham, Ala., before Joint Board No. 100, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 108461 (Sub No. 69), filed July 21, 1958. Applicant: WHITFIELD TRANSPORTATION, INC., 240 West Amador, Las Cruces, N. Mex. Applicant's representative: J. P. Rose, P. O. Box 5345, El Paso, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except livestock, commodities of unusual value, Class A and B explosives, household goods as defined by the Commission and commodities requiring special equipment, between Albuquerque, N. Mex., and Farmington, N. Mex., from Albuquerque over U. S. Highway 85 to junction of New Mexico Highway 44, thence over New Mexico Highway 44 to Bloomfield, thence over New Mexico Highway 17 to Farmington, and return over the same route, serving no intermediate points, but serving the Navajo Dam Site, located about ten miles northeast of Blanco, N. Mex., and points within 10 miles thereof as off-route points. Applicant is authorized to conduct operations in Utah, Colorado, New Mexico, Arizona, Texas, and California.

NOTE: Applicant states that it presently has an application pending under Docket No. MC 108461 Sub 52, on which Division 1 has issued a favorable report and order, served June 6, 1958. Applicant states that it does not seek any duplicating authority herein.

HEARING: December 19, 1958, at the Hilton Hotel, Albuquerque, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate, before Examiner Thomas F. Kilroy.

No. MC 108549 (Sub No. 4), filed September 5, 1958. Applicant: MURPHY TRANSPORTATION CO., a corporation, Hampton, 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: *Binder and baler twine* and *baling wire*, from New York, N. Y., Philadelphia, Pa., and New Orleans, La., to points in Iowa, Minnesota, Nebraska and South Dakota. Applicant is authorized to conduct regular route operations in Illinois, and irregular route operations in Illinois, Indiana, and Iowa.

HEARING: November 24, 1958, at 346 Broadway, New York, N. Y., before Examiner Walter R. Lee.

No. MC 108589 (Sub No. 8), filed August 11, 1958. Applicant: EAGLE EXPRESS COMPANY, a corporation, Box 679, Somerset, Ky. Applicant's attorney: Fritz Krueger, Alverson Building, Somerset, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and

those requiring special equipment, from Lexington, Ky., to Cincinnati, Ohio, from Lexington over U. S. Highway 25 to Cincinnati, serving all intermediate points. Between Helenwood, Tenn., and Jamestown, Tenn., from Helenwood over U. S. Highway 27 to Rugby Road, Tenn., thence over Tennessee Highway 52 to Jamestown, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Kentucky, Ohio, and Tennessee.

HEARING: November 24, 1958, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 209, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 108884 (Sub No. 3), filed September 10, 1958. Applicant: ROGERS AND KASPER, INC., Route 46, Great Meadows, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *common carrier,* by motor vehicles, over irregular routes, transporting: *Frozen foods,* in mechanically refrigerated temperature-controlled vehicles, from New York, N. Y., and points in Hudson County, N. J., to points in Montgomery, Bucks, Northampton, Monroe, Wayne, Susquehanna, Wyoming, Carbon, Luzerne, Lehigh, Berks, Lancaster, Lebanon, Schuylkill, and Lackawanna Counties, Pa., and points in Delaware, Broome, Chenango, Cortlandt, Tompkins, Chemung, and Tioga Counties, N. Y., and *rejected, returned and damaged shipments* of frozen foods, on return. Applicant is authorized to transport fresh and processed fish from Boston, Mass., to specified points in Pennsylvania, and fresh and frozen seafood from New York, N. Y., to specified points in Pennsylvania.

NOTE: Applicant requests that the proposed operation be restricted to service from shippers' facilities to local retailers, dealers, etc.

HEARING: November 25, 1958, at 346 Broadway, New York, N. Y., before Examiner Walter R. Lee.

No. MC 109210 (Sub No. 133), filed September 4, 1958. Applicant: CRANEL B. HERNDON, P. O. Box 627, Hampton, S. C. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Plastic products and articles,* such as laminated plastics; table top or counter materials covered with plastics; plastic sheets, plate, bar, block, or rod; sheet plastic faced with wood, metal or paperboard; forms or shapes, plastic or plastic and metal or wood combined, or plastic and paper or cloth combined, from Hampton, S. C., to points in Arkansas, Connecticut, Delaware, Louisiana, Massachusetts, Mississippi, Rhode Island, and West Virginia. (2) *Lubricating oils and greases,* in containers, from Freedom and Braddock, Pa., to Savannah, and Columbus, Ga. (3) *Wooden doors,* from Varnville, S. C., to points in Connecticut, Massachusetts, and Rhode Island. *Refused, damaged and returned shipments* of the commodities specified in this application, and *shipping containers, skids,* and *pallets,* on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: December 2, 1958, at the Wade Hampton Hotel, Columbia, S. C., before Examiner Alfred B. Hurley.

No. MC 109637 (Sub No. 84), filed August 25, 1958. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products,* in bulk, in tank vehicles, from points in Butler County, Ohio to points in Indiana, Kentucky, Michigan, Pennsylvania, West Virginia, and Illinois. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Tennessee, Texas, West Virginia, and Wisconsin.

NOTE: Applicant is under common control with Alabama Tank Lines, Inc., Docket No. MC 116387.

HEARING: November 28, 1958, at the Kentucky Hotel, Louisville, Ky., before Examiner Allen W. Hagerty.

No. MC 109637 (Sub No. 87), filed September 3, 1958. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Nonyl phenol,* in bulk, in tank vehicles, from Calvert City, Ky., and points within five miles thereof, to points in Missouri. (2) *Acetylene chemicals, adhesives,* and *detergents,* in bulk, in tank vehicles, from Calvert City, Ky., and points within five miles thereof, to points in Iowa and Nebraska. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: November 26, 1958, at the Kentucky Hotel, Louisville, Ky., before Examiner Allen W. Hagerty.

No. MC 110325 (Sub No. 20), filed October 9, 1958. Applicant: TRANSCON LINES, 1206 South Maple Avenue, Los Angeles 15, Calif. Applicant's attorney: Lee Reeder, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier,* by motor vehicle, over a regular route, transporting: *General commodities,* except those of unusual value, Class A and B explosives, livestock, automobiles, household goods as defined by the Commission, commodities in bulk, machinery requiring special equipment or handling, and commodities requiring special equipment, between Oklahoma City, Okla., and Bakersfield, Calif., from Oklahoma City over U. S. Highway 66 to Barstow, Calif., thence over U. S. Highway 466 to Bakersfield, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, and serving Bakersfield, Calif., only as a point of joinder. Applicant is authorized to conduct operations in Illinois, Missouri, Kansas, Oklahoma, New Mexico, California, Arkansas, and Texas.

NOTE: Applicant states that the proposed certificate may be limited in point of time to a period ending with the termination of applicant's presently held lease with Cain's Truck Lines (the expiration date of which is April 1, 1961, see No. MC-FC 31319-A) for any reason other than the exercise by the applicant of its option to purchase the rights now leased from said lessor.

HEARING: December 1, 1958, at the Federal Building, Los Angeles, Calif., before Examiner Reece Harrison.

No. MC 110698 (Sub No. 104), filed September 23, 1958. Applicant: RYDER TANK LINE, INC., P. O. Box 457, Winston Road, Greensboro, N. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. Authority sought to operate as a *common carrier,* by motor vehicle, over *irregular routes,* transporting: *Lubricating oil,* in bulk, in tank vehicles, from Greensboro, N. C., to Atlanta and Savannah, Ga., and Charleston and Columbia, S. C. Applicant is authorized to conduct operations in North Carolina, Virginia, South Carolina, Georgia, Tennessee, Maryland, West Virginia, Alabama, Florida, Louisiana, Mississippi, Pennsylvania, Arkansas, Kentucky, Missouri, Ohio, and Texas.

HEARING: December 1, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Joint Board No. 130, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 112020 (Sub No. 50), filed August 11, 1958. Applicant: COMMERCIAL OIL TRANSPORT, a corporation, 1030 Stayton Street, Fort Worth, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wines* and *vermouths,* in bulk, in specialized vehicles, between points in California, on the one hand, and, on the other, points in Texas, Louisiana and New Mexico, except wines from Fresno, Calif., to Gallup, N. Mex. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Oklahoma, Kansas, Missouri, Nebraska, Iowa, Illinois, Indiana, Colorado, Mississippi, Michigan, Ohio, Wisconsin, New York, Kentucky, and Tennessee.

HEARING: November 26, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner Reece Harrison.

No. MC 112497 (Sub No. 124), filed September 18, 1958. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D. C. Authority sought to operate as a *common carrier,* by motor vehicle, over *irregular routes,* transporting: *Chemicals, ester gum, liquid glue, paint and paint materials, paint oil, paint thinners, resin compound surface coating, synthetic*

resin, varnish, plastic materials, solvents, and *vegetable oils,* in bulk, in tank vehicles, from points in Alabama, Arkansas, Florida, Georgia, Louisiana, Kentucky, Mississippi, North Carolina, Oklahoma, South Carolina, Texas, and Tennessee, to Mobile, Ala. (except vegetable oil between Mobile, Ala., and points in Alabama, Florida, Georgia, Louisiana, Mississippi and Tennessee). Applicant is authorized to conduct operations in Virginia, Texas, Tennessee, South Carolina, Pennsylvania, Ohio, North Carolina, New York, New Jersey, Missouri, Mississippi, Louisiana, Kentucky, Indiana, Illinois, Georgia, Florida, California, Arkansas, and Alabama.

HEARING: December 12, 1958, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Alfred B. Hurley.

No. MC 112497 (Sub No. 125), filed September 18, 1958. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D. C. Authority sought to operate as a *common carrier,* by motor vehicle, over *irregular routes,* transporting: *Chemicals, ester gum, liquid glue, paint and paint materials, paint oil, paint thinners, resin compound surface coating, synthetic resin, varnish, plasic materials, solvents,* and *vegetable oils,* in bulk, in tank vehicles, from Mobile, Ala., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Kentucky, Mississippi, North Carolina, Oklahoma, South Carolina, Texas, and Tennessee (except vegetable oil between Mobile, Ala., and points in Alabama, Florida, Georgia, Louisiana, Mississippi and Tennessee). Applicant is authorized to conduct operations in Alabama, Arkansas, California, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia.

HEARING: December 12, 1958, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Alfred B. Hurley.

No. MC 112893 (Sub No. 13), filed September 22, 1958. Applicant: BULK TRANSPORT COMPANY, a corporation, P. O. Box 391, Calumet Street, Burlington, Wis. Applicant's attorney: Harold J. Weiler, Tichlofen Building, Burlington, Wis. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Jaysol* (ethyl alcohol with a denaturant added), in bulk, in tank vehicles, from Milwaukee, Wis., to Fairmont, Minn. Applicant is authorized to conduct operations in Illinois, Indiana, and Wisconsin.

HEARING: December 11, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 142, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 113981 (Sub No. 2), filed May 5, 1958. Applicant: V. J. HUNT, doing business as VEGAS TRUCKING & MOVING CO., 2851 Cedar Street, Las Vegas, Nev. Applicant's attorney: John M. Laxalt, Sweetland Building, Carson City, Nev. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except household goods as defined by the Commission, Class A and B explosives, petroleum products in bulk, commodities of unusual value, and commodities requiring special equipment, between Las Vegas, Nev. and points within 15 miles thereof, and Shoshone, Calif., and points within 10 miles thereof: from Las Vegas over U. S. Highway 91 to junction Nevada Highway 16, thence over Nevada Highway 16 to junction Nevada Highway 52 at Pahrump, Nev., and thence over Nevada and California Highway 52 to Shoshone, and return over the same route, serving all intermediate and off-route points within 10 miles of highway, including the off-route point of Ash Meadows, Nev. Applicant is authorized to transport buildings and houses, set up, and equipment and furnishings in connection therewith between points in Arizona, California, and Nevada.

NOTE: Applicant requests that the above operation be restricted against interlining with any regular route carrier serving Los Angeles County, California at any points in California.

HEARING: December 11, 1958, in Room 202, State Office Building, Las Vegas, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 114123 (Sub No. 12), filed September 9, 1958. Applicant: HERMAN R. EWELL, INC., East Earl, Lancaster County, Pa. Applicant's attorney: Andrew Wilson Green, Pennsylvania State Chamber of Commerce Building, 222 North Third Street, Harrisburg, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Condensed whey,* in bulk, in tank vehicles, from South Edmeston (Otsego County), N. Y., to Danville, Ill. Applicant indicates he will conduct operations in New York, Ohio, Pennsylvania, Virginia, and West Virginia.

HEARING: November 26, 1958, at 346 Broadway, New York, N. Y., before Examiner Walter R. Lee.

No. MC 116503 (Sub No. 1), filed September 12, 1958. Applicant: BENJAMIN R. SCHOLL, Perkasie Star Route, Perkasie, Pa. Applicant's attorney: Harry J. Liederbach, Street Road and Willow Street, Southampton, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Calcium chloride,* in bulk, in dump trucks, from Solvay, N. Y., to points in New Jersey and Pennsylvania. Applicant is authorized to conduct operations in Pennsylvania, Delaware, and Maryland.

HEARING: November 24, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 116544 (Sub No. 2), filed August 28, 1958. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Street, Carthage, Mo. Applicant's attorney: Robert R. Hendon, Investment Building, Washington 5, D. C. Authority sought to operate as a *common or contract carrier,* by motor vehicle, over irregular routes, transporting: (A) *Feeds* and *agricultural commodities,* from Kansas City, Mo., and Ponca City, and Blackwell, Okla., and points in Kansas, to points in Florida; (B) *Flour,* from Ponca City and Blackwell, Okla., to points in Florida; and (C) *Empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, from points in Florida to the above-specified origin points.

NOTE: Applicant states that insofar as the above commodity description describes "Agricultural Commodities", the purpose of this application is to secure authority for the transportation of any non-exempt commodities included above on the same vehicle at the same time. A proceeding has been instituted under section 212 (c) in No. MC 111290 (Sub 15) to determine whether applicant's status is that of a contract or common carrier.

HEARING: November 26, 1958, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 116927 (Sub No. 2), filed September 22, 1958. Applicant: SPENCER EQUIPMENT COMPANY, INC., Rockport, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier,* by motor vehicle, over *irregular routes,* transporting: *Packaged brick* and *packaged clay tile,* from Owensboro, Ky., and Rockport, Tell City and Boonville, Ind., to points in Missouri and Tennessee.

HEARING: December 3, 1958, at the Kentucky Hotel, Louisville, Ky., before Examiner Allen W. Hagerty.

No. MC 117094 (Sub No. 2), filed October 3, 1958. Applicant: HOFER, INC., Girard, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Processed mill feeds,* in bags, and in bulk; and *bailer and binder twine,* between Girard, Kans., on the one hand, and, on the other, points in Nowata, Craig, Ottawa, Rogers, Mayes, and Delaware Counties, Okla. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, and Oklahoma.

HEARING: November 24, 1958, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 39, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 117109 (Sub No. 2), filed September 5, 1958. Applicant: SYKES TRANSPORT COMPANY, a corporation, Ironton, Mo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber,* from points in New Mexico to points in Wisconsin, Illinois, Indiana, Kentucky, Tennessee, and to St. Louis, Mo.

HEARING: December 12, 1958, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Thomas F. Kilroy.

No. MC 117169 (Sub No. 1), filed August 21, 1958. Applicant: B. BEASLEY, doing business as BEASLEY'S

HOT SHOT SERVICE, 712 Laplata Drive, Farmington, N. Mex. Applicant's attorney: H. D. Rosebrough, Nye Bldg., 108 North Orchard, Farmington, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield tools, equipment and supplies*, with no shipment to exceed 5,500 pounds, between points in San Juan County, N. Mex., on the one hand, and, on the other, points in San Juan and Grand Counties, Utah, Apache, and Navajo Counties, Ariz., Montezuma, LaPlata, Archuleta, Dolores, San Miguel, Montrose, and Mesa Counties, Colo.

HEARING: December 15, 1958, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Thomas F. Kilroy.

No. MC 117380, filed May 5, 1958. Applicant: WAYNE E. KIRCH, doing business as WAYNE'S AUTO BODY SHOP, 1730 South Main Street, Las Vegas, Nev. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and/or disabled motor vehicles and trailers*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, between points in the following described territory: between points in Nevada south of U. S. Highway 6, points in Utah west of U. S. Highway 89 and south of U. S. Highway 6 from the Nevada-Utah State line to Salt Lake City, points in California east of U. S. Highway 6, south of U. S. Highway 466, extending from Mojave to Paso Robles, thence in a straight line westward to the Pacific Ocean, and those north of U. S. Highway 60 from the Arizona-California State line to Riverside, and those north of U. S. Highway 91 from Riverside to the Pacific Ocean.

HEARING: December 12, 1958, in Room 202, State Office Building, Las Vegas, Nev., before Joint Board No. 30, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 117450 (Sub No. 2), filed September 16, 1958. Applicant: HARRY MARSHBURN BURGESS, doing business as BURGESS TRANSFER CO., R. F. D. 2, Box 444, Clinton, N. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile, brick, clay products*, and *building materials*, between points in Sampson County, N. C., and points in New York, New Jersey, Delaware, Connecticut, Maryland, the District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, Ohio, Pennsylvania, Louisiana, Maine, New Hampshire, Vermont, West Virginia, Indiana, Kentucky, and Illinois.

HEARING: November 28, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner Alfred B. Hurley.

No. MC 117533, filed July 18, 1958. Applicant: THE REYHER TRUCKING CO., a corporation, 3130 Elizabeth, Pueblo, Colo. Applicant's attorney: Paul M. Hupp, 738 Majestic Building, Denver 2, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour* and *prepared livestock feeds* from points in Colorado to points in Texas on and west of U. S. Highway 281 and points in New Mexico; and *prepared livestock feeds* from points in Texas on and west of U. S. Highway 281 and points in New Mexico, to points in Colorado.

HEARING: December 4, 1958, in Court Room B, U. S. Post Office and Court House, Denver, Colo., before Examiner Thomas F. Kilroy.

No. MC 117551, filed July 28, 1958. Applicant: A. E. SNIDER AND MARGARET J. SNIDER, doing business as NEWS & FILM SERVICE, 1896 South Canosa Court, Denver 19, Colo. Applicant's attorney: Bruce Ownbey, 251 Clayton Street, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Motion picture and TV films* and *newspapers*, (1) between Denver, Colo., and the Colorado-New Mexico State line, from Denver over U. S. Highway 85 and U. S. Highway 87 to the junction of combined U. S. Highways 85 and 87 near Castle Rock, thence over combined U. S. Highways 85 and 87 to the Colorado-New Mexico State line, and return over the same route; (2) (a) between Denver, Colo., and the Colorado-Kansas State line, over U. S. Highway 36; (2) (b) between Denver, Colo., and the Colorado-Kansas State line, from Denver over U. S. Highway 40 to the junction of U. S. Highway 24, thence over U. S. Highway 24 to the Colorado-Kansas State line, and return over the same route; (2) (c) between Denver, Colo., and the Colorado-Kansas State line, over U. S. Highway 40; (3) between Denver, Colo., and the Colorado-Oklahoma State line, over U. S. Highway 287; (4) between Denver, Colo., and the Colorado-Kansas State line, from Denver over U. S. Highway 85 and U. S. Highway 87 to the junction of combined U. S. Highways 85 and 87, thence over combined U. S. Highways 85 and 87 to Pueblo, thence over U. S. Highway 50 to the Colorado-Kansas State line, and also over Colorado Highway 96 to the Colorado-Kansas State line and return over the same route, (5) between Denver, Colo., and Florence and Canon City, Colo., from Denver over U. S. Highway 85 to the junction of combined U. S. Highways 85 and 87, thence over combined U. S. Highways 85 and 87 to the junction of Colorado Highway 115, thence over Colorado Highway 115 to Florence, thence over Colorado Highway 115 to Canon City, and return over the same route; (6) between Denver, Colo., and Salida, Colo., from Denver over U. S. Highway 6 to Dillon (also from Denver over U. S. Highway 40 to junction of U. S. Highway 6) thence over Colorado Highway 9 to Fairplay, thence over U. S. Highway 285 to the junction of U. S. Highway 24 (also from Denver over U. S. Highway 285 to the junction of U. S. Highway 24) (also from Denver over U. S. Highway 285 to the junction of U. S. Highway 24; near Buena Vista; also from Dillon over Colorado Highway 91 to the junction of U. S. Highway 24, thence over U. S. Highway 24 to the junction of U. S. Highway 285), thence over U. S. Highway 285 to Salida, and return over the above routes. Applicant will serve all intermediate points on the above described routes and the off-route points on the above described routes and the off-route point of Walsh, Colo., in connection with route (3) and the off-route point of Empire, Colo., in connection with route (6) described above.

HEARING: December 8, 1958, in Court Room B, U. S. Post Office and Court House, Denver, Colo., before Joint Board No. 126, or, if the Joint Board waives its right to participate, before Examiner Thomas F. Kilroy.

No. MC 117571, filed August 7, 1958. Applicant: L. L. ALLEN, doing business as L. L. ALLEN MOTOR LINES, P. O. Box 397, Cashiers, N. C. Applicant's attorney: Royce A. Whitmire, Hendersonville, N. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *dry ground mica*, from Heflin, Ala., to points in Ohio, New Jersey, Texas, Louisiana, Oklahoma and Florida; (2) *hardboard*, from Alpina, Mich., to points in North Carolina.

HEARING: December 17, 1958, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Alfred B. Hurley.

No. MC 117606, filed August 25, 1958. Applicant: WEBB TRANSFER LINE, INC., U. S. Highway 60E, Shelbyville, Ky. Applicant's attorney: Harry McChesney, Jr., Seventh Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except livestock, Class A and B explosives, articles of unusual value, redried tobacco, empty tobacco containers, knocked down or assembled, tobacco handling and testing equipment and agicultural products, from U. S. Government installations in Alabama, Arkansas, Delaware, Florida, Georgia, Indiana, Illinois, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia to Frankfort and Madisonville, Ky., and points within 5 miles of each.

NOTE: Applicant states that the transportation to be performed is restricted to commodities which have been declared surplus by any agency of the U. S. Government under the terms of the Public Law No. 152 (as amended) or any similar act or regulation and said operations are limited to a transportation service to be performed under a continuing contract, or contracts, with the Commonwealth of Kentucky, Department of Education, Division of Surplus Property Utilization. Applicant further states that it holds a certain authority as a common carrier of property but this application will not contravene the intent of section 210 because there is no duplication between common carrier rights held and contract carrier rights sought. If a find of consistency with the public interest and policy under section 210 is required, then same is requested.

HEARING: November 25, 1958, at the Kentucky Hotel, Louisville, Ky., before Examiner Allen W. Hagerty.

No. MC 117622, filed September 8, 1958. Applicant: CLARENCE W. BOWEN, Route 2, Sylvia, Kans. Applicant's attorney: Eldon L. Meigs, 219–21 South Main, Pratt, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mill feeds*, sacked, or in bulk from Ralston-Purina Mills, Wichita, Kans. to points in northern Oklahoma in the following counties: Osage, Pawnee, Noble, Kay, Garfield, Grant, Alfalfa, Major, Woods, Woodward, Ellis, Harper, Beaver, Texas, Cimarron, and Payne; and *grain*, in bulk, from points in the area outlined above to the Ralston-Purina Mills, Wichita, Kans.

HEARING: November 24, 1958, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 39, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 117626, filed September 11, 1958. Applicant: RUSSELL W. TOLLE, doing business as TOLLE SERVICE, Main Street, Weston, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles*, by tow truck, between points in Kansas and Missouri within 25 miles of Weston, Mo., including Weston.

HEARING: December 3, 1958, at the New Hotel Pickwick, Kansas City, Mo., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 117632, filed September 15, 1958. Applicant: TREMBLAY TRANSPORT, INC., New Montgomery Road, Chicopee (Willimansett), Mass. Applicant's attorney: Arthur M. Marshall, 145 State Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Empty containers*, such as drums and barrels, made of iron, steel, plastic, wood, and fibreboard, between points in New Jersey, on the one hand, and, on the other, points in Albany County, N. Y., and Rockingham County, N. H., and points in Connecticut and Massachusetts.

HEARING: November 25, 1958, at 346 Broadway, New York, N. Y., before Examiner Walter R. Lee.

No. MC 117653, filed September 24, 1958. Applicant: S. WADE HASTINGS doing business as HASTINGS TRANSFER AND STORAGE COMPANY, 207 East Eighth Street, Coffeyville, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in special equipment, from the plant site of the Moore-Lowry Mills, Inc., in Coffeyville, Kans., to points in Oklahoma, those in Missouri on and west of U. S. Highway 63, and those in Arkansas on and west of U. S. Highway 67.

HEARING: December 2, 1958, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Harold A. Angle.

No. MC 117665, filed September 29, 1958. Applicant: CARL BUCHANAN, R. R. No. 1, Puxico, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, feed* and *grain*, in bags, from East St. Louis, Ill., to Bloomfield, Mo., and *exempt commodities and livestock* on return movements.

HEARING: December 8, 1958, at the U. S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 117691, filed October 3, 1958. Applicant: EVERETT LOFFTUS, JAMES W. LOFFTUS, and KEITH F. LOFFTUS, doing business as EVERETT LOFFTUS & SONS, Roseville, Ill. Applicant's attorney: Grover Hoff, 621 Ridgely Building, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, from Havana, Fulton, and East St. Louis, Ill., and points within five (5) miles of each, to points in Iowa; (2) *Feed*, between points in Illinois, Iowa, and Omaha, Nebr.; (3) *Seed*, between points in Illinois, Indiana, Iowa, Missouri, Nebraska, and Ohio; and (4) *Livestock*, between points in Illinois, Iowa, and Nebraska.

HEARING: December 8, 1958, at the U. S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Harold W. Angle.

MOTOR CARRIERS OF PASSENGERS

No. MC 117623, filed September 10, 1958. Applicant: LEROY WHORTON AND DENNIS B. JONES, a partnership doing business as GEORGIA-ALABAMA BUS COMPANY, Route No. 1, Coosa, Ga. Applicant's attorney: Henry J. Fullbright, Jr., Masonic Annex Building, Rome, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers*, and *mail*, over the following specified regular routes between Calhoun, Ga., and Gadsden, Ala: from Calhoun over Georgia Highway 53 to Rome, Ga., thence over Georgia Highway 53 via Cave Spring, Ga., to the Georgia-Alabama State line, and thence over U. S. Highway 411 via Centre, Ala., to Gadsden; from Centre, Ala. over Alabama Highway 9 via Cedar Bluff, Ala., to the Alabama-Georgia State line; from Rome, Ga. over Georgia Highway 20 via Coosa, Ga., to the Georgia-Alabama State line; from Leesburg, Ala., over Alabama Highway 68 to Gaylesville, Ala.; and from Gaylesville, Ala., over Alabama Highway 35 to Lawrence, Ala.

HEARING: December 9, 1958, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 157, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12685, filed September 2, 1958. Applicant: DONALD J. HESSELMAN, 86 K Street, Salt Lake City, Utah. Applicant's attorney: Bartly G. McDonough, 10 Executive Building, 455 East Fourth South, Salt Lake City 11, Utah. For a License (BMC 5) to engage in operations as a *broker*, at Salt Lake City, Utah, in arranging for the transportation of individual passengers and groups of passengers, in charter operations, and in all types of passenger operations, in sightseeing and all-expense tours, (A) from points in Arizona, Nevada, Idaho, Utah, and Wyoming to points in Salt Lake County, Utah, and return. (B) from points in Salt Lake County, Utah, to points in the United States, and return.

HEARING: November 24, 1958, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 207, or, if the Joint Board waives its right to participate, before Examiner William J. Cave.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 1824 (Sub No. 30), (REPUBLICATION). Petitioner: PRESTON TRUCKING COMPANY, INC., EXTENSION—NEWPORT NEWS, VA. (Preston, Md.). Petitioner's attorney: William J. Little, 1513 Fidelity Building, Baltimore 1, Md. This is a second publication which covers an Order of the Commission, division 1, entered October 3, 1958, in the above-entitled proceeding, which vacates and sets aside the Order of division 1 entered in the proceeding on May 29, 1958, and reopens the proceeding under the no-hearing procedure and permits applicant to amend its application as follows: "To operate as a *common carrier*, over a regular route, transporting *general commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Richmond, Va., and Norfolk, Va., from Richmond over U. S. Highway 60 to Newport News, Va., and thence via the vehicular tunnel under Hampton Roads, Va., to Norfolk, and return over the same route, serving no intermediate or off-route points other than those presently authorized, and serving Richmond for the purposes of joinder only". The Order further provides that applicant should on or before November 21, 1958, submit verified statements solely with respect to tonnages handled by it to and from Norfolk, Va., and further provides that protestants shall file their verified statements in opposition on or before December 22, 1958.

No. MC 73262 (Sub No. 11), filed October 2, 1958. Applicant: MERCHANTS FREIGHT SYSTEM, INC., 1401 North 13th Street, Terre Haute, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forgings*, from Cleveland, Ohio, to Fostoria, Ohio, for stoppage in transit at the Atlas Crankshaft Division of Cummins Diesel Sales Corporation for processing.

NOTE: It is indicated in the application the proposed service is before transportation for completion of the movement from Fostoria, Ohio, to the Columbus, Ind., plant of the Cummins Engine Company which carrier will perform under existing authority. Applicant is authorized to conduct regular route operations in Illinois, Indiana, Michigan, Missouri, New York, Pennsylvania, and West Virginia, and irregular route operations in Illinois, Indiana, Kentucky, Michigan, Missouri, and Ohio.

No. MC 75320 (Sub No. 84), filed October 6, 1958. Applicant: CAMPBELL SIXTY SIX EXPRESS, INC., P. O. Box 390, 2333 Mill Street, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between New Albany, Miss., and Laurel, Miss., from New Albany over Mississippi Highway 15 to Laurel, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Arkansas, Alabama, Illinois, Kansas, Louisiana, Missouri, Mississippi, and Oklahoma.

No. MC 90760 (Sub No. 17), filed October 6, 1958. Applicant: RUSSELL D. ENOS, 1012 East Williams Street, Danville, Ill. Applicant's attorney: Clyde Meachum, 704–710 Baum Building, Danville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Condensed whey, Animal feed* and *poultry feed*, in bulk, in tank vehicles, from Danville, Ill., to points in Iowa, Minnesota, Nebraska, and South Dakota. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, and Wisconsin.

NOTE: Applicant indicates all previous authority authorizing transportation of Whey, in bulk, in tank vehicles, from designated points in Indiana to Danville, Ill., to be cancelled upon the granting of the authority requested herein.

No. MC 103788 (Sub No. 5), filed October 6, 1958. Applicant: SPROUT & DAVIS, INC., 2500 Indianapolis Boulevard, Whiting, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt emulsion*, in bulk, in tank vehicles, from Michigan City, Ind., to points in Oceana, Newaygo, Mecosta, Isabella, Midland, Saginaw, Gratiot, Montcalm, Kent, Muskegon, Ottawa, Ionia, Clinton, Shiawassee, Livingston, Ingham, Eaton, Barry, Allegan, Van Buren, Kalamazoo, Calhoun, Jackson, Washtenaw, Lenawee, Hillsdale, Branch, St. Joseph, Cass, and Berrien Counties, Mich. Applicant is authorized to conduct contract carrier operations in Permit No. MC 59310 and sub numbers thereunder. 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 59310 (Sub No. 46).

No. MC 109513 (Sub No. 8), filed October 6, 1958. Applicant: CHARLES B. RETZER, doing business as BEVERAGE TRANSPORTATION COMPANY, 2158 Hamilton Avenue, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Milwaukee, Wis., to Lorain, Ohio; (2) *Wines*, from Chicago, Ill., to Lorain, Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in Ohio, Massachusetts, Wisconsin, and Illinois.

No. MC 117492 (Amended), filed July 2, 1958, published in the FEDERAL REGISTER of September 24, 1958, on Page 7448. Applicant: CLEVELAND HEIGHTS TOWING, INC., 2901 Mayfield Road, Cleveland Heights, Ohio. Applicant's attorney: Edwin C. Reminger, Standard Building, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicles*, dead, wrecked, disabled, abandoned, repossessed, stolen, embezzled, with or without cargo, in tow-away service by wrecker, between points in the Cleveland, Ohio, Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia; (2) *Replacement or repair parts and equipment* for said motor vehicles, between points in the Cleveland, Ohio, Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (3) *Replacement motor vehicles* for wrecked or disabled motor vehicles, in secondary movements, by tow-away service by wrecker, between points in the Cleveland, Ohio, Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 6585 (HAYES FREIGHT LINES, INC.—PURCHASE—LESTER A. ELLIOTT, JR.), published in the May 29, 1957, issue of the FEDERAL REGISTER on page 3776. Application filed October 14, 1958, for temporary authority under section 210a (b).

No. MC–F 7015. Authority sought for control by J. W. BOYLES, 500 South Western Avenue, Oklahoma City, Okla., of B & W FREIGHT LINES, INC., 1303 West Third Street, Amarillo, Tex. Applicant's attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla. Operating rights sought to be controlled: Operations under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act covering the transportation of *general commodities*, as a *common carrier*, over regular routes, in the State of Texas, between Amarillo and Wellington over U. S. Highway 287, and over State Highway 203 via Quail, serving only the three main towns, and with authority to return to Amarillo over this route and over any authorized route of the carrier, and to operate to and from all destination points authorized; English Field Airport, using U. S. Highway 60 and any other highways necessary to serve said airport; between Wheeler and Wellington over U. S. Highway 83, and coordinating this service with the carrier's existing service; between Childress and Wellington over U. S. Highway 83, serving all intermediate points. Carrier is prohibited from using U. S. Highway 83 in transportation of freight originating at or interlined at Wellington destined to Wheeler, or interlined at Wheeler, or originating at Wheeler and destined to Wellington. J. W. BOYLES holds no authority from this Commission. However, he is the controlling officer and stockholder of BESTWAY FREIGHT LINES, INC., Oklahoma City, Okla., which is authorized to operate as a *common carrier* in Oklahoma and Texas. Application has been filed for temporary authority under section 210a (b).

NOTE: Docket No. MC 99501 Sub 1 is a matter directly related.

No. MC–F 7016. Authority sought for purchase by T. T. BROOKS TRUCKING COMPANY, INCORPORATED, 112 Chitwood Avenue NE., Fort Payne, Ala., of the operating rights and property of FLETCHER T. KAYLOR (MRS. GENEVA A. KAYLOR, EXECUTRIX), doing business as KAYLOR TRANSFER CO., 9 South Park Avenue, Carrollton, Ga., and for acquisition by T. T. BROOKS, also of Fort Payne, of control of such rights and property through the purchase. Applicants' attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. Operating rights sought to be transferred: *Such commodities* as are usually manufactured, processed, or dealt in by rubber and rubber products manufacturers, and *empty textile cones*, as a *contract carrier*, over irregular routes, from Akron, Ohio, to points in Tennessee, Georgia, and Alabama; *cotton factory products*, from certain points in Georgia and Alabama to Akron, Ohio. Vendee is authorized to operate as a *contract carrier* in Ohio, Georgia, Tennessee, Kentucky, Alabama, and Mississippi. Application has been filed for temporary authority under section 210a (b).

No. MC–F 7017. Authority sought for purchase by SIGLE TRUCKING CO., R. F. D. No. 1, North Lima, Ohio, of the operating rights of MABEL LYNCH, doing business as HUB TRUCKING CO., 66 Shenango Street, Greenville, Pa., and for acquisition by R. E. SIGLE, also of North Lima, of control of such rights through the purchase. Applicants' attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Operating

rights sought to be transferred: *Such commodities* as are usually transported in dump truck equipment, as a *common carrier* over irregular routes, between points in Mercer County, Pa., on the one hand, and, on the other, points in Ashtabula, Mahoning, Trumbull, Columbiana, and Portage Counties, Ohio. Vendee is authorized to operate as a *common carrier* in Ohio, Pennsylvania, and West Virginia. Application has not been filed for temporary authority under section 210a (b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F 7018. Authority sought for purchase by THE MUSKINGUM VALLEY TRANSIT COMPANY, doing business as LAKE SHORE SYSTEM, 714 East Broad Street, Columbus, Ohio, of the operating rights and property of RED STAR WAY, INC., doing business as RED STAR WAY LINES, 100 East Main Street, Saint Clairsville, Ohio, and for acquisition by OHIO RAPID TRANSIT, INC., and, in turn, by H. W. ARNOLD, both of Columbus, of control of such rights and property through the purchase. Applicants' representative: H. W. Arnold, President, Ohio Rapid Transit, Inc., 714 East Broad Street, Columbus, Ohio. Operating rights sought to be transferred: *Passengers and their baggage,* and *express, newspapers* and *mail,* in the same vehicle with passengers, as a *common carrier* over regular routes, between Pittsburgh, Pa., and Columbus, Ohio, serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Ohio. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

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

[F. R. Doc. 58-8727; Filed, Oct. 21, 1958; 8:47 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 16, 1958.

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. 35020: *Vegetables between points in the West.* Filed by Western Trunk Line Committee, Agent (No. A-2020), for interested rail carriers. Rates on vegetables, carloads, from points in Colorado, Idaho, New Mexico, Utah, and Wyoming to points in western trunk line territory.

Grounds for relief: Motor truck competition.

Tariff: Supplement 154 to Western Trunk Lines tariff I. C. C. A-3511.

FSA No. 35021: *Gravel from Montezuma, Ind., to Illinois points.* Filed by Illinois Freight Association, Agent, for interested rail carriers. Rates on gravel, road surfacing, carloads from Montezuma, Ind., to Hammond and Pierson, Ill.

Grounds for relief: Motor truck and wayside pit competition.

Tariff: Supplement 82 to Baltimore and Ohio Railroad tariff I. C. C. 24048.

FSA No. 35022: *Molasses from North Atlantic ports to Chicago, Ill.* Filed by O. E. Schultz, Agent (No. ER 2465), for interested rail carriers. Rates on blackstrap molasses residuum and invert molasses, tank-car loads from Baltimore, Md., Boston, Mass., Norfolk, Va., Philadelphia, Pa., Albany and New York, N. Y., and points grouped therewith to Chicago, Ill.

Grounds for relief: Maintenance of rate relations with New Orleans, La., and other southern points.

Tariffs: Supplement 70 to Trunk Line Territory Tariff Bureau tariff I. C. C. A-1116 and two other schedules.

FSA No. 35023: *Trailer-on-flat-car Service, Wabash Railroad Company.* Filed by The Wabash Railroad Company (No. 26), for itself and other interested rail carriers. Rates on commodities loaded in or on highway trailers and transported on railroad flat cars from points in Illinois, Indiana, Missouri, and Ohio to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania.

Grounds for relief: Motor truck competition.

Tariff: Supplement 16 to Wabash Railroad Company tariff I. C. C. 7863.

FSA No. 35024: *Petroleum products from Montana to South Dakota.* Filed by The Northern Pacific Railway Company (No. 110), for itself and other interested rail carriers. Rates on petroleum and petroleum products, tankcar loads from Billings, East Billings, and Laurel, Mont., to Chamberlain, S. Dak.

Grounds for relief: Market competition.

FSA No. 35025: *Petroleum products from Montana to Minnesota.* Filed by The Northern Pacific Railway Company (No. 111), for itself and the Duluth, Missabe and Iron Range Railway Company. Rates on petroleum and petroleum products, tank car loads from Billings, East Billings, and Laurel, Mont., to Steelton (Duluth), Minn.

Grounds for relief: Market competition.

By the Commission.

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

[F. R. Doc. 58-8690; Filed, Oct. 20, 1958; 8:46 a. m.]

[Notice 40]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 16, 1958.

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 61268. By order of October 13, 1958, the Transfer Board approved the transfer to H. Stahl Motor Service, Inc., St. Charles, Ill., of certificate in No. MC 6725 issued June 25, 1957 to Edwin Farrell, doing business as H. Stahl Motor Service, St. Charles, Ill., authorizing the transportation of: *General Commodities,* with the usual exceptions including household goods, between St. Charles, Ill., and Chicago, Ill., serving specified points in Ill. No service is authorized to points in Indiana. Eugene L. Cohn and Bernard G. Colby, attorneys, One North La Salle Street, Chicago 2, Ill., for applicants.

No. MC-FC 61497. By order of October 14, 1958, the Transfer Board approved the transfer to Carl F. Spacht, North East, Pa., of certificate in No. MC 48286, issued February 26, 1941, to Laurance D. Burden, doing business as Homestead Fruit Farms, North East, Pa., authorizing the transportation of: *Fresh fruits and vegetables,* from points in North East Township, Pa., to Buffalo, N. Y., and Cleveland, Ohio, and *fertilizer* and *seed* on the return. William W. Knox, 23 West 10th Street, Erie, Pa., for applicants.

No. MC-FC 61595. By order of October 13, 1958, the Transfer Board approved the transfer to Frances Harris and Frederick R. Bilbrough, a partnership, doing business as Harris & Bilbrough Trucking Co., Route 1, Box 212, Denton, Maryland, of a certificate in No. MC 115848 Sub 1, issued February 13, 1958, to B. W. C. Trucking Co., Denton, Maryland, authorizing the transportation, over irregular routes, of ground lime stone, in bulk, from Billmyer and Thomasville, Pa., to Denton, Md., and fertilizer materials, from Norrisville, Pa., to Denton, Md.

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

[F. R. Doc. 58-8692; Filed, Oct. 20, 1958; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

GERTRUD HARKE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gertrud Harke, nee Fraenkel, Berlin, Germany; $6,371.69 in the Treasury of the United States.

Vesting Order No. 7764; Claim No. 36838.

Executed at Washington, D. C., on October 10, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-8699; Filed, Oct. 20, 1958; 8:47 a. m.]