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FEDERAL REGISTER

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10925

ESTABLISHING THE PRESIDENT'S COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY

WHEREAS discrimination because of race, creed, color, or national origin is contrary to the Constitutional principles and policies of the United States; and

WHEREAS it is the plain and positive obligation of the United States Government to promote and ensure equal opportunity for all qualified persons, without regard to race, creed, color, or national origin, employed or seeking employment with the Federal Government and on government contracts; and

WHEREAS it is the policy of the executive branch of the Government to encourage by positive measures equal opportunity for all qualified persons within the Government; and

WHEREAS it is in the general interest and welfare of the United States to promote its economy, security, and national defense through the most efficient and effective utilization of all available manpower; and

WHEREAS a review and analysis of existing Executive orders, practices, and government agency procedures relating to government employment and compliance with existing non-discrimination contract provisions reveal an urgent need for expansion and strengthening of efforts to promote full equality of employment opportunity; and

WHEREAS a single governmental committee should be charged with responsibility for accomplishing these objectives:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered as follows:

PART I—ESTABLISHMENT OF THE PRESIDENT'S COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY

SECTION 101. There is hereby established the President's Committee on Equal Employment Opportunity.

SEC. 102. The Committee shall be composed as follows:

(a) The Vice President of the United States, who is hereby designated Chairman of the Committee and who shall preside at meetings of the Committee.

(b) The Secretary of Labor, who is hereby designated Vice Chairman of the Committee and who shall act as Chairman in the absence of the Chairman. The Vice Chairman shall have general supervision and direction of the work of the Committee and of the execution and implementation of the policies and purposes of this order.

(c) The Chairman of the Atomic Energy Commission, the Secretary of Commerce, the Attorney General, the Secretary of Defense, the Secretaries of the Army, Navy and Air Force, the Administrator of General Services, the Chairman of the Civil Service Commission, and the Administrator of the National Aeronautics and Space Administration. Each such member may designate an alternate to represent him in his absence.

(d) Such other members as the President may from time to time appoint.

(e) An Executive Vice Chairman, designated by the President, who shall be *ex officio* a member of the Committee. The Executive Vice Chairman shall assist the Chairman, the Vice Chairman and the Committee. Between meetings of the Committee he shall be primarily responsible for carrying out the functions of the Committee and may act for the Committee pursuant to its rules, delegations, and other directives. Final action in individual cases or classes of cases may be taken and final orders may be entered on behalf of the Committee by the Executive Vice Chairman when the Committee so authorizes.

SEC. 103. The Committee shall meet upon the call of the Chairman and at such other times as may be provided by its rules and regulations. It shall (a) consider and adopt rules and regulations to govern its proceedings; (b) provide generally for the procedures and policies to implement this order; (c) consider reports as to progress under this order; (d) consider and act, where necessary or appropriate, upon matters which may be presented to it by any of its members; and (e) make such reports to the President as he may require or the Committee shall deem appropriate. Such reports shall be made at least once annually and shall include specific references to the actions taken and results achieved by each department and agency. The Chairman may appoint sub-committees to make special studies on a continuing basis.

PART II—NONDISCRIMINATION IN GOVERNMENT EMPLOYMENT

SECTION 201. The President's Committee on Equal Employment Opportunity established by this order is directed immediately to scrutinize and study employment practices of the Government of the United States, and to consider and recommend additional affirmative steps which should be taken by executive departments and agencies to realize more fully the national policy of nondiscrimination within the executive branch of the Government.

SEC. 202. All executive departments and agencies are directed to initiate forthwith studies of current government employment practices within their responsibility. The studies shall be in such form as the Committee may prescribe and shall include statistics on current employment patterns, a review of current procedures, and the recommendation of positive measures for the elimination of any discrimination, direct or indirect, which now exists. Reports and recommendations shall be submitted to the Executive Vice Chairman of the Committee no later than sixty days from the effective date of this order, and the Committee, after considering such reports and recommedations, shall report to the President on the current situation and recommend positive measures to accomplish the objectives of this order.

SEC. 203. The policy expressed in Executive Order No. 10590 of January 18, 1955 (20 F.R. 409), with respect to the exclusion and prohibition of discrimination against any employee or applicant for employment in the Federal Government because of race, color, religion, or national origin is hereby reaffirmed.

SEC. 204. The President's Committee on Government Employment Policy, established by Executive Order No. 10590 of January 18, 1955 (20 F.R. 409), as amended by Executive Order No. 10722 of August 5, 1957 (22 F.R. 6287), is hereby abolished, and the powers, functions, and duties of that Committee are hereby transferred to, and henceforth shall be vested in, and exercised by, the President's Committee on Equal Employment Opportunity in addition to the powers conferred by this order.

PART III—OBLIGATIONS OF GOVERNMENT CONTRACTORS AND SUBCONTRACTORS

SUBPART A—CONTRACTORS' AGREEMENTS

SECTION 301. Except in contracts exempted in accordance with section 303 of this order, all government contracting agencies shall include in every government contract hereafter entered into the following provisions:

"In connection with the performance of work under this contract, the contractor agrees as follows:

"(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

"(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor,

state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

"(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

"(4) The contractor will comply with all provisions of Executive Order No. 10925 of March 6, 1961, and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity created thereby.

"(5) The contractor will furnish all information and reports required by Executive Order No. 10925 of March 6, 1961, and by the rules, regulations, and orders of the said Committee, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

"(6) In the event of the contractor's non-compliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled in whole or in part and the contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order No. 10925 of March 6, 1961, and such other sanctions may be imposed and remedies invoked as provided in the said Executive order or by rule, regulation, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

"(7) The contractor will include the provisions of the foregoing paragraphs (1) through (6) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order No. 10925 of March 6, 1961, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for non-compliance: *Provided, however,* that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

SEC. 302. (a) Each contractor having a contract containing the provisions prescribed in section 301 shall file, and shall cause each of its subcontractors to file, Compliance Reports with the contracting agency, which will be subject to review by the Committee upon its request. Compliance Reports shall be filed within such times and shall contain such information as to the practices, policies, programs, and employment statistics of the contractor and each subcontractor, and shall be in such form, as the Committee may prescribe.

(b) Bidders or prospective contractors or subcontractors may be required to state whether they have participated in any previous contract subject to the provisions of this order, and in that event to submit, on behalf of themselves and their proposed subcontractors, Compliance Reports prior to or as an initial part of their bid or negotiation of a contract.

(c) Whenever the contractor or subcontractor has a collective bargaining agreement or other contract or understanding with a labor union or other representative of workers, the Compliance Report shall include such information as to the labor union's or other representative's practices and policies affecting compliance as the Committee may prescribe: *Provided,* that to the extent such information is within the exclusive possession of a labor union or other workers' representative and the labor union or representative shall refuse to furnish such information to the contractor, the contractor shall so certify to the contracting agency as part of its Compliance Report and shall set forth what efforts he has made to obtain such information.

(d) The Committee may direct that any bidder or prospective contractor or subcontractor shall submit, as part of his Compliance Report, a statement in writing, signed by an authorized officer or agent of any labor union or other workers' representative with which the bidder or prospective contractor deals, together with supporting information, to the effect that the said labor union's or representative's practices and policies do not discriminate on the grounds of race, color, creed, or national origin, and that the labor union or representative either will affirmatively cooperate, within the limits of his legal and contractual authority, in the implementation of the policy and provisions of this order or that it consents and agrees that recruitment, employment, and the terms and conditions of employment under the proposed contract shall be in accordance with the purposes and provisions of the order. In the event that the union or representative shall refuse to execute such a statement, the Compliance Report shall so certify and set forth what efforts have been made to secure such a statement.

SEC. 303. The Committee may, when it deems that special circumstances in the national interest so require, exempt a contracting agency from the requirement of including the provisions of section 301 of this order in any specific contract, subcontract, or purchase order. The Committee may, by rule or regulation, also exempt certain classes of contracts, subcontracts, or purchase orders (a) where work is to be or has been performed outside the United States and no recruitment of workers within the limits of the United States is involved; (b) for standard commercial supplies or raw materials; or (c) involving less than specified amounts of money or specified numbers of workers.

SUBPART B—LABOR UNIONS AND REPRESENTATIVES OF WORKERS

SEC. 304. The Committee shall use its best efforts, directly and through contracting agencies, contractors, state and local officials and public and private agencies, and all other available instrumentalities, to cause any labor union, recruiting agency or other representative of workers who is or may be engaged in work under government contracts to cooperate with, and to comply in the implementation of, the purposes of this order.

SEC. 305. The Committee may, to effectuate the purposes of section 304 of this order, hold hearings, public or private, with respect to the practices and policies of any such labor organization. It shall from time to time submit special reports to the President concerning discriminatory practices and policies of any such labor organization, and may recommend remedial action if, in its judgment, such action is necessary or appropriate. It may also notify any Federal, state, or local agency of its conclusions and recommendations with respect to any such labor organization which in its judgment has failed to cooperate with the Committee, contracting agencies, contractors, or subcontractors in carrying out the purposes of this order.

SUBPART C—POWERS AND DUTIES OF THE PRESIDENT'S COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY AND OF CONTRACTING AGENCIES

SEC. 306. The Committee shall adopt such rules and regulations and issue such orders as it deems necessary and appropriate to achieve the purposes of this order, including the purposes of Part II hereof relating to discrimination in government employment.

SEC. 307. Each contracting agency shall be primarily responsible for obtaining compliance with the rules, regulations, and orders of the Committee with respect to contracts entered into by such agency or its contractors, or affecting its own employment practices. All contracting agencies shall comply with the Committee's rules in discharging their primary responsibility for securing compliance with the provisions of contracts and otherwise with the terms of this Executive order and of the rules, regulations, and orders of the Committee pursuant hereto. They are directed to cooperate with the Committee, and to furnish the Committee such information and assistance as it may require in the performance of its functions under this order. They are further directed to appoint or designate, from among the agency's personnel, compliance officers. It shall be the duty of such officers to seek compliance with the objectives of this order by conference, conciliation, mediation, or persuasion.

SEC. 308. The Committee is authorized to delegate to any officer, agency, or employee in the executive branch of the

Government any function of the Committee under this order, except the authority to promulgate rules and regulations of a general nature.

SEC. 309. (a) The Committee may itself investigate the employment practices of any government contractor or subcontractor, or initiate such investigation by the appropriate contracting agency or through the Secretary of Labor, to determine whether or not the contractual provisions specified in section 301 of this order have been violated. Such investigation shall be conducted in accordance with the procedures established by the Commitee, and the investigating agency shall report to the Committee any action taken or recommended.

(b) The Committee may receive and cause to be investigated complaints by employees or prospective employees of a government contractor or subcontractor which allege discrimination contrary to the contractual provisions specified in section 301 of this Order. The appropriate contracting agency or the Secretary of Labor, as the case may be, shall report to the Committee what action has been taken or is recommended with regard to such complaints.

SEC. 310. (a) The Committee, or any agency or officer of the United States designated by rule, regulation, or order of the Committee, may hold such hearings, public or private, as the Committee may deem advisable for compliance, enforcement, or educational purposes.

(b) The Committee may hold, or cause to be held, hearings in accordance with subsection (a) of this section prior to imposing, ordering, or recommending the imposition of penalties and sanctions under this order, except that no order for debarment of any contractor from further government contracts shall be made without a hearing.

SEC. 311. The Committee shall encourage the furtherance of an educational program by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate or reduce the basic causes of discrimination in employment on the ground of race, creed, color, or national origin.

SUBPART D—SANCTIONS AND PENALTIES

SEC. 312. In accordance with such rules, regulations or orders as the Committee may issue or adopt, the Committee or the appropriate contracting agency may:

(a) Publish, or cause to be published, the names of contractors or unions which it has concluded have complied or have failed to comply with the provisions of this order or of the rules, regulations, and orders of the Committee.

(b) Recommend to the Department of Justice that, in cases where there is substantial or material violation or the threat of substantial or material violation of the contractual provisions set forth in section 301 of this order, appropriate proceedings be brought to enforce those provisions, including the enjoining, within the limitations of applicable law, of organizations, individuals or groups who prevent directly or indirectly, or seek to prevent directly or indirectly, compliance with the aforesaid provisions.

(c) Recommend to the Department of Justice that criminal proceedings be brought for the furnishing of false information to any contracting agency or to the Committee as the case may be.

(d) Terminate, or cause to be terminated, any contract, or any portion or portions thereof, for failure of the contractor or subcontractor to comply with the nondiscrimination provisions of the contract. Contracts may be terminated absolutely or continuance of contracts may be conditioned upon a program for future compliance approved by the contracting agency.

(e) Provide that any contracting agency shall refrain from entering into further contracts, or extensions or other modifications of existing contracts, with any non-complying contractor, until such contractor has satisfied the Committee that he has established and will carry out personnel and employment policies in compliance with the provisions of this order.

(f) Under rules and regulations prescribed by the committee, each contracting agency shall make reasonable efforts within a reasonable time limitation to secure compliance with the contract provisions of this order by methods of conference, conciliation, mediation, and persuasion before proceedings shall be instituted under paragraph (b) of this section, or before a contract shall be terminated in whole or in part under paragraph (d) of this section for failure of a contractor or subcontractor to comply with the contract provisions of this order.

SEC. 313. Any contracting agency taking any action authorized by this section, whether on its own motion, or as directed by the Committee, or under the Committee's rules and regulations, shall promptly notify the Committee of such action or reasons for not acting. Where the Committee itself makes a determination under this section, it shall promptly notify the appropriate contracting agency of the action recommended. The agency shall take such action and shall report the results thereof to the Committee within such time as the Committee shall provide.

SEC. 314. If the Committee shall so direct, contracting agencies shall not enter into contracts with any bidder or prospective contractor unless the bidder or prospective contractor has satisfactorily complied with the provisions of this order or submits a program for compliance acceptable to the Committee or, if the Committee so authorizes, to the contracting agency.

SEC. 315. Whenever a contracting agency terminates a contract, or whenever a contractor has been debarred from further government contracts, because of noncompliance with the contractor provisions with regard to nondiscrimination, the Committee, or the contracting agency involved, shall promptly notify the Comptroller General of the United States.

SUBPART E—CERTIFICATES OF MERIT

SEC. 316. The Committee may provide for issuance of a United States Government Certificate of Merit to employers or employee organizations which are or may hereafter be engaged in work under government contracts, if the Committee is satisfied that the personnel and employment practices of the employer, or that the personnel, training, apprenticeship, membership, grievance and representation, upgrading and other practices and policies of the employee organization, conform to the purposes and provisions of this order.

SEC. 317. Any Certificate of Merit may at any time be suspended or revoked by the Committee if the holder thereof, in the judgment of the Committee, has failed to comply with the provisions of this order.

SEC. 318. The Committee may provide for the exemption of any employer or employee organization from any requirement for furnishing information as to compliance if such employer or employee organization has been awarded a Certificate of Merit which has not been suspended or revoked.

PART IV—MISCELLANEOUS

SECTION 401. Each contracting agency (except the Department of Justice) shall defray such necessary expenses of the Committee as may be authorized by law, including section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691): *Provided*, that no agency shall supply more than fifty per cent of the funds necessary to carry out the purposes of this order. The Department of Labor shall provide necessary space and facilities for the Committee. In the case of the Department of Justice, the contribution shall be limited to furnishing legal services.

SEC. 402. This order shall become effective thirty days after its execution. The General Services Administration shall take appropriate action to revise the standard Government contract forms to accord with the provisions of this order and of the rules and regulations of the Committee.

SEC. 403. Executive Order No. 10479 of August 13, 1953 (18 F.R. 4899), together with Executive Orders Nos. 10482 of August 15, 1953 (18 F.R. 4944), and 10733 of October 10, 1957 (22 F.R. 8135), amending that order, and Executive Order No. 10557 of September 3, 1954 (19 F.R. 5655), are hereby revoked, and the Government Contract Committee established by Executive Order No. 10479 is abolished. All records and property of or in the custody of the said Committee are hereby transferred to the President's Committee on Equal Employment Opportunity, which shall wind up the outstanding affairs of the Government Contract Committee.

JOHN F. KENNEDY

THE WHITE HOUSE,
March 6, 1961.

[F.R. Doc. 61-2093; Filed, Mar. 7, 1961; 10:06 a.m.]

Rules and Regulations

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 14,361]

PART 545—OPERATIONS

Loans

MARCH 2, 1961.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of liberalization of certain limitations and requirements in paragraphs (c) and (d) of § 545.6–14 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–14), to wit, the requirement in paragraph (c) of that section that the security instrument provide that the loan is in default if the development has not been commenced on or before the expiration of nine months after date of said instrument, and the limitation in paragraph (d) of that section that in no event shall more than 85 percent of the principal obligation of the loan be disbursed until completion of the development, by deleting such limitations and requirements from said paragraphs (c) and (d), and upon the basis of consideration by it of the advisability for purposes of clarification of redesignating paragraphs (d) and (e) of said § 545.6–14 by changing the designation of paragraph (d) to paragraph (e) and by changing the designation of paragraph (e) to (d), to provide a better and more orderly sequence of such paragraphs to deal with general aspects of specific loans before dealing with disbursements of loans proceeds, and for rearranging the sequence of the contents of redesignated paragraph (d) for the purpose of clarity, and for the purpose of effecting such liberalizations and clarification, as aforesaid, hereby amends said paragraphs (c), (d) and (e) of said § 545.6–14 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–14) to read, and to be designated, as follows, effective March 8, 1961:

(c) *Limitations on specific loans.* Loans under this section shall be made to finance, within the meaning of the last paragraph of subsection (c) of said section 5, the acquisition and development of land for primarily residential usage. Such land shall be located within the association's regular lending area, and such loans shall be loans on the security of first liens on real estate, in fee simple, consisting of land the development of which is to be financed by the loan. The principal obligation of each such loan shall be specified in the security instrument with respect to such loan and shall not exceed 60 percent of the value of such real estate security therefor as of the completion of such development. Any such loan shall be repayable within 3 years and the interest on any such loan shall be payable at least semiannually. The security instrument with respect to each such loan shall require development of such real estate security to be commenced not more than nine months after the date of such instrument. Notwithstanding any other provision of this section, no such loan shall exceed the principal obligation as so set forth in such security instrument, or 60 percent of the value of such real estate security therefor at the time such loan is made and prior to the commencement of the development thereof plus 60 percent of the cost of the development thereof, whichever is the lesser. The value of such real estate security (1) as of the completion of such development and (2) at the time the loan is made and prior to the commencement of such development shall be determined by the association before the making of the loan, after obtaining appraisal or appraisals thereof in accordance with § 545.6–9, without regard to any provisions of § 545.6–9 relating solely to insured or guaranteed loans, and all references in this section to the value of the real estate security shall mean the respective values as so determined before the making of the loan.

(d) *Establishment and maintenance of records.* (1) A Federal association shall not make any loan pursuant to this section unless and until it has obtained a written report on the credit standing of the applicant and the financial ability of the applicant to undertake and pay off the obligation involved in the loan, nor unless and until the applicant for such loan shall have executed and filed with the association a certificate stating (i) the name and address of the applicant; (ii) the name and address of the principal or principals for whose benefit the loan is sought, if the applicant is acting as an agent or nominee or in behalf of any other person, partnership, corporation, or syndicate; (iii) if the applicant or such principal is a partnership, corporation, or syndicate, the name and address of each and every person who has an interest in or is an officer of, and the nature and extent of each such person's interest in, such partnership, corporation, or syndicate; and (iv) the date on which such real estate security was, or is to be, acquired by such applicant, or by the principal if the applicant is acting as an agent or nominee, the cost of such security to such applicant or principal, and the cost of completion of development of such security, as estimated by such applicant or principal.

(2) With respect to each loan under this section a Federal association shall include and preserve in its record of such loan each certificate and each report referred to in this section and the date and amount of each appraisal and each determination of value referred to in this section, and shall maintain such additional records as will establish that the loan and all disbursements made in connection therewith are in accordance with the provisions of this section.

(e) *Disbursements.* No Federal association shall (1) before commencement of the development of the real estate security for a loan which has been made pursuant to the provisions of this section disburse from the proceeds of such loan an amount equal to more than 60 percent of the value of such real estate security at the time the loan is made and prior to the commencement of the development thereof, or (2) after commencement of the development of the real estate on the security of which such a loan has been made and prior to the completion thereof make any disbursement of such loan proceeds when such disbursement, together with all prior disbursements, exceeds 60 percent of such value of the real estate security plus 60 percent of the cost of such development at the date of such disbursement.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, as said liberalizing amendments relieve restriction, and the amendments redesignating paragraphs (d) and (e) and rearranging the sequence of redesignated paragraph (d) are intended solely for purposes of clarity and involve no substantive change, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act, and for the same cause, deferment of the effective date thereof is not required under section 4(c) of said Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 61–2022; Filed, Mar. 7, 1961; 8:50 a.m.]

[No. 14,362]

PART 545—OPERATIONS

Loans

MARCH 2, 1961.

Resolved, that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of subparagraph (4) of paragraph (a) of § 545.6–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–1) so as to liberalize the terms of said subparagraph with respect to the provision

in subdivision (ix) thereof limiting the aggregate amount of all loans made by an association pursuant to said subparagraph (4) to an amount not to exceed 10 percent of the association's capital, as therein provided, by changing said 10 percent limitation to 15 percent of the association's capital for said purposes, and by adding a new subdivision to said subparagraph (4) authorizing, under specified conditions, the making of construction loans under the provisions of said subparagraph (4) as hereinafter set forth, and for the purpose of effecting such liberalization, hereby amends said subparagraph (4) as follows, effective March 8, 1961:

(1) Subdivision (viii) of said subparagraph (4) is hereby amended by striking the word "and" at the end of said subdivision (viii).

(2) Subdivision (ix) of said subparagraph (4) is hereby amended to read as follows:

(ix) (*a*) The resulting aggregate of the principal amount of such loan as specified in accordance with subdivision (iii) of this subparagraph and of the association's investment in the principal amount of all other loans made under this subparagraph, exclusive of any loan with respect to which the association's investment in the principal amount thereof does not exceed 80 percent of the value of the property according to the appraisal on which such loan was made (or 80 percent of the purchase price set forth in the certification specified in subdivision (vii) of this subparagraph, if such purchase price is less than such value), does not, at the time of any disbursement on such loan, exceed 15 percent of the association's capital.

(*b*) The record of each such loan shall show the date and amount of the appraisal on which the loan was made and the date of approval of the loan, and the association shall, so long as the loan is outstanding and in any event for a period of at least three years from the date of any disbursement on the loan, retain in its record of the loan the foregoing data and all reports and certifications referred to in this subparagraph. Notwithstanding any other provision of this part, a Federal association, without the prior written approval by the Board, may not participate in the making of, and may not purchase or sell, any loan, and may not purchase or sell any participation in any loan, made under the provisions of this subparagraph: *Provided,* That the provisions of this sentence shall not apply to any loan the unpaid principal of which does not exceed 80 percent of the value of the property according to the appraisal on which such loan was made and does not exceed 80 percent of the purchase price set forth in the certification specified in subdivision (vii) of this subparagraph; and

(3) That said subparagraph (4) be amended by adding a new subdivision (x) at the end of said subparagraph (4) to read as follows:

(x) Notwithstanding the requirements in subdivision (ii) of this subparagraph that construction be completed prior to the date on which the security instrument securing the loan is executed and prior to the date on which any disbursement on the loan is made, a loan under this subparagraph (4) may be made to finance the construction of a structure as described in subdivision (ii) hereof: *Provided,* That the amount by which such a loan exceeds 80 percent of the value of the real estate shall not be disbursed unless and until (*a*) construction has been fully completed, (*b*) the property has been sold and title has been conveyed to a purchaser who has executed an agreement with the association assuming and agreeing to pay the loan, and (*c*) there is compliance with all of the provisions of this subparagraph (4) except as specifically waived in this subdivision (x): *And provided further,* That, for the purpose of such compliance the unpaid balance of the loan at the date of execution of the said assumption agreement shall be deemed to be the principal obligation of the loan; the date of execution of the said assumption agreement shall be deemed to be the date of approval of the loan, of the purchase of the property, of the execution of the security instrument, and of disbursement of the loan; the person or concern to whom the loan was made to finance construction shall be deemed to be the vendor; and the purchaser shall be deemed to be the borrower.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947, Supp.)

Resolved further that, as said amendments only relieve restriction, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of § 508.12 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act and, as said amendments relieve restriction, deferment of the effective date thereof is not required under section 4(c) of said Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 61-2023; Filed, Mar. 7, 1961; 8:50 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1956 C.C.C. Grain Price Support Bulletin 1, Supp. 6, Amdt. 2, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1956-Crop Corn Extended Re-Extended Reseal Loan Program

STORAGE PAYMENT ADVANCE

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 2047 and 4710, and containing the specific requirements of the 1956-crop extended re-extended reseal loan program for corn are amended as follows:

Section 421.2160(b) is amended by changing subparagraph (3) to (4) and adding a new subparagraph (3) thereto to provide for making an advance of the storage payment to be earned under subparagraphs (1) and (2) of this paragraph.

§ 421.2160 Storage and track-loading payments.

* * * * *

(b) * * *

(3) *Storage payment advance.* Storage payments provided under subparagraphs (1) and (2) of this paragraph shall be advanced to producers beginning March 1, 1961, on corn under reseal loan as of March 1, 1961, in the amount of $0.07 per bushel. The balance of the storage payment due a producer shall be paid at the time of settlement in accordance with the applicable provisions under subparagraphs (1) and (2) of this paragraph and other applicable provisions of the regulations. If a producer receives payment of any amount to which he is not entitled under the provisions of subparagraph (4) of this paragraph, he shall refund such amount plus interest at the rate of 6 percent per annum promptly upon demand by CCC.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Issued this 2d day of March 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-2039; Filed, Mar. 7, 1961; 8:52 a.m.]

[1959 C.C.C. Grain Price Support Reseal Loan Bulletin, Amdt. 2]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Reseal Loan Programs for Barley, Corn, Grain Sorghums and Wheat

STORAGE PAYMENT ADVANCE

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 2049 and 4856, and containing the specific requirements of the 1959 crop reseal loan programs for barley, corn, grain sorghums and wheat are amended as follows:

Section 421.4560(a) is amended by changing subparagraph (3) to (4) and adding a new subparagraph (3) thereto to provide for making an advance of the storage payment to be earned under subparagraphs (1) and (2) of this paragraph.

§ 421.4560 Storage and track-loading payments.

(a) * * *

(3) *Storage payment advance.* Storage payments provided under subpara-

graphs (1) and (2) of this paragraph shall be advanced to producers beginning March 1, 1961, on grain under reseal loan as of March 1, 1961, in the following amounts: corn, barley and wheat $0.07 per bushel; and grain sorghums $0.12 per hundredweight. The balance of the storage payment due a producer shall be paid at the time of settlement in accordance with the applicable provisions under subparagraphs (1) and (2) of this paragraph and other applicable provisions of the regulations. If a producer receives payment of any amount to which he is not entitled under the provisions of subparagraph (4) of this paragraph, he shall refund such amount plus interest at the rate of 6 percent per annum promptly upon demand by CCC.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 105, 401, 63 Stat. 1051, 1954; 15 U.S.C. 714c; 7 U.S.C. 1421, 1441, 1442)

Issued this 2d day of March 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-2040; Filed, Mar. 7, 1961; 8:52 a.m.]

[1958 C.C.C. Grain Price Support Extended Reseal Loan Bulletin, Amdt. 2]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1958-Crop Extended Reseal Loan Programs for Barley, Corn, Grain Sorghums, Oats and Wheat

STORAGE PAYMENT ADVANCE

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 3613 and 4710, and containing the specific requirements of the 1958-crop extended reseal loan programs for barley, corn, grain sorghums, oats and wheat are amended as follows:

Section 421.3559(b) is amended by changing subparagraph (3) to (4) and adding a new subparagraph (3) thereto to provide for making an advance of the storage payment to be earned under subparagraphs (1) and (2) of this paragraph.

§ 421.3559 **Storage and track-loading payments.**

* * * * *

(b) * * *

(3) *Storage payment advance.* Storage payments provided under subparagraphs (1) and (2) of this paragraph shall be advanced to producers beginning March 1, 1961, on grain under reseal loan as of March 1, 1961, in the following amounts: corn, barley and wheat $0.07 per bushel; oats, $0.05 per bushel; and grain sorghums $0.12 per hundredweight. The balance of the storage payment due a producer shall be paid at the time of settlement in accordance with the applicable provisions under subparagraphs (1) and (2) of this paragraph and other applicable provisions of the regulations. If a producer receives payment of any amount to which he is not entitled under the provisions of subparagraph (4) of this paragraph, he shall refund such amount plus interest at the rate of 6 percent per annum promptly upon demand by CCC.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051, 1054, 15 U.S.C. 714c; 7 U.S.C. 1421, 1441, 1442, 1447)

Issued this 2d day of March 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-2041; Filed, Mar. 7, 1961; 8:52 a.m.]

[1957 C.C.C. Grain Price Support Re-Extended Reseal Loan Bulletin, Amdt. 2]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1957-Crop Re-Extended Reseal Loan Programs for Corn and Wheat

STORAGE PAYMENT ADVANCE

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 2051 and 4710, and containing the specific requirements of the 1957-crop re-extended reseal loan programs for corn and wheat are amended as follows:

Section 421.2884(b) is amended by changing subparagraph (3) to (4) and adding a new subparagraph (3) thereto to provide for making an advance of the storage payment to be earned under subparagraphs (1) and (2) of this paragraph.

§ 421.2884 **Storage and track-loading payments.**

* * * * *

(b) * * *

(3) *Storage payment advance.* Storage payments provided under subparagraphs (1) and (2) of this paragraph shall be advanced to producers beginning March 1, 1961, on grain under reseal loan as of March 1, 1961, in the following amounts: corn and wheat $0.07 per bushel. The balance of the storage payment due a producer shall be paid at the time of settlement in accordance with the applicable provisions under subparagraphs (1) and (2) of this paragraph and other applicable provisions of the regulations. If a producer receives payment of any amount to which he is not entitled under the provisions of subparagraph (4) of this paragraph, he shall refund such amount plus interest at the rate of 6 percent per annum promptly upon demand by CCC.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054, 15 U.S.C. 714, 7 U.S.C. 1441, 1442, 1421)

Issued this 2d day of March 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-2042; Filed, Mar. 7, 1961; 8:53 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 685; Amdt. 261]

PART 507—AIRWORTHINESS DIRECTIVE

Hiller UH-12D and UH-12E Series Helicopters

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on February 21, 1961, and made effective immediately because of the safety emergency involved, as to all known United States operators of Hiller UH-12D and UH-12E Series helicopters. Investigation of recent accidents and incidents revealed defective gears in the main transmission.

For this reason it was found that immediate corrective action was required in the interest of safety, that notice and public procedure thereon were impracticable and contrary to the public interest and that good cause existed for making this airworthiness directive effective immediately as to all known U.S. operators of Hiller UH-12D and UH-12E Series helicopters by individual telegrams dated February 21, 1961. It is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons:

HILLER. Applies to all Model UH-12D (H-23D) and UH-12E Series helicopters. Compliance required as indicated.

As a result of two H-23D accidents and several inflight UH-12E and H-23D incidents involving main transmission malfunctions, the following must be accomplished:

Item 1. Applies to all Models UH-12D and UH-12E Series helicopters.

Compliance required prior to next flight.

(a) Inspect planet spur gear, P/N 23527, spiral bevel ring gear, P/N 23528, and tail rotor bevel gear shaft, P/N 23522, for the heat lot number. The heat lot number is prefaced by the designation "VHI" and is etched on the gears. Remove and replace any of those gears not bearing the following appropriate lot VHI numbers: For P/N 23527, VHI 186, 196, 275, 309, or 314. For P/N 23528, VHI 279, 286, 293, 293A or 295. For P/N 23522, VHI 291 or 292.

NOTE. Those gears not bearing any lot numbers and identified by Western Gears P/N's 1962C171, 1962D58, or 1962D65 are satisfactory and may be reinstalled.

(b) Inspect the following gears for proper gear tooth pattern: Bevel ring gear, P/N 23528 or 1962D58 and tail rotor bevel gear shaft, P/N 23522 or 1962D65. Replace those gears found to have improper gear tooth pattern. Refer to earlier transmission overhaul manual for description of acceptable pattern.

Item 2. Applies to all Models UH-12D and UH-12E Series helicopters.

Compliance required prior to next flight and every 50-hours time in service thereafter.

(a) Remove and check the oil nozzle orifice, P/N 23607, located at lower right-hand side of main transmission for obstruction. If this nozzle is obstructed, inspect the Borg Warner clutch for evidence of lack of lubrication. If such evidence is found, replace the clutch.

(b) Using a piece of 0.020-inch wire, check for obstruction in oil inlet orifices located at

forward topside of upper case, forward side of tachometer drive cover, and (if generator is installed on transmission) upper outboard side of generator drive housing. If any of these orifices are found obstructed, inspect the first stage planetary gear system for abnormal wear or overheating. If signs of such wear and/or overheating are noticed, overhaul or replace the first stage planetary system.

Item 3. Applies to all Models UH–12D and UH–12E Series helicopters.

Compliance required prior to next flight of UH–12D and UH–12E Series and every 10-hours time in service thereafter for the UH–12D and every 25-hours time in service thereafter for the UH–12E Series helicopters.

Remove, disassemble, and inspect the engine oil filter and transmision oil filter for the presence of metallic particles. If aluminum, bronze, or steel particles are found in either or both of these filters, inspect the first stage planetary system for abnormal wear or overheating. If signs of such wear and/or overheating are noticed, overhaul or replace the first stage planetary system.

Item 4. Applies to all UH–12D helicopters.

Compliance required prior to next 150 hours time in service.

Incorporate P/N's 23549–3 and 23549–5, bushings and P/N 23578 planet gear shafts in the first stage planetary gear system. The inspection interval for the inspections outlined in Item 3, may be increased to 25-hours time in service once this modification is accomplished.

(Hiller Service Information Letter No. 3015A covers this same subject.)

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated February 21, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 1, 1961.

GEORGE C. PRILL,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 61–1995; Filed, Mar. 7, 1961; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

[Amdt. 3]

Chapter I—Small Business Administration

PART 121—SMALL BUSINESS SIZE STANDARDS

The Small Business Size Standards Regulation (Revision 2) (26 F.R. 812) as amended (26 F.R. 1441), is hereby further amended by deleting § 121.3–9(b) and substituting in lieu thereof revised § 121.3–9(b) as follows:

(b) *Sales of Government-owned timber.* (1) In connection with the sale of Government-owned timber a small business is a concern that:

(i) Is primarily engaged in the logging or forest products industry;

(ii) Is independently owned and operated;

(iii) Is not dominant in its field of operation; and

(iv) Together with its affiliates employs not more than 250 persons.

(2) In the case of Government sales of timber reserved for or involving preferential treatment of small businesses, when the Government timber being purchased is to be resold, a concern is a small business when:

(i) It is a small business within the meaning of subparagraph (1) of this paragraph, and

(ii) It agrees that it will not sell more than 30 percent of such timber to a concern which does not qualify under subparagraph (1) of this paragraph as a small business, unless an exemption is granted on sales of mixed stumpage of hardwood and softwood species.

(3) In the case of Government sales reserved for or involving preferential treatment of small businesses, when the Government timber purchased is not to be resold in the form of saw logs to be manufactured into lumber and timbers, a concern is a small business when:

(i) It meets the criteria contained in subparagraph (1) of this paragraph, and

(ii) It agrees that in manufacturing lumber or timbers from such saw logs cut from the Government timber, it will do so only with its own facilities or those of concerns that qualify under subparagraph (1) of this paragraph as a small business.

Effective date. Unless otherwise amended, this amendment shall become effective thirty days after publication in the FEDERAL REGISTER.

JOHN E. HORNE,
Administrator.

FEBRUARY 27, 1961.

[F.R. Doc. 61–2038; Filed, Mar. 7, 1961; 8:51 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R–153]

[Order No. 232]

PART 154—RATE SCHEDULES AND TARIFFS

Nonacceptability of Contracts Containing Certain Types of Clauses

MARCH 3, 1961.

Nonacceptability of contracts between producers and interstate natural-gas companies containing certain types of automatic escalation and favored nation clauses, Docket No. R–153.

In this proceeding the Commission has under consideration a proposed amendment of § 154.93 of its general rules and regulations (18 CFR 154.93) respecting the filing of rate schedules containing certain provisions for adjustments in the price of the seller, e.g., "favored-nation", "redetermination", and "spiral escalation" clauses.

General public notice of this proposed rule-making was given by publication in the FEDERAL REGISTER on April 12, 1956 (21 F.R. 2388) and mailing notices to interested parties, including State and Federal regulatory agencies.[1]

In response to such notice, numerous suggestions and comments were submitted by interested parties respecting the changes in the Commission's rules therein proposed. All such suggestions and comments have been carefully considered, but, for reasons set forth in our findings, we adhere to the rule as originally proposed with certain changes made thereto.

The Commission finds:

(1) The natural gas industry and natural gas service are aided and developed by the use of long-term contracts for the sale of natural gas by producers to pipeline companies or to others, and it is desirable and appropriate in the public interest that long-term contracts be utilized as a basis for considerations of supply and service expansions by natural gas companies.

(2) Long-term gas supply contracts containing provisions for rate changes dependent or based in part on "indefinite escalation clauses", as herein defined, have contributed to instability and uncertainty concerning prices of gas and service expansion by natural gas companies. As found by us in the proceeding of The Pure Oil Company, Docket No. G–17930, Opinion No. 341 issued concurrently herewith, these indefinite escalation provisions are contrary to the public interest. Such escalation provisions, therefore, are undesirable, unnecessary, and incompatible with the public interest for the due and proper development of natural gas service by natural gas companies.

(3) It is necessary and appropriate in the public interest and in the proper administration of the Natural Gas Act that § 154.91(a) of our general rules and regulations (18 CFR 154.91(a)) be amended to include definitions of "definite escalation clause" and "indefinite escalation clause" to define clearly the amendment necessitated by our findings in subparagraph (2) hereof.

The Commission, acting pursuant to authority granted by the Natural Gas Act, particularly sections 4, 7, and 16 thereof (15 U.S.C. 717c, 717f, and 717o), orders:

(A) Part 154, entitled Rate Schedules and Tariffs and Subchapter E—Regulations Under Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations, is amended as follows:

1. In § 154.91(a), change the caption *Definition* to read *Definitions (1)* and adding subparagraphs (2) and (3) to read:

(2) "Definite escalation clause" means any provision in an independent producer's contract for the sale of natural gas in interstate commerce for resale or the transportation of natural gas in interstate commerce which sets forth the price to be paid for natural gas

[1] This issue was also fully tried, briefed, and argued before the Commission in The Pure Oil Company, Docket No. G–17930, in which decision is being issued this day.

delivered thereunder in terms of a specific price per unit, including, in addition to the initial price, any increases therein by specific amounts at definite future dates, or any provision which changes the specific price in order to reimburse the seller for all or any part of the changes in production, severance, or gathering taxes levied upon the seller.

(3) "Indefinite escalation clause" means any provision, other than a definite escalation clause as defined in subparagraph (2) of this paragraph, under which the price in a contract for the sale or transportation of natural gas by an independent producer subject to the jurisdiction of the Commission may be determined or changed.

2. Adding a proviso at the end of § 154.93, *Rate Schedule defined*, to read as follows: "*Provided*, That any provision for a change of price of the seller by reason of indefinite escalation clauses, as defined in § 154.91(a)(3), contained in a contract for the sale or transportation of natural gas subject to the jurisdiction of the Commission tendered for filing on and after April 3, 1961, shall be inoperative and of no effect at law."

(B) These amendments shall become effective April 3, 1961. Any interested person may submit to the Commission on or before March 20, 1961, views or comments in writing concerning these amendments.

(C) The Secretary of the Commission shall cause publication of this order to be made in the FEDERAL REGISTER.

By the Commission (Commissioner Kline, concurring in part and dissenting in part).

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

[F.R. Doc. 61-2030; Filed, Mar. 7, 1961; 8:50 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

BHT (BUTYLATED HYDROXYTOLUENE)

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by The Instant Potato Granule Manufacturers Association, Vacaville, California, and other relevant material, has concluded that the following regulation should issue in conformity with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive BHT (butylated hydroxytoluene) as an antioxidant in potato granules. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Subpart D (21 CFR Part 121) of the food additives regulation is amended by adding thereto the following new section:

§ 121.1034 BHT (butylated hydroxytoluene) as an antioxidant.

The food additive BHT (butylated hydroxytoluene), alone or in combination with other antioxidants permitted in this subpart, may be safely used in or on specified foods in accordance with the following prescribed conditions:

(a) The food additive meets the following specification: Assay (total BHT), 99.0 percent minimum.

(b) The food additive is used or intended for use alone or in combination with other permitted antioxidants:

(1) In potato granules alone or in combination with other permitted antioxidants whereby the maximum amount of the antioxidant alone or any combination of antioxidants does not exceed 10 parts per million by weight (0.001 percent) of potato granules.

(c) To assure safe use of the additive:

(1) The label of any market package of the additive shall bear, in addition to the other information required by the act, the name of the additive.

(2) When the additive is marketed in a suitable carrier, in addition to meeting the requirement of subparagraph (1) of this paragraph, the label shall declare the percentage of the additive in the mixture.

(3) The label or accompanying labeling shall bear adequate directions, which, if followed, will result in a finished product not in conflict with the requirements of this section.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 28, 1961.

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

[F.R. Doc. 61-2013; Filed, Mar. 7, 1961; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

BHA (BUTYLATED HYDROXYANISOLE)

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by the Instant Potato Granule Manufacturers Association, Vacaville, California, and other relevant material, has concluded that the following regulation should issue in conformity with section 409 of the Federal, Food, Drug, and Cosmetic Act, with respect to the food additive BHA (butylated hydroxyanisole) as an antioxidant in potato granules. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Subpart D (21 CFR Part 121) of the food additives regulations is amended by adding thereto the following new section:

§ 121.1035 BHA (butylated hydroxyanisole) as an antioxidant.

The food additive BHA (butylated hydroxyanisole), alone or in combination with other antioxidants permitted in this subpart, may be safely used in or on specified foods in accordance with the following prescribed conditions:

(a) The food additive meets the following specifications:

Melting point 48° C., minimum.
Assay (total BHA), 98.5 percent, minimum.

(b) The food additive is used or intended for use alone or in combination with other permitted antioxidants:

(1) In potato granules alone or in combination with other permitted antioxidants whereby the maximum amount of the antioxidant alone or any combination of antioxidants does not exceed 10 parts per million by weight (0.001 percent) of the potato granules.

(c) To assure safe use of the additive:

(1) The label of any market package of the additive shall bear, in addition to the other information required by the act, the name of the additive.

(2) When the additive is marketed in a suitable carrier, in addition to meeting the requirement of subparagraph (1) of this paragraph, the label shall declare the percentage of the additive in the mixture.

(3) The label or accompanying labeling shall bear adequate directions, which, if followed, will result in a finished product not in conflict with the requirements of this section.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the

grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 27, 1961.

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

[F.R. Doc. 61-2014; Filed, Mar. 7, 1961; 8:49 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6552]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Miscellaneous Provisions

On December 15, 1960, notice of proposed rule making with respect to section 381(c)(3) (capital loss carryover), (10) (treatment of certain expenses deferred by the election of distributor or transferor corporation), (13) (involuntary conversions under section 1033), (18) (percentage depletion on extraction of ores or minerals from the waste or residue of prior mining), and (19) (charitable contributions in excess of prior years' limitation) of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (25 F.R. 12890). Since no written or oral comments were presented, the regulations as proposed are hereby adopted.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: March 2, 1961.

HENRY H. FOWLER,
Acting Secretary of the Treasury.

The following regulations are hereby prescribed under section 381(c)(3) (capital loss carryover), (10) (treatment of certain expenses deferred by the election of distributor or transferor corporation), (13) (involuntary conversions under section 1033), (18) (percentage depletion on extraction of ores or minerals from the waste or residue of prior mining), and (19) (charitable contributions in excess of prior years' limitation). Except as otherwise provided therein, such regulations shall apply to liquidations and reorganizations, the tax treatment of which is determined under the Internal Revenue Code of 1954.

Sec.
1.381(c)(3) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; capital loss carryover.
1.381(c)(3)-1 Capital loss carryovers.
1.381(c)(10) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; treatment of certain expenses deferred by the election of distributor or transferor corporation.
1.381(c)(10)-1 Deferred exploration and development expenditures
1.381(c)(13) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; involuntary conversions under section 1033.
1.381(c)(13)-1 Involuntary conversions.
1.381(c)(18) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; percentage depletion on extraction of ores or minerals from the waste or residue of prior mining.
1.381(c)(18)-1 Depletion on extraction of ores or minerals from the waste or residue of prior mining.
1.381(c)(19) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; charitable contributions in excess of prior years' limitation.
1.381(c)(19)-1 Charitable contribution carryovers in certain acquisitions.

AUTHORITY: §§ 1.381(c)(3), 1.381(c)(3)-1, 1.381(c)(10), 1.381(c)(10)-1, 1.381(c)(13), 1.381(c)(13)-1, 1.381(c)(18), 1.381(c)(18)-1, 1.381(c)(19), and 1.381(c)(19)-1 issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

§ 1.381(c)(3) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; capital loss carryover.

SEC. 381. *Carryovers in certain corporate acquisitions.* * * *

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

* * * * *

(3) *Capital loss carryover.* The capital loss carryover determined under section 1212, subject to the following conditions and limitations:

(A) The taxable year of the acquiring corporation to which the capital loss carryover of the distributor or transferor corporation is first carried shall be the first taxable year ending after the date of distribution or transfer.

(B) The capital loss carryover shall be a short-term capital loss in the taxable year determined under subparagraph (A) but shall be limited to an amount which bears the same ratio to the net capital gain (determined without regard to a short-term capital loss attributable to capital loss carryover), if any, of the acquiring corporation in such taxable year as the number of days in the taxable year after the date of distribution or transfer bears to the total number of days in the taxable year.

(C) For purposes of determining the amount of such capital loss carryover to taxable years following the taxable year determined under subparagraph (A), the net capital gain in the taxable year determined under subparagraph (A) shall be considered to be an amount equal to the amount determined under subparagraph (B).

§ 1.381(c)(3)-1 Capital loss carryovers.

(a) *Carryover requirement.* (1) Section 381(c)(3) requires the acquiring corporation in a transaction to which section 381(a) applies to succeed to, and take into account, the capital loss carryovers of the distributor or transferor corporation. To determine the amount of these carryovers as of the close of the date of distribution or transfer, and to integrate them with the capital loss carryovers of the acquiring corporation for purposes of determining the taxable income of the acquiring corporation for taxable years ending after the date of distribution or transfer, it is necessary to apply the provisions of section 1212 in accordance with the conditions and limitations of section 381(c)(3) and this section.

(2) The capital loss carryovers of the acquiring corporation as of the close of the date of distribution or transfer shall be determined without reference to any capital gains or capital losses of the distributor or transferor corporation. The capital loss carryovers of a distributor or transferor corporation as of the close of the date of distribution or transfer shall be determined without reference to any capital gains or capital losses of the acquiring corporation.

(b) *First taxable year to which carryovers apply.* (1) The capital loss carryovers available to the distributor or transferor corporation as of the close of the date of distribution or transfer shall first be carried to the first taxable year of the acquiring corporation ending after that date. This rule applies irrespective of whether the date of distribution or transfer is on the last day, or any other day, of the acquiring corporation's taxable year.

(2) The capital loss carryovers available to the distributor or transferor corporation as of the close of the date of distribution or transfer shall be carried to the acquiring corporation without diminution by reason of the fact that the acquiring corporation does not acquire 100 percent of the assets of the distributor or transferor corporation.

(c) *Limitation on capital loss carryovers for first taxable year ending after date of distribution or transfer.* (1) Any capital loss carryover of a distributor or transferor corporation which is available to the acquiring corporation as of the close of the date of distribution or transfer shall be a short-term capital loss of the acquiring corporation in each of the taxable years to which the net capital loss giving rise to such carryover may be carried to the extent provided in section 1212 and this section. However, in the first taxable year of the acquiring corporation ending after the date of distribution or transfer, the total capital loss carryovers of the distributor or transferor corporation which may be treated in that year as short-term capital losses of the acquiring corporation is limited by section 381(c)(3)(B) to an amount which bears the same ratio to the acquiring corporation's net capital gain for such first taxable year (determined without regard to any capital loss carryovers) as the number of days in such first taxable year which follow the date of distribution or transfer bears to the total number of days in such taxable year. Thus, if the date of distribution or transfer is the last day of the acquir-

ing corporation's taxable year, there is no limitation under section 381(c)(3)(B) on the amount of such carryovers which may be treated as short-term capital losses of the acquiring corporation for its first taxable year ending after that date.

(2) The limitation provided by section 381(c)(3)(B) shall be applied to the aggregate of the capital loss carryovers of the distributor or transferor corporation without reference to the taxable years in which the net capital losses giving rise to the carryovers were sustained. If the acquiring corporation has acquired the assets of two or more distributor or transferor corporations on the same date of distribution or transfer, then the limitation provided by section 381(c)(3)(B) shall be applied to the aggregate of the capital loss carryovers from all of such distributor or transferor corporations.

(3) If the acquiring corporation succeeds to the capital loss carryovers of two or more distributor or transferor corporations on two or more dates of distribution or transfer during the same taxable year of the acquiring corporation, the limitation to be applied under section 381(c)(3)(B) to the aggregate of such carryovers shall be determined consistently with the rules prescribed in paragraph (b) of § 1.381(c)(1)–2.

(4) The application of this paragraph may be illustrated by the following example:

Example. (i) X and Y Corporations are organized on January 1, 1954, and make their returns on the basis of the calendar year. On July 4, 1957, X Corporation transfers all its assets to Y Corporation in a statutory merger to which section 361 applies. The net capital losses and the net capital gains (computed without regard to any capital loss carryovers) of the two corporations are as follows:

Taxable year:	*X Corporation (transferor)*	*Y Corporation (acquirer)*
1954	($5,000)	0
1955	(10,000)	$5,000
1956	(25,000)	(7,000)
Ending 7–4–57	(8,000)	------
1957	--------	36,500

(ii) The capital loss carryovers of X Corporation which are available to Y Corporation as of the close of July 4, 1957, amount to $48,000 in the aggregate; but only $18,000 ($36,500 × 180/365) of such amount may be treated as short-term capital losses of Y Corporation for 1957.

(d) *Computation of carryovers; general rule*—(1) *Sequence for applying losses and determination of net capital gain.* Section 1212 provides that a net capital loss sustained in any taxable year (hereinafter referred to as the "loss year") shall be carried over to each of the five succeeding taxable years and treated in each of such succeeding years as a short-term capital loss to the extent not allowed as a deduction against any net capital gains of any taxable years intervening between the loss year and the taxable year to which such loss is carried. For this purpose, the net capital gain of any intervening taxable year is determined without regard to the net capital loss for the loss year or for any taxable year thereafter, and the various capital loss carryovers from taxable years preceding the loss year to any such intervening taxable year are considered to be applied in reduction of the net capital gain for such year in the order of the taxable years in which the losses were sustained, beginning with the loss for the earliest preceding taxable year. The application of these rules to the net capital gain of the acquiring corporation for any taxable year ending after the date of distribution or transfer involves the use of carryovers of the distributor or transferor corporation and of the acquiring corporation. In determining the order in which the capital loss carryovers of the distributor or transferor and acquiring corporations from taxable years ending on or before the date of distribution or transfer are considered to be applied in reduction of the net capital gain of the acquiring corporation for any intervening taxable year ending after such date, the following rules shall apply:

(i) Each taxable year of the distributor or transferor and acquiring corporations which, with respect to the first taxable year of the acquiring corporation ending after the date of distribution or transfer, constitutes a first preceding taxable year, shall be treated as if each such year ended on the same day, whether or not such taxable years actually end on the same day. In like manner, each taxable year of the distributor or transferor and acquiring corporations which, with respect to such first taxable year of the acquiring corporation ending after the date of distribution or transfer, constitutes a second preceding taxable year, shall be treated as if each such year ended on the same day (whether or not such taxable years actually end on the same day), and a similar rule shall be applied with respect to those taxable years of the distributor or transferor and acquiring corporations which constitute third, fourth, and fifth preceding taxable years;

(ii) If in the same preceding taxable year both the distributor or transferor and acquiring corporations incurred a net capital loss which is a carryover to an intervening taxable year of the acquiring corporation ending after the date of distribution or transfer, then in applying such losses in reduction of the net capital gain for such an intervening year, either such loss may be taken into account before the other; and

(iii) The rules of subdivisions (i) and (ii) of this subparagraph shall apply regardless of the number of distributor or transferor corporations the assets of which are acquired by the acquiring corporation on the same date of distribution or transfer.

(2) *Cross reference.* If the date of distribution or transfer is a day other than the last day of a taxable year of the acquiring corporation, then in determining the net capital gain of the acquiring corporation for its first taxable year ending after the date of distribution or transfer, section 1212 and this paragraph shall be applied in the special manner set forth in paragraph (e) of this section.

(3) *Years to which losses may be carried.* The taxable years to which a net capital loss shall be carried are prescribed by section 1212. Since the taxable year of a distributor or transferor corporation ends with the close of the date of distribution or transfer, such taxable year and the first taxable year of the acquiring corporation which ends after that date are considered two separate taxable years to which a net capital loss of the distributor or transferor corporation for any taxable year ending before that date shall be carried. This rule applies even though the taxable year of the distributor or transferor corporation which ends on the date of distribution or transfer is a period of less than twelve months. However, the distribution or transfer has no effect in determining under section 1212 the taxable years to which a net capital loss of the acquiring corporation is carried. For this purpose, the first taxable year of the acquiring corporation which ends after the date of distribution or transfer constitutes only one taxable year even though such taxable year is considered under paragraph (e) of this section as two taxable years for certain purposes. The application of this subparagraph may be illustrated by the following example:

Example. R and S Corporations are organized on January 1, 1954, and both corporations make their returns on the basis of the calendar year. R Corporation has net capital losses for its years 1954, 1955, and 1957, and S Corporation has net capital losses for its years 1954 and 1956. On June 30, 1958, R Corporation transfers all its assets to S Corporation in a statutory merger to which section 361 applies. The taxable years to which these losses of R and S Corporations may be carried are as follows:

Loss year	*Carried to*
R1954	R1955, R1956, R1957, R6/30/58, S1958.
S1954	S1955, S1956, S1957, S1958, S1959.
R1955	R1956, R1957, R6/30/58, S1958, S1959.
S1956	S1957, S1958, S1959, S1960, S1961.
R1957	R6/30/58, S1958, S1959, S1960, S1961.

(4) *Computation of carryovers in case where date of distribution or transfer occurs on last day of acquiring corporation's taxable year.* The computation of the capital loss carryovers from the distributor or transferor corporation and from the acquiring corporation in a case where the date of distribution or transfer occurs on the last day of a taxable year of the acquiring corporation may be illustrated by the following example:

Example. X and Y Corporations are organized on January 1, 1955, and make their returns on the basis of the calendar year. On December 31, 1956, X Corporation transfers all its assets to Y Corporation in a statutory merger to which section 361 applies. The net capital losses and the net capital gains (computed without regard to any capital loss carryovers) of the two corporations are as follows:

Taxable year	*X Corporation (transferor)*	*Y Corporation (acquirer)*
1955	($20,000)	($2,000)
1956	(10,000)	(8,000)
1957	------	25,000
1958	------	10,000

The sequence in which the net capital losses of X and Y Corporations are applied, and the computation of the capital loss carryovers to Y Corporation's taxable year 1959, may be illustrated as follows. (For purposes of this example, the carryover from a preceding

taxable year of the transferor corporation will be applied before the carryover from the same preceding taxable year of the acquiring corporation):

(i) *X Corporation's 1955 loss.* The carryover to 1959 is $0, computed as follows:

Net capital loss		$20,000
Less: Y's 1957 net capital gain (computed without regard to any capital loss carryovers)		25,000
Carryover to Y 1958 and Y 1959		0

(ii) *Y Corporation's 1955 loss.* The carryover to 1959 is $0, computed as follows:

Net capital loss		$2,000
Less:		
Y's 1957 net capital gain (computed without regard to any capital loss carryovers)	$25,000	
Minus capital loss carryovers to Y 1957 (i.e., carryover $20,000 from X 1955)	20,000	
		5,000
Carryover to Y 1958 and Y 1959		0

(iii) *X Corporation's 1956 loss.* The carryover to 1959 is $0, computed as follows:

Net capital loss		$10,000
Less:		
Y's 1957 net capital gain (computed without regard to any capital loss carryovers)	$25,000	
Minus capital loss carryovers to Y 1957 (i.e., carryovers of $20,000 from X 1955 and $2,000 from Y 1955)	22,000	
		3,000
Carryover to Y 1958		7,000
Less:		
Y's 1958 net capital gain (computed without regard to any capital loss carryovers)	$10,000	
Minus capital loss carryovers to Y 1958	0	
		10,000
Carryover to Y 1959		0

(iv) *Y Corporation's 1956 loss.* The carryover to 1959 is $5,000, computed as follows:

Net capital loss		$8,000
Less:		
Y's 1957 net capital gain (computed without regard to any capital loss carryovers)	$25,000	
Minus capital loss carryovers to Y 1957 (i.e., carryovers of $20,000 from X 1955, $2,000 from Y 1955, and $10,000 from X 1956)	32,000	
		0
Carryover to Y 1958		8,000
Less:		
Y's 1958 net capital gain (computed without regard to any capital loss carryovers)	$10,000	
Minus capital loss carryovers to Y 1958 (i.e., carryover of $7,000 from X 1956)	7,000	
		3,000
Carryover to Y 1959		5,000

(e) *Computation of carryovers when date of distribution or transfer is not on last day of acquiring corporation's taxable year*—(1) *General rule.* If, in determining under paragraph (d) of this section the portion of a net capital loss for any taxable year which is carried over to a succeeding taxable year, an intervening taxable year is a taxable year of the acquiring corporation which includes, but does not end on, the date of distribution or transfer, the net capital gain of such intervening year shall be determined by applying section 1212 in the special manner provided by this paragraph.

(2) *Taxable year considered as two taxable years.* Such intervening taxable year of the acquiring corporation shall be considered as though it were two taxable years, but only for the limited purpose of computing capital loss carryovers to subsequent taxable years. The first of such two taxable years shall be referred to in this paragraph as the preacquisition part year; the second, as the postacquisition part year. Though considered as two separate taxable years for purposes of this paragraph, the preacquisition part year and the postacquisition part year are treated as one taxable year in determining the years to which a net capital loss is carried under section 1212. See paragraph (d)(3) of this section.

(3) *Preacquisition part year.* The preacquisition part year shall begin with the beginning of such taxable year of the acquiring corporation and shall end with the close of the date of distribution or transfer.

(4) *Postacquisition part year.* The postacquisition part year shall begin with the day following the date of distribution or transfer and shall end with the close of such taxable year of the acquiring corporation.

(5) *Division of net capital gain.* The net capital gain for such intervening taxable year (computed without regard to any capital loss carryovers) of the acquiring corporation shall be divided between the preacquisition part year and the postacquisition part year in proportion to the number of days in each. Thus, if in a statutory merger to which section 361 applies Y Corporation acquires the assets of X Corporation on June 30, 1956, and Y Corporation has net capital gain (computed in the manner so prescribed) of $36,600 for its calendar year 1956, then the preacquisition part year net capital gain would be $18,200 ($36,600 $\times \frac{182}{366}$) and the postacquisition part year net capital gain would be $18,400 ($36,600 $\times \frac{184}{366}$).

(6) *Application of capital loss carryovers.* After obtaining the net capital gain of the preacquisition part year and postacquisition part year in the manner described in subparagraph (5) of this paragraph, it is necessary to determine the capital loss carryovers which are taken into account with respect to each such part year. The carryovers to be taken into account and the sequence in which such carryovers are applied, shall be determined in accordance with paragraph (d)(1) of this section but subject to the provisions of this subparagraph. With respect to the preacquisition part year, no capital loss carryovers of the distributor or transferor corporation shall be taken into account; that is, only capital loss carryovers of the acquiring corporation shall be taken into account. With respect to the postacquisition part year, capital loss carryovers of both the distributor or transferor corporation and the acquiring corporation shall be taken into account.

(7) *Cross reference.* If an intervening taxable year is a taxable year of the acquiring corporation during which the acquiring corporation succeeds to the capital loss carryovers of two or more distributor or transferor corporations on two or more dates of distribution or transfer, the net capital gain of the acquiring corporation for such intervening taxable year shall be determined consistently with the rules prescribed in paragraph (c) of § 1.381(c)(1)–2, except that the sequence in which the capital loss carryovers of the distributor or transferor and acquiring corporations shall be applied shall be determined under paragraph (d)(1) of this section.

(8) *Illustration.* The application of this paragraph may be illustrated as follows:

Example. X Corporation is organized on April 1, 1959, and makes its return on the basis of the fiscal year ending March 31. Y Corporation is organized on January 1, 1959, and makes its return on the basis of the calendar year. On June 30, 1961, X Corporation transfers all its assets to Y Corporation in a statutory merger to which section 361 applies. The net capital losses and the net capital gains (computed without regard to any capital loss carryovers) of the two corporations are as follows:

Taxable year:	*X Corporation (transferor)*	*Y Corporation (acquirer)*
1959		($24,000)
Ending 3–31–60	($19,000)	
1960		(6,000)
Ending 3–31–61	(5,000)	
Ending 6–30–61	0	
1961		36,500
1962		12,000

The following table shows those taxable years of the transferor and acquiring corporations which, with respect to Y Corporation's calendar year 1961, are first, second, and third preceding taxable years:

	X Corporation	*Y Corporation*
First preceding year	Ending 6–30–61	1960
Second preceding year	Ending 3–31–61	1959
Third preceding year	Ending 3–31–60	----

The sequence in which the net capital losses of X and Y Corporations are applied, and the computation of the capital loss carryovers to Y Corporation's calendar year 1963, may be illustrated as follows. (For purposes of this example, the carryover from a preceding taxable year of the acquiring corporation will be applied before the carryover from the same preceding taxable year of the transferor corporation):

(i) *X Corporation's 3/31/60 loss.* The carryover to 1963 is $0, computed as follows:

Net capital loss	$19,000
Less: Y's postacquisition part year net capital gain computed under subparagraph (5) of this paragraph ($36,500 $\times \frac{184}{365}$)	18,400
Carryover to Y 1962	600
Less: Y's 1962 net capital gain (computed without regard to any capital loss carryovers)	12,000
Carryover to Y 1963	0

(ii) *Y Corporation's 1959 loss.* The carryover to 1963 is $0, computed as follows:

Net capital loss		$24,000
Less: Y's preacquisition part year net capital gain computed under subparagraph (5) of this paragraph ($36,500 × 181/365)		18,100
Carryover to Y's postacquisition part year		5,900
Less:		
Y's postacquisition part year net capital gain computed under subparagraph (5) of this paragraph	$18,400	
Minus capital loss carryovers to postacquisition part year (i.e., carryover of $19,000 from X 3/31/60)	19,000	
		0
Carryover to Y 1962		5,900
Less:		
Y's 1962 net capital gain (computed without regard to any capital loss carryovers)	$12,000	
Minus capital loss carryovers to Y 1962 (i.e., carryover of $600 from X 3/31/60)	600	
		11,400
Carryover to Y 1963		0

(iii) *X Corporation's 3/31/61 loss.* The carryover to 1963 is $0, computed as follows:

Net capital loss		$5,000
Less:		
Y's postacquisition part year net capital gain computed under subparagraph (5) of this paragraph	$18,400	
Minus capital loss carryovers to postacquisition part year (i.e., carryovers of $19,000 from X 3/31/60 and $5,900 from Y 1959)	24,900	
		0
Carryover to Y 1962		5,000
Less:		
Y's 1962 net capital gain (computed without regard to any capital loss carryovers)	$12,000	
Minus capital loss carryovers to Y 1962 (i.e., carryovers of $600 from X 3/31/60 and $5,900 from Y 1959)	6,500	
		5,500
Carryover to Y 1963		0

(iv) *Y Corporation's 1960 loss.* The carryover to 1963 is $5,500, computed as follows:

Net capital loss		$6,000
Less:		
Y's preacquisition part year net capital gain computed under subparagraph (5) of this paragraph	$18,100	
Minus capital loss carryovers to preacquisition part year (i.e., carryover of $24,000 from Y 1959)	24,000	
		0
Carryover to Y's postacquisition part year		6,000
Less:		
Y's postacquisition part year net capital gain computed under subparagraph (5) of this paragraph	$18,400	
Minus capital loss carryovers to postacquisition part year (i.e., carryovers of $19,000 from X 3/31/60, $5,900 from Y 1959, and $5,000 from X 3/31/61)	29,900	
		$0
Carryover to Y 1962		6,000
Less:		
Y's 1962 net capital gain (computed without regard to any capital loss carryovers)	$12,000	
Minus capital loss carryovers to Y 1962 (i.e., carryovers of $600 from X 3/31/60, $5,900 from Y 1959, and $5,000 from X 3/31/61)	11,500	
		500
Carryover to Y 1963		5,500

(f) *Successive acquiring corporations.* An acquiring corporation which, in a transaction to which section 381(a) applies, acquires the assets of a distributor or transferor corporation which previously acquired the assets of another corporation in a transaction to which section 381(a) applies, shall succeed to and take into account, subject to the conditions and limitations of sections 1212 and 381, the capital loss carryovers available to the first acquiring corporation under sections 1212 and 381.

§ 1.381(c)(10) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; treatment of certain expenses deferred by the election of distributor or transferor corporation.

SEC. 381. *Carryovers in certain corporate acquisitions.* * * *

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

* * * * *

(10) *Treatment of certain expenses deferred by the election of distributor or transferor corporation.* The acquiring corporation shall be entitled to deduct, as if it were the distributor or transferor corporation, expenses deferred under sections 615 and 616 (relating to exploration and development expenditures, respectively) if the distributor or transferor corporation has so elected. For the purpose of applying the limitation provided in section 615, if, for any taxable year, the distributor or transferor corporation was allowed the deduction in section 615(a) or made the election in section 615(b), the acquiring corporation shall be deemed to have been allowed such deduction or to have made such election, as the case may be.

§ 1.381(c)(10)–1 Deferred exploration and development expenditures.

(a) *Carryover requirement.* (1) If for any taxable year a distributor or transferor corporation has elected under section 615 or section 616 (or corresponding provisions of prior law) to defer and deduct on a ratable basis any exploration or development expenditures made in connection with any ore, mineral, mine, or other natural deposit transferred to the acquiring corporation in a transaction described in section 381(a), then under the provisions of section 381(c)(10) the acquiring corporation shall be entitled to deduct such expenditures on a ratable basis in the same manner, and to the same extent, as they would have been deductible by the distributor or transferor corporation in the absence of the distribution or transfer. For this purpose, the acquiring corporation shall be treated as though it were the distributor or transferor corporation. The principles set forth in paragraph (e) of § 1.615–3 and paragraph (f) of § 1.616–2 are applicable in computing the amount of the deduction allowable to the acquiring corporation in respect of expenditures deferred by a distributor or transferor corporation.

Example. X and Y Corporations are both organized on January 1, 1955, and both corporations compute their taxable income on the basis of the calendar year. During 1955, X Corporation purchases a mineral property which it begins to develop in 1956. During 1956, X Corporation incurs development expenditures of $500,000 in respect of such property which it elects to defer under section 616(b). On December 31, 1956, Y Corporation acquires all of the assets of X Corporation in a reorganization to which section 381(a) applies, no gain being recognized to X Corporation on the transfer. In 1957, Y Corporation sells 150,000 units of produced ore benefited by the development expenditures incurred and deferred by X Corporation, and the number of units remaining as of the end of 1957, plus the number of units sold during that year, is estimated to be 1,000,000. In addition to its deduction for depletion, Y Corporation is, in 1957, entitled to a deduction under sections 616(b) and 381(c)(10) of $75,000 of the development expenditures previously deferred by X Corporation, that is, $500,000 × 150,000/1,000,000.

(2) If a distributor or transferor corporation has elected under section 615 or section 616 (or corresponding provisions of prior law) to defer exploration or development expenditures in respect of a mine or other natural deposit which it subsequently disposes of except for a retained economic interest therein, such as the right to royalty income or in-ore payments, and such retained economic interest is transferred to the acquiring corporation in a transaction to which section 381(a) applies, then the acquiring corporation shall be entitled to deduct such deferred expenditures attributable to the economic interest retained on a ratable basis to the same extent they would have been deductible by the distributor or transferor corporation in the absence of the distribution or transfer. See paragraph (c) of § 1.615–3 and paragraph (c) of § 1.616–2.

(3) For purposes of this section, the terms "exploration expenditures" and "development expenditures" shall have the same meaning as that ascribed to them in the regulations under sections 615 and 616 of the Internal Revenue Code of 1954, or under sections 23(cc) and 23(ff) of the Internal Revenue Code of 1939, whichever applies. See, for example, paragraph (a) of § 1.615–1 and paragraph (a) of § 1.616–1.

(b) *Effect and identification of election previously made.* (1) The election made by a distributor or transferor corporation under the provisions of section 615 or section 616 (or corresponding provisions of prior law) to defer exploration or development expenditures in respect of any taxable year may not be revoked by the acquiring corporation for any reason whatsoever.

(2) When filing its return for the first taxable year for which it deducts exploration or development expenditures which were deferred under section 615 or section 616 (or corresponding provisions of prior law) by a distributor or transferor corporation, the acquiring corporation shall attach thereto a statement properly identifying the taxable year for which the election to defer was made by the distributor or transferor corporation, the name of the corporation which made the election, and the district director with whom the election was filed.

(3) It is unnecessary for an acquiring corporation to renew an election to defer exploration or development expenditures which was made by a distributor or transferor corporation.

(c) *Successive transactions to which section 381(a) applies.* If, by virtue of section 381(c)(10), the acquiring corporation is entitled to deduct exploration or development expenditures deferred by a distributor or transferor corporation, then such acquiring corporation shall be deemed to have made the election to defer such expenditures for purposes of applying section 381(c)(10) to any subsequent transaction in which such acquiring corporation is a distributor or transferor corporation.

(d) *Carryover of 4-year limitation.* (1) If a distributor or transferor corporation transfers any mineral property to the acquiring corporation in a transaction described in section 381(a), then in applying the 4-year limitation of section 615(c) in the case of exploration expenditures paid or incurred by the acquiring corporation in any taxable year ending after the date of distribution or transfer, the acquiring corporation shall be deemed to have been allowed any deduction which, for any taxable year ending on or before such date, was allowed to the distributor or transferor corporation under section 615(a), or under section 23(ff)(1) of the Internal Revenue Code of 1939, or to have made any election which, for any preceding taxable year, was made by the distributor or transferor corporation under section 615(b), or under section 23(ff)(2) of the Internal Revenue Code of 1939. Thus, in such instance, the acquiring corporation shall take into account for purposes of the 4-year limitation any taxable year in which the distributor or transferor corporation availed itself of the benefits of section 615 or section 23(ff) of the Internal Revenue Code of 1939. For this purpose, it is immaterial whether or not the deduction has been allowed to, or the election has been made by, the distributor or transferor corporation with respect to the specific mineral property transferred by that corporation to the acquiring corporation.

(2) Generally, if there are two or more distributor or transferor corporations that transfer any mineral property to the acquiring corporation, each taxable year of any such corporation ending on or before the date of distribution or transfer in which exploration expenditures were deducted or deferred shall be treated as a separate taxable year for purposes of applying the 4-year limitation regardless of the fact that the taxable years of two or more such corporations end on the same date. However, if the date of distribution or transfer is the same with respect to more than one distributor or transferor corporation, then the taxable years of such corporations ending on the same date of distribution or transfer shall be considered as one taxable year for purposes of applying the 4-year limitation even though more than one such corporation deducted or deferred exploration expenditures for such taxable years.

(3) If a distributor or transferor corporation that transfers any mineral property to the acquiring corporation is required under section 615 and paragraph (b) of § 1.615–4 to take into account for purposes of the 4-year limitation any taxable years in which any individual or corporation has deducted or deferred exploration expenditures, then the acquiring corporation shall also take these taxable years into account in applying the 4-year limitation.

(4) The provisions of this paragraph may be illustrated by the following examples:

Example (1). M and N Corporations were organized on January 1, 1955, and each corporation computes its taxable income on the basis of the calendar year. For its taxable years 1955 and 1956, M Corporation deducted exploration expenditures made in such years under section 615(a). N Corporation made no exploration expenditures during its taxable years 1955 and 1956. On December 31, 1956, M Corporation transferred all its assets to N Corporation in a reorganization to which section 381(a) applies, no gain being recognized to the transferor corporation on the transfer. On the basis of these facts, N Corporation may deduct or defer exploration expenditures in accordance with section 615 for any two (not necessarily consecutive) taxable years ending after December 31, 1956.

Example (2). O and P Corporations were organized on January 1, 1955, and each corporation computes its taxable income on the basis of the calendar year. For their taxable years 1955, 1956, and 1957, each corporation deducted exploration expenditures made in such years under section 615(a). On June 30, 1958, O Corporation transferred all its assets to P Corporation in a reorganization to which section 381(a) applies, no gain being recognized to the transferor corporation on the transfer. If, during its short taxable year ending June 30, 1958, O Corporation has made additional exploration expenditures, such expenditures may be deducted or deferred under section 615 since O Corporation has utilized section 615 in only three previous taxable years. However, for its taxable years ending after June 30, 1958, P Corporation may not deduct or defer exploration expenditures under section 615.

Example (3). X, Y, and Z Corporations were organized on January 1, 1955, and each corporation computes its taxable income on the basis of the calendar year. For their taxable years ending December 31, 1955, X and Y Corporations each deducted exploration expenditures made in such taxable years under section 615(a). Z Corporation made no exploration expenditures during its taxable year ending December 31, 1955. On March 31, 1956, X and Y Corporations transferred all their assets to Z Corporation in a reorganization to which section 381(a) applies, no gain being recognized to the transferor corporations on the transfer. X and Y Corporations each made exploration expenditures during their short taxable years ending March 31, 1956, which they deducted under section 615(a). Z Corporation must take into account for purposes of the 4-year limitation the taxable years in which X and Y Corporations have deducted exploration expenditures. In so doing, each taxable year in which exploration expenditures were deducted must be taken into account except that the taxable years of X and Y Corporations ending on March 31, 1956, shall be considered as one taxable year. Therefore, Z Corporation may deduct or defer exploration expenditures in accordance with section 615 for any one taxable year ending after March 31, 1956.

Example (4). For purposes of this example, assume that each taxpayer computes taxable income on the basis of the calendar year. Taxpayer A, an individual who has deducted exploration expenditures under section 23(ff) of the Internal Revenue Code of 1939 for his taxable years 1952 and 1953, transferred a mineral property to S Corporation on July 1, 1954, in a transaction in which the basis of the mineral property in the hands of S Corporation is determined under section 362(a). For its taxable year 1954, S Corporation deducted exploration expenditures made in such year under section 615(a). S Corporation had made no exploration expenditures in any preceding taxable year. On December 31, 1954, S Corporation transferred all its assets to T Corporation in a reorganization to which section 381(a) applies, no gain being recognized to the transferor corporation on the transfer. Assuming that T Corporation has not deducted or deferred exploration expenditures in any preceding taxable year, T Corporation may deduct or defer exploration expenditures in accordance with section 615 for any one taxable year ending after December 31, 1954.

(e) *Effective date.* The provisions of paragraph (d) of this section shall not apply to taxable years beginning after July 6, 1960. For the purpose of applying the $400,000 limitation in the case of taxable years beginning after July 6, 1960, see section 615(c) as amended by the Act of July 6, 1960 (Public Law 86–594, 74 Stat. 333).

§ 1.381(c)(13) Statutory provisions; carryovers in certain corporate acquisitions; items of distributor or transferor corporation; involuntary conversions under section 1033.

SEC. 381. *Carryovers in certain corporate acquisitions.* * * *

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

* * * * *

(13) *Involuntary conversions under section 1033.* The acquiring corporation shall be treated as the distributor or transferor corporation after the date of distribution or transfer for purposes of applying section 1033.

§ 1.381(c)(13)–1 Involuntary conversions.

(a) *Carryover requirement*—(1) *General rule.* Section 381(c)(13) requires

that after the date of distribution or transfer the acquiring corporation, in a transaction to which section 381 (a) applies, shall be treated as the distributor or transferor corporation for purposes of applying section 1033, relating to involuntary conversions. This rule shall apply even though the property similar or related in service or use to the property converted, or the stock of a corporation owning such similar property, is purchased by the acquiring corporation after the date of distribution or transfer and is not received from the distributor or transferor corporation in the transaction to which section 381(a) applies. Accordingly, if any factor essential to the application of section 1033 occurs on or before the date of distribution or transfer and any other such factor also occurs after that date, then, in accordance with section 381(c)(13) and this section, the provisions of section 1033 shall apply to the acquiring corporation in the same manner that they would have applied to the distributor or transferor corporation in the absence of the distribution or transfer. For purposes of this section, the terms "involuntary conversion" and "disposition of the converted property" shall have the meaning ascribed to them by the regulations under section 1033.

(2) *Application to other transactions.* The provisions of this section shall apply to any transaction which, under provisions of the Internal Revenue Code of 1954, is treated as though it were an involuntary conversion within the meaning of section 1033. See, for example, section 1071, relating to gain from a sale or exchange to effectuate the policies of the Federal Communications Commission; and sections 1332(b)(3) and 1333(3), relating to war loss recoveries.

(b) *Conversion into similar property.* Section 1033(a)(1) provides that no gain shall be recognized if property is involuntarily converted only into property which is similar or related in service or use to the property so converted. If there is a disposition of property of a distributor or transferor corporation and, subsequent to the date of distribution or transfer, property similar or related in service or use to the property disposed of is received by the acquiring corporation as compensation for the property so disposed of, then no gain shall be recognized to the acquiring corporation, provided that no gain would have been recognized under section 1033(a)(1) if the similar property had been received directly by the distributor or transferor corporation.

Example. Property of S Corporation with an adjusted basis of $100 is condemned by the local government. Shortly after the property is so condemned, S Corporation liquidates and distributes its assets to P Corporation in a distribution to which section 381(a) applies. Subsequent to the date of distribution, P Corporation receives from the government (in settlement of the condemnation proceedings) property with a market value of $500 which is similar or related in service or use to the property so condemned. No gain is recognized to either corporation upon P Corporation's receipt of the similar property, and the property so received has a basis of $100 in the hands of P Corporation on the date of its acquisition.

(c) *Conversion into money or dissimilar property when disposition occurs after December 31, 1950*—(1) *General rule.* Section 1033(a)(3) and § 1.1033(a)-2 provide rules for involuntary conversions of property into money or dissimilar property where the disposition of the converted property occurs after December 31, 1950. In such a case, the gain on the conversion, if any, shall be recognized, at the election of the taxpayer, only to the extent that the amount realized on the conversion exceeds the cost of other property purchased by the taxpayer which is similar or related in service or use to the property so converted, or exceeds the cost of stock purchased by the taxpayer in the acquisition of control of a corporation owning such other property, provided (i) the taxpayer purchases such other property or stock for the purpose of replacing the property so converted and (ii) the purchase occurs during the period of time specified in section 1033(a)(3)(B). The provisions of this paragraph shall apply to involuntary conversions where the disposition of the property occurs after December 31, 1950, and where the election to have section 1033(a)(3) apply to the treatment of the gain upon the conversion is contingent upon activities of both the distributor or transferor corporation and the acquiring corporation. For purposes of section 381(c)(13), the period of time specified in section 1033(a)(3)(B) shall be determined by taking into account taxable years of, and extensions of time granted to, both the distributor or transferor corporation and the acquiring corporation.

(2) *Replacement period.* The period during which the purchase of similar property or stock must be made in order to prevent the recognition of gain on the involuntary conversion terminates one year after the close of the first taxable year in which any part of the gain upon the conversion is realized, or at the close of such later date as may be designated pursuant to an application of the taxpayer. See paragraph (c)(3) of § 1.1033(a)-2. Therefore, if, in a case to which this subparagraph applies, the first taxable year in which gain is realized is the taxable year of the distributor or transferor corporation ending with the close of the date of distribution or transfer, the acquiring corporation will have a maximum of only one year after that date in which to purchase the similar property or stock, unless an extension of time has been granted upon application by the distributor, transferor, or acquiring corporation within the time prescribed. See paragraph (a) of § 1.381(b)-1 as to the termination of the taxable year of the distributor or transferor corporation. See paragraph (c)(3) of § 1.1033(a)-2 as to applications to extend the period within which to replace the converted property. In addition to the information otherwise required under paragraph (c)(3) of § 1.1033(a)-2, the application shall contain sufficient detail in connection with the distribution or transfer to establish that section 381(c)(13) applies to the involuntary conversion involved.

(3) *Examples.* The application of this paragraph may be illustrated by the following examples:

Example (1). A and B Corporations compute their taxable income on the basis of the calendar year, and both corporations use the cash method of accounting. During 1955 property of A Corporation is destroyed by fire, and in January 1956, A Corporation receives $15,000 from an insurance company as compensation for its loss of property. The adjusted basis of the property on the date of destruction is $10,000; as a consequence, A Corporation realizes a gain of $5,000 on the involuntary conversion. On June 30, 1956, B Corporation acquires all of the assets of A Corporation in a reorganization to which section 381(a) applies. In accordance with paragraph (c)(2) of § 1.1033(a)-2, A Corporation reports in its return for the short taxable year ending June 30, 1956, all the details in connection with the involuntary conversion but does not include the realized gain in gross income, thereby electing to have the gain recognized only to the extent provided in section 1033(a)(3). On June 15, 1957, B Corporation purchases for $20,000 property which is similar or related in service or use to the property previously destroyed. In its return for 1957, B Corporation reports all of the details in connection with its replacement of the property, as required by paragraph (c)(2) of § 1.1033(a)-2. As a result of this replacement by B Corporation, none of the gain realized by A Corporation is recognized. The replacement property which is purchased by B Corporation has a basis to that corporation of $15,000 on the date of its purchase, that is, the cost of such property ($20,000) decreased by the amount of gain not recognized to A Corporation on the involuntary conversion ($5,000).

Example (2). Assume the same facts as in example (1), except that B Corporation does not purchase similar property on or before June 30, 1957, and does not apply on or before that date (in accordance with paragraph (c)(3) of § 1.1033(a)-2) for an extension of time in which to make a replacement. In such event, the gain realized by A Corporation is recognized to that corporation for its taxable year ending June 30, 1956. A Corporation's tax liability for such taxable year must be recomputed in accordance with paragraph (c)(2) of § 1.1033 (a)-2 in order to reflect this additional income.

Example (3). M and N Corporations compute their taxable income on the basis of the calendar year, and both corporations use the cash method of accounting. During 1955, property of M Corporation is destroyed by fire. The adjusted basis of the property on the date of destruction is $10,000. The property is insured against loss by fire, but the insurance claim is not satisfied on or before June 30, 1956, the date on which N Corporation acquires all of the assets (including the insurance claim) of M Corporation in a reorganization to which section 381 (a) applies. On September 1, 1957, N Corporation receives $15,000 from the insurance company as compensation for the fire loss suffered by M Corporation. Upon receipt of the insurance proceeds, N Corporation realizes a gain of $5,000 upon the involuntary conversion; however, in its return for 1957, N Corporation elects under the provisions of paragraph (c)(2) of § 1.1033(a)-2 to have the gain recognized only to the extent provided by section 1033(a)(3). On December 30, 1958, N Corporation purchases for $20,000 property which is similar or related in service or use to the property previously destroyed in the hands of M Corporation. As a result of this replacement by N Corporation, none of the gain realized by N Corporation in 1957 is recognized. The replacement property which is purchased by N Corporation

has a basis to that corporation of $15,000 on the date of its purchase, that is, the cost of such property ($20,000) decreased by the amount of gain not recognized to N Corporation on the involuntary conversion ($5,000).

Example (4). R and S Corporations compute their taxable income on the basis of the calendar year, and both corporations use the cash method of accounting. During 1954 property of R Corporation is destroyed by fire. The adjusted basis of the property on the date of destruction is $10,000. In anticipation of taking the benefit of section 1033(a)(3), R Corporation purchases for $20,000 on June 1, 1955, property which is similar or related in service or use to the destroyed property. In its return for 1955, R Corporation reports all of the details in connection with the replacement of the property, as required by paragraph (c)(2) of § 1.1033(a)-2. The property destroyed in 1954 is insured against loss by fire, but the insurance claim is not satisfied on or before March 1, 1956, the date on which S Corporation acquires all of the assets (including the insurance claim) of R Corporation in a reorganization to which section 381(a) applies. On October 1, 1956, S Corporation receives $12,000 from the insurance company as compensation for the fire loss suffered by R Corporation. Upon receipt of the insurance proceeds, S Corporation realizes a gain of $2,000 upon the involuntary conversion; however, in its return for 1956, S Corporation elects under the provisions of paragraph (c)(2) of § 1.1033(a)-2 to have the gain recognized only to the extent provided by section 1033(a)(3). As a result of the replacement by R Corporation, none of the gain realized by S Corporation in 1956 is recognized. Assuming there are no adjustments for depreciation, the replacement property has a basis on October 1, 1956, of $18,000, that is, the cost of such property ($20,000) decreased by the amount of gain not recognized to S Corporation on the involuntary conversion ($2,000).

(d) *Conversion into money when disposition occurs before January 1, 1951.* Section 1033(a)(2) provides that, if property is disposed of in an involuntary conversion before January 1, 1951, and money is received as compensation for the conversion, no gain shall be recognized if such money is forthwith expended in the acquisition of other property similar or related in service or use to the property so converted, or in the acquisition of control of a corporation owning such other property, or in the establishment of a replacement fund. That section also provides that, if any part of the money is not so expended, the gain, if any, shall be recognized to the extent of the money which is not so expended. For example, if, pursuant to section 381(c)(13) and section 1033(a)(2), property of a distributor or transferor corporation is disposed of before January 1, 1951, in an involuntary conversion, and the proceeds from the conversion are received by the acquiring corporation so that the gain on the conversion is realized by that corporation, the acquiring corporation may avoid recognition of the gain if it complies with the provisions of section 1033(a)(2) for nonrecognition of gain. Thus, the acquiring corporation must forthwith expend the proceeds in the acquisition of similar property or stock, or in the establishment of a replacement fund, in order to avoid recognition of the gain, if the disposition occurred before January 1, 1951. See the provisions of § 1.1033(a)-3 and § 1.1033(a)-4 relating to involuntary conversions and replacement funds when disposition of the converted property occurred before January 1, 1951.

(e) *Successive acquiring corporations.* An acquiring corporation which, in a transaction to which section 381(a) applies, acquires the assets of a corporation which previously acquired the assets of another corporation in a transaction to which section 381(a) applies, shall be treated as such other corporation for purposes of applying sections 381(c)(13) and 1033 (relating to involuntary conversions). Thus, for example, if any factor essential to the application of section 1033 occurs on or before the date of distribution or transfer in one transaction to which section 381(a) applies, and any other such factor occurs after the date of distribution or transfer in a subsequent transaction to which section 381(a) applies, then the acquiring corporation in such subsequent transaction shall be treated as the first distributor or transferor corporation subject to the rules and limitations of this section for purposes of sections 381(c)(13) and 1033.

§ 1.381(c)(18) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; percentage depletion on extraction of ores or minerals from the waste or residue of prior mining.

SEC. 381. *Carryovers in certain corporate acquisitions.* * * *

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

* * * * *

(18) *Percentage depletion on extraction of ores or minerals from the waste or residue of prior mining.* The acquiring corporation shall be considered to be the distributor or transferor corporation for the purpose of determining the applicability of section 613(c)(3) (relating to extraction of ores or minerals from the ground).

§ 1.381(c)(18)-1 Depletion on extraction of ores or minerals from the waste or residue of prior mining.

(a) *Carryover requirement.* Section 381(c)(18) provides that the acquiring corporation in a transaction described in section 381(a) shall be considered as though it were the distributor or transferor corporation after the date of distribution or transfer for the purpose of determining the applicability of section 613(c)(3) (relating to extraction of ores or minerals from the ground). Thus, an acquiring corporation which has acquired the waste or residue of prior mining from a distributor or transferor corporation in a transaction described in section 381(a) shall be entitled, after the date of distribution or transfer, to an allowance for depletion under section 611 in respect of ores or minerals extracted from such waste or residue if the distributor or transferor corporation would have been entitled to such an allowance for depletion in the absence of the distribution or transfer. See paragraph (f) of § 1.613-3 to determine whether a distributor or transferor corporation is entitled to an allowance for depletion with respect to the waste or residue of prior mining.

(b) *Application of section 614 to waste or residue of prior mining.* If, in a transaction described in section 381(a), the acquiring corporation acquires waste or residue of prior mining from a distributor or transferor corporation, then the acquiring corporation shall be considered as though it were the distributor or transferor corporation for the purpose of applying section 614 and the regulations thereunder to the waste or residue so acquired. Thus, if the distributor or transferor corporation was required under paragraph (c) of § 1.614-1 to treat the waste or residue as part of the mineral deposit from which it was extracted and if the acquiring corporation acquires both the waste or residue and the mineral deposit from which it was extracted in a transaction described in section 381(a), then such waste or residue shall be treated as a part of such mineral deposit in the hands of the acquiring corporation. On the other hand, if the waste or residue was required to be treated as a separate mineral deposit in the hands of the distributor or transferor corporation, such waste or residue shall be treated as a separate mineral deposit in the hands of the acquiring corporation.

§ 1.381(c)(19) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; charitable contributions in excess of prior years' limitation.

SEC. 381. *Carryovers in certain corporate acquisitions.* * * *

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

* * * * *

(19) *Charitable contributions in excess of prior years' limitation.* Contributions made in the taxable year ending on the date of distribution or transfer and the prior taxable year by the distributor or transferor corporation in excess of the amount deductible under section 170(b)(2) in such taxable years shall be deductible by the acquiring corporation in its first two taxable years which begin after the date of distribution or transfer, subject to the limitations imposed in section 170(b)(2).

§ 1.381(c)(19)-1 Charitable contribution carryovers in certain acquisitions.

(a) *Carryover requirement.* Section 381(c)(19) provides that, in computing taxable income for its first two taxable years which begin after the date of a distribution or transfer to which section 381(a) applies, the acquiring corporation shall take into account any charitable contributions made by a distributor or transferor corporation during the taxable year ending on the date of distribution or transfer, and in the immediately preceding taxable year, which are in excess of the maximum amount deductible for those taxable years under section 170(b)(2). To determine the amount of the excess contributions made by a distributor or transferor corporation and to integrate them with contributions made by the acquiring corporation for the purpose of determining the charitable con-

tributions deductible by the acquiring corporation for its first two taxable years beginning immediately after the date of distribution or transfer, it is necessary to apply the provisions of section 170(b)(2) in accordance with the conditions and limitations of section 381(c)(19) and this section.

(b) *Manner of computing excess charitable contribution carryovers.* (1) The amount of any charitable contribution made by a distributor or transferor corporation in any taxable year ending on or before the date of distribution or transfer, or made by the acquiring corporation in any taxable year before its taxable year beginning after the date of distribution or transfer, in excess of the amount allowable as a deduction to such corporation for such taxable year under section 170(b)(2) shall be determined by taking into account the taxable income of, and the contributions made by, that corporation only.

(2) An acquiring corporation which, in a distribution or transfer to which section 381(a) applies, acquires the assets of a distributor or transferor corporation which previously acquired the assets of another corporation in a transaction to which section 381(a) applies, shall succeed to and take into account, subject to the conditions and limitations of sections 170 and 381, the charitable contribution carryovers available to the first acquiring corporation under sections 170 and 381, including those derived by such first acquiring corporation from its distributor or transferor corporation.

(3) The excess charitable contributions made by a distributor or transferor corporation in its taxable year ending on the date of distribution or transfer and in its immediately preceding taxable year which are not deductible by the distributor or transferor corporation because of the 5-percent limitation of section 170(b)(2) shall be available to the acquiring corporation without diminution by reason of the fact that the acquiring corporation does not acquire 100 percent of the assets of the distributor or transferor corporation. Thus, if a parent corporation owning 80 percent of all classes of stock of its subsidiary corporation were to acquire its share of the assets of the subsidiary corporation upon a complete liquidation described in paragraph (b)(1)(i) of § 1.381(a)-1, then, subject to the conditions and limitations of this section, 100 percent of the excess contributions made by the subsidiary corporation would be available to the acquiring corporation.

(c) *Taxable years to which carryovers apply and amount deductible.* (1) The excess charitable contributions made by a distributor or transferor corporation in its taxable year immediately preceding that ending on the date of distribution or transfer, to the extent not deductible by it because of the limitations of section 170(b)(2) in its taxable year ending on that date, shall be deductible by the acquiring corporation to the extent prescribed by section 170(b)(2) in its first taxable year beginning after the date of distribution or transfer. Any portion of such excess which is not deductible under this section by the acquiring corporation in such first taxable year shall not be deducted by that corporation in any other taxable year.

(2) The excess charitable contributions made by a distributor or transferor corporation in its taxable year ending on the date of distribution or transfer shall first be deductible by the acquiring corporation to the extent prescribed by section 170(b)(2) and this section in its first taxable year beginning after that date and then, to the extent prescribed by section 170(b)(2) and this section, in its second taxable year beginning after that date. Any portion of such excess which is not deductible under this section by the acquiring corporation in such first and second taxable years shall not be deducted by that corporation in any other taxable year.

(3) No excess charitable contributions made by a distributor or transferor corporation shall be deductible by the acquiring corporation in its taxable year which includes the date of distribution or transfer.

(d) *Rules governing amounts deductible by acquiring corporations.* (1) In applying the provisions of section 170(b)(2) for the purpose of determining the amount of excess charitable contributions which are deductible by the acquiring corporation in its first taxable year beginning after the date of distribution or transfer, all taxable years of the distributor or transferor and acquiring corporations which, with respect to such first taxable year, constitute the second preceding taxable year shall together be considered as one taxable year even though the taxable years involved may not end on the same date. Any excess charitable contributions carried over from such preceding taxable years considered as one taxable year shall be taken into account by the acquiring corporation as one amount, without regard to the extent to which the contributions were made by a distributor or transferor corporation or the acquiring corporation. Similarly, all taxable years of the distributor or transferor and acquiring corporations which, with respect to the first taxable year of the acquiring corporation beginning after the date of distribution or transfer, constitute the first preceding taxable year shall be considered as one taxable year even though the taxable years involved may not end on the same date; any excess charitable contributions carried over from such preceding taxable years shall be taken into account in the same manner as prescribed in the preceding sentence.

(2) In applying the provisions of section 170(b)(2) for the purpose of determining the amount of excess charitable contributions which are deductible by the acquiring corporation in its second taxable year beginning after the date of distribution or transfer, all taxable years of the distributor or transferor and acquiring corporations which, with respect to such second taxable year, constitute the second preceding taxable year shall together be considered as one taxable year even though they may not end on the same date. Any excess charitable contributions carried over from such preceding taxable years considered as one taxable year shall be taken into account by the acquiring corporation as one amount, without regard to the extent to which the contributions were made by a distributor or transferor corporation or the acquiring corporation.

(3) For purposes of this paragraph, the taxable year of a distributor or transferor corporation which ends on the date of distribution or transfer shall be considered a first preceding taxable year with reference to the acquiring corporation's first taxable year beginning after that date and a second preceding taxable year with reference to the acquiring corporation's second taxable year beginning after that date. The taxable year of a distributor or transferor corporation which immediately precedes its taxable year ending on the date of distribution or transfer shall be considered a second preceding taxable year with reference to the acquiring corporation's first taxable year beginning after that date.

(e) *Illustration.* The application of this section may be illustrated by the following example:

Example. (i) X Corporation is organized on April 1, 1956, and computes its taxable income on the basis of the fiscal year ending March 31. Y Corporation is organized on July 1, 1955, and computes its taxable income on the basis of the fiscal year ending June 30. Z Corporation is organized on January 1, 1956, and computes its taxable income on the basis of the calendar year. On June 30, 1957, X Corporation distributes all its assets to Y Corporation in a complete liquidation to which section 381(a) applies. On November 30, 1957, Y Corporation transfers all its assets to Z Corporation in a statutory merger to which section 381(a) applies.

(ii) The 5-percent limitation (computed in the manner prescribed by section 170(b)(2)), the charitable contributions actually paid, and the excess contributions with respect to each such corporation during the taxable years involved are as follows:

Name of corporation *Taxable year ending*	*X* *3-31-57*	*X* *6-30-57*
5-percent limitation	$20,000	$9,000
Current contributions	32,000	15,000
(Excess contributions)	(12,000)	(6,000)

Name of corporation *Taxable year ending*	*Y* *6-30-56*	*Y* *6-30-57*	*Y* *11-30-57*
5-percent limitation	$15,000	$10,000	$18,000
Current contributions	29,000	0	17,000
(Excess contributions)	(14,000)	-------	-------
Balance of 5-percent limitation	-------	10,000	1,000

Name of corporation *Taxable year ending*	*Z* *12-31-56*	*Z* *12-31-57*	*Z* *12-31-58*
5-percent limitation	$10,000	$30,000	$58,000
Current contributions	40,000	28,000	2,000
(Excess contributions)	(30,000)	-------	-------
Balance of 5-percent limitation	-------	2,000	56,000

(iii) X Corporation was in existence for two taxable years, in each of which it made charitable contributions in excess of the maximum amount deductible for those years under section 170(b)(2). The excess contributions made in the year ending March 31, 1957, of $12,000, are deductible by X Corporation in its short taxable year ending June 30, 1957, and then by Y Corporation in its short taxable year ending November 30, 1957, in each instance in the manner and to

the extent prescribed by section 170(b)(2) and this section. The excess contributions made by X Corporation in the year ending June 30, 1957, of $6,000, are deductible by Y Corporation in its short taxable year ending November 30, 1957, and then by Z Corporation in its taxable year 1958, in each instance in the manner and to the extent prescribed by section 170(b)(2) and this section.

(iv) Y Corporation was in existence for three taxable years. In the year ended June 30, 1956, its contributions in excess of the amount deductible for that year under section 170(b)(2) amounted to $14,000. Such excess is deductible by Y Corporation in its taxable year ending June 30, 1957, and, together with X Corporation's excess contributions of $18,000, in its short taxable year ending November 30, 1957, in each instance in the manner and to the extent prescribed by section 170(b)(2) and this section. Accordingly, since Y Corporation made no contributions in its taxable year ending June 30, 1957, its deduction for that year on account of excess contributions carried over is $10,000, an amount equal to the 5-percent limitation of section 170(b)(2). The deduction is attributable to excess contributions made by Y Corporation in the taxable year ended June 30, 1956; thus, the excess of those contributions over $10,000, namely, $4,000, is deductible by Y Corporation in its short taxable year ending November 30, 1957, in the manner and to the extent prescribed by section 170(b)(2) and this section. With respect to the short taxable year ending November 30, 1957, the excess contributions of the second preceding year are X Corporation's excess contributions of $12,000 made in the year ending March 31, 1957, and Y Corporation's excess contributions of $4,000 made in the year ending June 30, 1956, which were not deductible by Y Corporation in the taxable year ending June 30, 1957, because of the 5-percent limitation prescribed by section 170(b)(2), an aggregate of $16,000. Inasmuch as Y Corporation's limitation for the short taxable year ended November 30, 1957, exceeds the contributions made in that year by $1,000, the excess contributions of the second preceding taxable year are deductible in the taxable year ending November 30, 1957, to the extent of $1,000 and the remainder ($15,000) is not deductible by any corporation in any taxable year. The excess contributions of the first preceding taxable year, namely, X Corporation's excess contributions made in the short taxable year ending June 30, 1957, are deductible by Z Corporation in its taxable year 1958, in the manner and to the extent prescribed in section 170(b)(2) and this section.

(v) Z Corporation has been in existence for 3 taxable years. The contributions made in 1956 in excess of the amount deductible for that year under section 170(b)(2) amounted to $30,000. Such excess is deductible by Z Corporation in its taxable year 1957 and, together with X Corporation's excess contributions of $6,000 (derived through Y Corporation) made in the taxable year ending June 30, 1957, in the taxable year 1958, in each instance in the manner and to the extent prescribed by section 170(b)(2) and this section. Thus, $2,000 of the $30,000 excess contributions made in the year 1956 are deducted in 1957 and the remainder ($28,000), together with X Corporation's excess contributions of $6,000 made in the short taxable year ending June 30, 1957, are deducted in 1958 since the aggregate of such amounts plus the contributions actually made in that year does not exceed the 5-percent limitation prescribed by section 170(b)(2).

[F.R. Doc. 61-2015; Filed, Mar. 7, 1961; 8:49 a.m.]

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, Rev., Amdt. 8]

PART 308—WAR RISK INSURANCE

Change in Expiration Dates

Section 308.6 *Period of interim binders if insurance thereunder does not attach,* § 308.106 *Standard form of war risk hull insurance interim binder,* § 308.206 *Standard form of war risk protection and indemnity insurance interim binder,* and § 308.305 *Standard form of Second Seamen's war risk interim binder* are hereby amended by changing the expiration dates appearing therein from "midnight, March 7, 1961, G.m.t." to "midnight, May 7, 1961, G.m.t."

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

By order of the Maritime Administrator.

Dated: March 2, 1961.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-2033; Filed, Mar. 7, 1961; 8:51 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 264—INTERNATIONAL INTERCHANGE OF PATENT RIGHTS AND TECHNICAL INFORMATION

Background

The following amendment to Part 264 as approved on February 10, 1961:

In § 264.3(a), the countries—Denmark, Portugal, and Spain—have been added. Section 264.3(a), as revised, begins as follows:

§ 264.3 Background.

(a) Pursuant to the provisions of the Mutual Security Act of 1954, as amended, and of predecessor legislation superseded by that Act, the United States has entered into agreements for the Interchange of Patent Rights and Technical Information for Defense Purposes with Australia, Belgium, Denmark, France, the Federal Republic of Germany, Greece, Italy, Japan, The Netherlands, Norway, Portugal, Spain, Turkey, and the United Kingdom. The agreements, which are published in the Treaties and Other International Act Series, are basically similar in substance but are not identical. Under the agreements:

* * * * *

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 61-1993; Filed, Mar. 7, 1961; 8:45 a.m.]

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

Exemption of Common Carriers by Water

Section 1453.3(d)(2) *Fiscal years ending on or after December 31, 1953* is amended by deleting, in subdivision (i) thereof, the words "January 1, 1960", and inserting in lieu thereof the words "January 1, 1961".

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

Dated: March 2, 1961.

THOMAS COGGESHALL,
Chairman.

[F.R. Doc. 61-2008; Filed, Mar. 7, 1961; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

Monthly Installments Withheld at Request of Insured or Otherwise Accrued to Credit of Insured After Maturity by Total and Permanent Disability

In Part 6, § 6.123c is added to read as follows:

§ 6.123c Monthly installments withheld at the request of the insured or otherwise accrued to credit of the insured after maturity by total and permanent disability.

(a) Where an insured is determined in accordance with the applicable Veterans Administration regulations to be totally and permanently disabled while a United States Government life insurance policy is in force and entitled to waiver of premiums and to payment of monthly installments on account of such disability but such payments are not made to the insured, the insurance shall mature and such total permanent disability installments shall accrue. If it is determined that the insured is no longer totally and permanently disabled, further monthly installments on account of such total permanent disability shall cease as of the date of such determination. Thereafter, the reduced amount of insurance may be continued in accordance with the provisions of §§ 6.123, 6.123a, 6.123b, and 6.124, whichever is applicable. The accrued total and permanent disability installments for the purpose of such Veterans Administration regulations shall be considered to have been paid to the insured.

(b) Any accrued total permanent disability installments remaining unpaid for the period prior to the date of determination that the insured is no longer totally and permanently disabled shall be payable, without interest, in a lump sum to the insured. Any accrued total permanent disability installments which are not paid to the insured during his lifetime shall be paid, without interest, in a lump sum upon his death to the beneficiary entitled to the proceeds of the insurance. The accrued total permanent disability installments shall be considered to have been paid to the insured for the purpose of determining cash value, loan value, paid-up insurance and extended insurance and the amount of insurance payable at death of the insured or at the maturity of an endowment policy.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective March 8, 1961.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 61-2016; Filed, Mar. 7, 1961; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13898]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Frequency Available in Virgin Islands; Order

In the matter of amendment of Parts 7 and 8 of the Commission's rules to make the frequency pair 2506 kc (Coast)—2009 kc (Ship) available for assignment in the vicinity of Charlotte Amalie, St. Thomas, Virgin Islands; Docket No. 13898, RM-194.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of March 1961;

The Commission having under consideration the above-captioned matter;

It appearing that in accordance with the requirements of section 4 (a) and (b) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for the submission of written comments by interested parties, was published in the FEDERAL REGISTER on December 17, 1960 (25 F.R. 12951), and the period for filing comments has now expired; and

It further appearing that no comments or objections to the amendments proposed were recevied; and

It further appearing that the public interest, convenience, and necessity will be served by the amendment herein ordered, the authority for which is contained in section 303 (c), (f), and (r) of the Communication Act of 1934, as amended;

It is ordered, That effective April 3, 1961, Parts 7 and 8 of the Commission's rules are amended as set forth below.

Released: March 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

A. Part 7 is amended as follows:

1. The Table in § 7.306(b) is amended by the addition of the following new location, frequencies, and specific limitation of use after the entry for Palmyra Island, Hawaii.

§ 7.306 Availability of frequencies below 30 Mc.

* * * * *

(b) * * *

Coast stations located in the vicinity of—	Coast station transmitting carrier frequency [1]		Associated coast station receiving carrier frequency	
	Frequency (kc)	Specific limitations imposed upon availability for use [2]	Frequency (kc)	Specific conditions relating to use of these frequencies by ship stations for transmission as shown in § 8.354(a)(1) of this chapter [2]
*	*	*	*	*
St. Thomas Island, V.I.	2506	8 a.m. to 9 p.m., A.s.t., only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.	2009	8 a.m. to 9 p.m., A.s.t., only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.

B. Part 8 is amended as follows:

1. The Table in § 8.354(a)(1) is amended by the addition of the following new location, frequencies, and specific limitation of use after the entry for Palmyra Island, Hawaii.

§ 8.354 Frequencies below 5000 kc for public correspondence.

(a) * * *
(1) * * *

For communication with coast stations located in the vicinity of—	Mobile station transmitting carrier frequency [1]		Associated coast station carrier frequency	
	Frequency (kc)	Specific limitations imposed upon availability for use [2]	Frequency (kc)	Specific conditions relating to use of these frequencies by coast stations for transmission as shown in § 7.306(b) of this chapter [2]
*	*	*	*	*
St. Thomas Island, V.I.	2009	8 a.m. to 9 p.m., A.s.t., only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.	2506	8 a.m. to 9 p.m., A.s.t., only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.

[F.R. Doc. 61-2050; Filed, Mar. 7, 1961; 8:53 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Kentucky Woodlands National Wildlife Refuge, Kentucky

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KENTUCKY

KENTUCKY WOODLANDS NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Kentucky Woodlands National Wildlife Refuge, Kentucky, is permitted only on the areas designated by signs as open to hunting. This open area, comprising 25,000 acres or 36 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting is subject to the following conditions:

(a) Species permitted to be taken: Wild turkey, gobblers only.

(b) Open season: April 20-21, 24-25, and 27-28, 1961. Daylight until 12:00 noon (c.s.t.). Total season kill limited to 50 gobblers.

(c) Bag limits: Only one turkey gobbler per hunter for the season. A successful hunter cannot assist any other hunter in taking turkey.

(d) Methods of hunting:

1. Shotgun only, not larger than 12 gauge. Slugs prohibited.

(e) Other provisions:

1. The provisions of this special regulation suplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. Hunters, upon entering or leaving the hunting area, must report at such checking stations as may be established for regulating the hunting. Checking stations will be open at 4:00 a.m. and checkout time will be 12:00 noon (c.s.t.)

3. A Federal permit is required to enter the public hunting area. A maximum of 250 permits will be issued for each two-day period. Permits will be issued at the refuge office between April 1 and April 19. Applications for permits may be in person or by mail and should be addressed to the Refuge Manager, Kentucky Woodlands National Wildlife Refuge, R.R. 2, Golden Pond, Kentucky. Permits will be issued in the order that they are received. Permits are at no cost and are not transferrable.

4. The provisions of this special regulation are effective to April 29, 1961.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 27, 1961.

[F.R. Doc. 61-2002; Filed, Mar. 7, 1961; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

Operation and Maintenance Charges

Basis and Purpose. Notice is hereby given that pursuant to the authority contained in the Acts of Congress approved August 1, 1914 (38 Stat. 583), May 18, 1916 (39 Stat. 142) and March 7, 1928 (45 Stat. 210), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F.R. 258), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F.R. 5454–7), notice is hereby given of the intention to modify sections 221.16 and 221.17 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Montana, that are not subject to the jurisdiction of the several irrigation districts. Purpose of this amendment is to establish the assessment rate for non-district lands of the Flathead Indian Irrigation Project for 1961 and thereafter until further notice.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rules making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to Area Director, U.S. Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

Sections 221.16 and 221.17 are amended to read as follows:

§ 221.16 Charges, Jocko Division.

(a) An annual minimum charge of $2.97 per acre, for the season of 1961 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an Irrigation District organization, regardless of whether water is used.

(b) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available will be delivered at the rate of one dollar and ninety-eight cents ($1.98) per acre foot or fractional thereof.

§ 221.17 Charges, Mission Valley and Camas Divisions.

(a) (1) An annual minimum charge of $3.31 per acre, for the season 1961 and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of two dollars and twenty-one cents ($2.21) per acre foot or fraction thereof.

(b) (1) An annual minimum charge of $3.40 per acre, for the season of 1961 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of two dollars and twenty-seven cents ($2.27) per acre foot or fraction thereof.

PERCY E. MELIS,
Area Director.

MARCH 2, 1961.

[F.R. Doc. 61–2003; Filed, Mar. 7, 1961; 8:46 a.m.]

Bureau of Land Management

[43 CFR Part 195]

SODIUM PERMITS AND LEASES, USE PERMITS

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under section 32 of the Act of February 25, 1920 (30 U.S.C. 189), it is proposed to amend 43 CFR 195.3, 195.6, 195.9, 195.10, 195.11, 195.21 and 195.26 as hereinafter set forth.

The principal purpose of the amendment is to provide for a combined sodium prospecting permit application and permit form, designed to expedite the issuance of sodium permits on public domain and acquired lands.

The proposed amendment provides that a lessee or permittee holding 5,120 acres in leases, permits or applications therefor in any one State may be permitted to hold up to 15,360 acres in the same State upon submittal of adequate evidence to the Bureau of Land Management as proof that the increased acreage is necessary in order for the 5,120 acres to be mined economically, taking into consideration the whole body of ore which the miner must have to operate.

The amendment also provides for an annual rental of 25 cents an acre or fraction thereof, but not less than $20 per year, on all prospecting permits and of not less than $1 an acre or fraction thereof on all use permits such as specified in § 195.26, including those which may issue pursuant to applications filed prior to the effective date of the amendment. It further provides for automatic termination of such permits if payment of the rental is not received when deemed to be timely.

The amendment requires a bond of not less than $1,000 prior to the issuance of all prospecting permits, including those which may issue pursuant to applications filed prior to the effective date of the amendment, and a $10 filing fee with an application for the renewal of a sodium lease.

The amendment established a rule that after the expiration of the permit term, the lands involved will not be segregated from further leasing because a previously filed relinquishment of the permit has not been noted on the records. This will insure that all members of the public have equal opportunity to file an application for the permit lands even though notation of the relinquishment or cancellation of the permit has not been made on the official records.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to the Director, Bureau of Land Management, Washington 25, D.C., within thirty days from the date of publication of this notice in the FEDERAL REGISTER.

1. Section 195.3 is amended to read as follows:

§ 195.3 Area and limitation on holdings.

(a) Except where the rule of approximation applies,[2] a lease or permit may not include more than 2,560 acres in reasonably compact form entirely within an area of six miles square or within an area not exceeding six surveyed or protracted sections in length or width.

[2] A larger area may be granted under the "rule of approximation" in those States covered by the public land rectangular survey system. That rule applies to applications for prospecting permits only where elimination of the smallest legal subdivision involved would result in a deficiency of area under 2,560 acres greater than the excess over 2,560 acres resulting from inclusion of such subdivision.

No person, association or corporation may hold at any one time more than 5,120 acres in any one State, except as hereinafter stated, whether directly through ownership of leases, permits and applications therefor, or indirectly as a member of an association or as a stockholder of a corporation holding leases, permits and applications therefor.

(b) Where necessary in order to secure the economic mining of sodium compounds, the authorized officer may, in his discretion and after consultation with the Mining Supervisor, permit a person, association, or corporation to hold up to 15,360 acres in any one State, upon submittal of the following information and evidence as proof that the additional acreage is necessary in order for the 5,120 acres held under Federal sodium leases and/or permits to be mined economically, taking into account the whole body of ore which the miner must have in order to operate:

(1) Whether such person, association, or corporation holds sodium leases and permits covering fee, railroad and State lands within the same area of its public land holdings under sodium leases and permits, and if so, the description of those lands and the amount of acreage involved.

(2) Why the additional public lands covering acreage in excess of 5,120 acres are actually necessary to secure an economic mining unit.

(3) A log of all wells drilled for sodium deposits on the lands which such person, association, or corporation holds under sodium lease or permit, together with an analysis of the ore discovered therein.

2. Section 195.8 is amended to read as follows:

§ 195.8 Application for permit, and issuance of permit.

(a) To obtain a sodium prospecting permit, an application should be filed in quintuplicate in the appropriate land office on Form 4–1492,[3] or on an exact reproduction thereof. The form or an exact reproduction will constitute the permit when signed by the authorized officer of the land office. The application must be filed in accordance with the regulation in effect at the date of filing.

(b) Each application should be filled in on a typewriter or printed plainly in ink and signed in ink by the applicant or the applicant's duly authorized attorney in fact. An application may be made by a legal guardian or trustee in his name for the benefit of a nonalien minor or minors but an application may not be filed by a minor. Each application must contain a description of the land as prescribed in § 195.17(a)(2). Except where the rule of approximation applies, all applications must be for an area of not more than 2,560 acres of land in reasonably compact form as specified in § 195.3.

[3] A copy of this (filed as part of original document), as well as of every other form mentioned in this part, may be obtained from any land office or from the Director, Bureau of Land Management, Washington 25, D.C.

(c) Each application, when filed, must be accompanied by:

(1) A filing fee of $10 which is not returnable, and full payment of the first year's rental in the amount specified in paragraph (h) of this section.

(2) If the applicant is an association or corporation, the evidence specified in § 195.4(c)(2) and (3), respectively, and (4). If the acreage holdings of a corporation or members of an association exceed 5,120 acres in the State in which the lands applied for are situated, the information and evidence specified in § 195.3(b)(1), (2), and (3).

(3)(i) Except in a case where an officer of a corporation signs an application on behalf of the corporation, as to which see § 195.4(c)(3), evidence of the authority of the attorney in fact to sign the application and permit, if the application is signed by such attorney on behalf of the applicant.

(ii) If such applicant is an individual, a statement over the applicant's signature setting forth the applicant's citizenship and acreage holdings, direct and indirect, in sodium leases, permits and applications therefor in the State in which the lands applied for are situated. If such holdings exceed 5,120 acres, the same information and evidence required of a corporation or members of an association.

(4) If the application is made by a guardian or trustee, the evidence specified in § 195.12(c)(3)(i).

(b)(1) Except as provided in subparagraph (3) of this paragraph, an application will be rejected if:

(i) The land description does not conform with the requirements of § 195.17(a)(2), or the land is not in reasonably compact form as specified in § 195.3.

(ii) The total acreage exceeds 2,560 acres, except where the rule of approximation applies.

(iii) The full amount of the filing fee and the first year's rental do not accompany the application.

(iv) The application is signed by an attorney in fact on behalf of the applicant and is not accompanied by the evidence and statement required by paragraph (c)(3) of this section.

(v) The application is signed by a guardian or trustee on behalf of a minor and is not accompanied by the evidence specified in § 195.12(c)(3)(i).

(vi) Less than five copies of the application are filed.

(vii) There is noncompliance with the requirements specified in § 195.4(c)(1), (2), (3) and (4).

(2) If an application is defective to the extent set out in paragraph (d)(1) of this section, the applicant will be given an opportunity to file a new application within thirty days from service of the rejection, and the fee and rental payments on the old application will be applied to the new application if the new application shows the serial number of the old application. The advance rental will be returned unless within the thirty-day period another application is filed.

(3) An application for permit on a form not correctly reproduced, but which contains the statement that the applicant agrees to be bound by the terms and conditions of the form in effect at the date of filing, will be approved by the authorized officer provided all other requirements are met.

(e) The United States will indicate its acceptance of the application, in whole or in part, and the issuance of the permit by the signature of the authorized officer in the space provided therefor. An executed copy of the permit will be mailed to the applicant at the address of record.

(f) If the applicant dies before the permit is issued, evidence such as specified in § 195.12(c) must be filed before it can be determined to whom the permit may be issued.

(g)(1) An applicant whose application is pending on the effective date of this section, as amended, may file a new application on Form 4–1492 for the land described in his application, pursuant to paragraphs (a), (b) and (c) of this section, but without payment of the required filing fee, if it has already been paid.

(2) When required, the holder of an application pending on the effective date of this section, as amended, must within 30 days from receipt of notice, file an application on Form 4–1492 covering the same land in, and bearing the same serial number as his pending application. He must also pay the first year's rental in the amount specified in paragraph (h) of this section. No additional filing fee will be required. Failure to refile will result in the rejection of the original application without further notice.

(h) A permittee must pay an annual rental of 25 cents an acre or fraction thereof covered by his permit, but not less than $20 per year, such annual payments of rental shall be made on or before the anniversary date of the permit. However, if the time for payment falls upon any day in which the proper land office to receive payment is not open, payment received on the next official working day shall be deemed to be timely. Payment of rental will also be required on all permits issued pursuant to applications filed prior to the effective date of this section, as amended.

3. Section 195.9 is amended to read as follows:

§ 195.9 Term of prospecting permit; rights conferred.

Prospecting permits are issued for a period of two years and grant the permittee the exclusive right to prospect and explore the lands involved to determine the existence of, or workability of, the sodium deposits therein. Only such material may be removed from the lands as is necessary to experimental work or the demonstration of the existence of such deposits in commercial quantities.

4. Section 195.10 is amended to read as follows:

§ 195.10 Permit bond.

Prior to the issuance of a permit the applicant must furnish a bond of not less than $1,000, with approved corporate surety (Form 4–1130), or his personal bond in similar amount (Form 4–1131) secured by negotiable Federal securities in the amount of the bond. A

bond will also be required on all permits issued pursuant to applications filed prior to the effective date of this section, as amended.

5. Section 195.11 is amended to read as follows:

§ 195.11 Relinquishment, cancellation, or termination of prospecting permit; availability of lands for further application upon relinquishment, cancellation, or termination of permit.

(a) A permittee may relinquish the entire permit or any legal subdivision thereof. If the lands are not described by legal subdivision, a partial relinquishment must contain the description of the lands surrendered and the exact area thereof. A relinquishment must be filed in duplicate in the appropriate land office. Upon its acceptance, it will be effective as of the date it is filed, subject to the continued obligation of the permittee and his surety to make payment of all accrued rentals and royalties, and to provide for the preservation of any mines or productive works or permanent improvements on the permit lands in accordance with the regulations and terms of the permit.

(b) Except as provided for in subparagraph (1) of this paragraph, if a permittee fails to comply with the general regulations in force at the date of the permit, or defaults with respect to any of the terms or stipulations of the permit, and such failure or default continues for 30 days after service of written notice thereof by the Government then the permit may be cancelled. A waiver of any particular cause for cancellation shall not prevent the cancellation of the permit for any other cause, or for the same cause occurring at any other time.

(1) Any prospecting permit shall terminate automatically if the permittee fails to pay the rental as specified in § 195.8(h).

(2) The termination of the permit for failure to pay rental must be noted on the official records of the appropriate land office. Until such notation is made, the lands covered by the permit are not subject to any other sodium permit. Applications for such permits filed prior to such notation will be rejected.

(c) Where lands embraced in a cancelled or relinquished permit are not withdrawn from leasing, such lands shall become available for the filing of new permit applications immediately upon notation on the official status records of the cancellation or relinquishment of the permit. If prior to such notation the permit expires at the end of its primary term in the absence of cancellation or relinquishment, the lands covered by the permit shall likewise become available for the filing of new applications even though the cancellation or relinquishment has not been noted on the records.

6. Section 195.21 is amended to read as follows:

§ 195.21 Renewal leases.

An application for a renewal lease must be filed in duplicate in the appropriate land office not less than 30 days nor more than 90 days before the lease term expires and be accompanied by a filing fee of $10 which is not returnable. Thereafter, the lessee will be notified of the terms and conditions to be prescribed in the renewal lease. Unless the lessee files written objections to the proposed terms, or files a relinquishment of the lease within 30 days after receipt of such notice, he will be deemed to have agreed to such terms and to the renewal of the lease. Prior to the renewal of the lease, the lessee will be required to submit a satisfactory bond as prescribed in § 195.15.

7. Section 195.26 is amended to read as follows:

§ 195.26 Use permits for additional land.

(a) A permittee or lessee may be granted a right to use, during the life of the permit or lease, the surface of not exceeding 40 acres of unoccupied nonmineral public land not included within the boundaries of a national forest for camp sites, refining works, and other purposes connected with and necessary to the proper development and use of the deposits covered by the permit or lease. The annual rental charge for use of such land will be not less than $1 an acre or fraction thereof. Payment of the rental shall be made at the time specified in § 195.8(h), and will also be required on all use permits issued pursuant to applications filed prior to the effective date of this section, as amended.

(b) Applications for permits to use additional land shall be filed in duplicate in the appropriate land office. Each application must be accompanied by a filing fee of $10 which is not returnable and the first year's rental in the amount specified in paragraph (a) of this section. The applications must contain a description of the land as specified in § 195.17(a)(2), and set forth the reasons why the additional land is necessary to the permittee or lessee for the use named, and whether it is unoccupied and nonmineral. A use permit will be issued on Form 4–1135 and dated as of the first day of the month after its issuance unless the applicant requests that it be dated the first day of the month of issuance.

(c) Any use permit shall terminate automatically if the permittee or lessee fails to pay the rental at the time specified in § 195.8(h).

8. Footnote 3 referred to in § 195.16 is renumbered as Footnote 4.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MARCH 2, 1961.

[F.R. Doc. 61–2004; Filed, Mar. 7, 1961; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 943, 966]

[Docket Nos. AO–231–A14, AO–257–A6]

MILK IN NORTH TEXAS AND NORTHERN LOUISIANA MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Dallas, Texas, on January 18, 1961, pursuant to notice thereof issued on January 9, 1961 (26 F.R. 225).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on February 16, 1961 (26 F.R. 1466; F.R. Doc. 61–1541) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

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

1. Modification of the Class II and Class I pricing formulas under the North Texas order.

2. Modification of the Class II and Class I pricing formulas under the Northern Louisiana order.

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

Issue No. 1. Revision of the Class II pricing formula and the basic formula used in determining the Class I price under the North Texas order.

The Class II pricing formula should be revised to provide that during the months of April, May and June, the Class II price shall be the higher of the prices resulting from the butter-powder formula component of the basic formula price, less 14 cents, or a Cheddar cheese formula price identical to that presently provided in the San Antonio and Corpus Christi orders for pricing Class II–A (Cheddar cheese) milk. In all other months such price should be the higher of the butter-powder formula price or the Cheddar cheese formula price. The local Texas manufacturing plant pay price should be deleted as an alternative pricing mechanism in the basic formula price.

Under the present order provisions the Class II price during the months of April, May and June is the higher of the average pay prices of three local Texas manufacturing plants or the but-

ter-powder formula price less 20 cents. In all other months of the year, the Class II price is the higher of the butter-powder formula price or the average of the local manufacturing plant pay prices. The local plant pay prices, the butter-powder formula and the Midwest condensery pay price are components of the basic formula price.

The average of the local manufacturing pay prices normally has been the effective Class II price during the months of April, May and June and in all other months the butter-powder formula price has been the effective price. The local manufacturing plant pay price has never been effective in determining the basic formula price.

Changes in the operation of local manufacturing plants reporting prices paid dairy farmers for ungraded milk seriously impair their usefulness in the pricing provisions of the order. The Borden Company plant at Mount Pleasant, Texas, has ceased operation. The Lamar Creamery Company plant at Paris, Texas, no longer receives ungraded milk from dairy farmers. The volume of ungraded milk handled at the three manufacturing plants dropped from an average of 2.7 million pounds per month in 1957 to about 1.4 million pounds per month in 1959. On the basis of volume figures reported on the record through May 1960, it is apparent that the quantity of ungraded milk receipts decreased still further during 1960, and with only one plant now operating such receipts will be still less in 1961.

Producer proponents contend that while they do not at this time question the appropriateness of the Class II prices provided under the order during 1960, they are unwilling, and believe it inappropriate, to continue to have their Class II milk priced on the basis of a single plant's reported pay price. They propose, therefore, that the Class II price, during the specified flush months of production, be the higher of the butter-powder formula component of the basic formula price, less 14 cents, or a Cheddar cheese formula price. They further proposed that in all other months the Cheddar cheese formula price be the effective Class II price in any month in which such price exceeds the butter-powder formula price.

Producer's proposal would have provided the same Class II price level of $3.266 during 1960 as was in effect under the present order provisions. In addition, it would also have provided Class II prices virtually identical with the actual Class II prices in effect in the years 1958 and 1959. Since their proposal meets the objective of providing a more representative basis for pricing Class II milk, its adoption is appropriate.

The inclusion of the alternative cheese pricing formula [prices paid per pound of Cheddar cheese at Wisconsin Primary markets times 8.4] provides assurance to producers that the Class II price adequately reflects the supply-demand situation for milk for manufacturing uses on a national basis. While the Cheddar cheese pricing formula would not have established the Class II price in any month during the period 1956–1960, the price for milk processed into Cheddar cheese has strengthened significantly in the latter part of 1960. It is possible, therefore, that in some future period such price may exceed the price computed on the basis of the butter-powder formula. Cheddar cheese is generally recognized as one of the residual use values for fluid milk. Since the facilities are available to the market for disposition of the surplus reserve milk for Cheddar cheese, there is no reason why the price for such milk should at any time be less than the price of milk utilized in Cheddar cheese.

One handler recommended that the lower Class II price be extended to include the month of March. He contended that such modification would align the Class II prices for the flush production months with the months when producers are paid base and excess prices. Producer proponents pointed out, however, that they were presently engaged in a reappraisal of the Class II price level and expected that they would submit their conclusions in the form of proposals for hearing within a few months. If a change in the seasonality of Class II prices is desirable, it should be considered at a later hearing.

The basic formula price used in determining Class I prices under the order is presently the highest of the butter-powder formula price, the Midwest condensery pay price or the local manufacturing plant pay price. For reasons previously stated the local manufacturing plant pay price no longer can be presumed to constitute a representative price for manufacturing milk. While such price has never been effective in establishing the Class I price, it nevertheless has provided assurance to producers that their Class I price would reflect competitive manufacturing milk values. The use of the Cheddar cheese formula price as a component of the basic pricing formula, in lieu of the manufacturing plant pay price would not serve this purpose. The Cheddar cheese formula proposed would never have been effective as a Class I price determinant and it is difficult, if not impossible, to conceive of circumstances under which such price could be higher than either the existing butter-powder formula price or the Midwest condensery pay price. Hence, inclusion of this formula could serve no useful purpose. The deletion of the local manufacturing plant pay price as a component of the basic pricing formula is not expected to affect the level of Class I prices provided by the order.

Issue No. 2. Revision of the Class II pricing formula and the basic formula price used in determining the Class I price under the Northern Louisiana order.

The Class II pricing formula should be revised to provide that during the months of March, April, May, and June, the Class II price shall be the price resulting from the existing butter-powder formula price component of the basic formula price, less 5 cents, and in all other months, the butter-powder formula price. The average of pay prices of three Texas manufacturing plants should be deleted as an alternative pricing mechanism in determination of the basic formula price in the Class I pricing provisions.

Under the present order provisions, the Class II price during the months of March, April, May, and June is the average of the pay prices of the three local Texas manufacturing plants, and in all other months the higher of such price or the butter-powder formula price. The basic formula price used to determine the Class I price is the highest of the butter-powder formula price, the Midwest condensery pay price or the local Texas manufacturing plant pay price.

Producer proponents in the Northern Louisiana market took an identical position to that of North Texas producers relative to the continued use of the Texas local manufacturing plants pay prices as a pricing mechanism for Class I and Class II milk. Unlike North Texas producers, however, their proposed Class II pricing mechanism would have increased the Class II price about 7 cents per hundredweight during the months of March, April, May and June, 1960. They modified their proposal during the hearing to provide that the Class II price be established on the basis of the existing butter-powder formula in all months of the year, without adjustment.

The deletion of the local Texas manufacturing plants pay prices as a component of both the Class I and Class II pricing formulas is desirable for the identical reasons previously set forth in the discussion of Issue No. 1. Since the butter-powder formula generally has been effective in setting the Class II price in the months of July through February, the use of this formula as the sole pricing mechanism during such months is not expected to affect the level of Class II price in such months. While the use of a butter-powder formula price adjusted downward by five cents during the other four months would have increased the Class II price by approximately 7 cents during such months in 1960, this increase is fully justified on the basis of the existing market situation.

The market situation in the Northern Louisiana market is substantially different than that in the North Texas market. The proponent association supplies all handlers with their full requirements for both Class I and Class II uses. Regulated handlers, however, have very limited Class II use. The bulk of the producer milk supply, in excess of the market's Class I needs, is disposed of by the association to nonpool plants for manufacturing uses. During the past several years, the association has been able to realize a return on such excess milk in excess of the order Class II prices. During the months of March through June 1960, the association received as much as 34.5 cents over the Class II price on milk disposed of to manufacturing plants. The association indicated that it will have no difficulty in disposing of all of the surplus milk during 1961 at prices at least as high as that resulting from their amended proposal.

Under normal circumstances there should be no reason why producers' amended proposal could not be adopted. However, it must be recognized that reg-

ulated handlers do use limited volumes of Class II milk and adoption of producers' amended proposal would have increased the cost of such milk during the months of March through June 1960 by 12 cents per hundredweight. This hearing was held at Dallas, Texas. No handlers were present at the hearing. Producer proponents, however, stated on the record that they had fully discussed their original proposal for a Class II price based on the butter-powder formula price less 5 cents, during the four flush production months, with handlers individually and that they were not opposed to such a proposal.

While the hearing notice indicated that the hearing would consider appropriate modifications of the proposals set forth in the notice, handlers had little reason to expect that producers would modify their proposals previously discussed with them. There is reason to think that the handlers did not attend the hearing called at a distant place in reliance on producers representation that only the proposals as set forth in the hearing notice would be supported by testimony. Therefore, revision in the Class II price to a level higher than that set forth in the notice would not be appropriate in these particular circumstances.

The prices paid by a single local manufacturing plant do not provide a representative price for purposes of pricing Class I milk under the order. It is desirable, therefore, that this component of the basic formula price be deleted. Since the local manufacturing pay price has never been effective in establishing the Class I price, this modification of the basic pricing formula is not expected to affect the level of Class I price provided by the order.

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

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

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

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

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

Marketing agreements and orders. Annexed hereto and made a part thereof are four documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the North Texas Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the North Texas Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Northern Louisiana Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Northern Louisiana Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

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

Determination of Representative Period. The month of December 1960 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders amending the orders regulating the handling of milk in the North Texas and Northern Louisiana marketing areas, are approved or favored by producers, as defined under the terms of the respective orders as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

Issued at Washington, D.C., this 3d day of March 1961.

JOHN P. DUNCAN, Jr.
Acting Secretary.

Order[1] *Amending the Order Regulating the Handling of Milk in the North Texas Marketing Area*

§ 943.0 Findings and determinations.

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

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

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

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

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

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

§ 943.50 [Amendment]

1. In the first sentence of § 943.50 delete the phrase "highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section" and substi-

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

tute therefor the phrase "higher of the prices computed pursuant to paragraphs (a) and (b) of this section."

2. Delete paragraph (c).

§ 943.51 [Amendment]

3. Delete paragraph (b) and substitute therefor the following:

(b) *Class II milk.* The Class II price per hundredweight, rounded to the nearest one-tenth cent, shall be as follows:

(1) For each of the months of April, May and June the higher of;

(i) the price computed pursuant to § 943.50(b) less 14 cents; or

(ii) The price computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month.

(2) For each of the months of July through March, the higher of the prices computed pursuant to § 943.50(b) or subdivision (ii) of subparagraph (1) of this paragraph.

Order[1] *Amending the Order Regulating the Handling of Milk in the Northern Louisiana Marketing Area*

§ 966.0 **Findings and determinations.**

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

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

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

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

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

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

1. Delete § 966.50 and substitute therefor the following:

§ 966.50 **Basic formula price.**

The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest one-tenth cent.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 4.0.

PRESENT OPERATOR AND LOCATION

Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Sparta, Mich.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 4.0;

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.16.

§ 966.51 [Amendment]

2. Delete paragraph (b) and substitute therefor the following:

(b) *Class II price.* The minimum price shall be the price computed pursuant to § 966.50(b), minus 5 cents per hundredweight for the months of March, April, May and June, and the price computed pursuant to § 966.50(b) for all other months, rounded in each case to the nearest one-tenth cent.

[F.R. Doc. 61-2010; Filed, Mar. 7, 1961; 8:48 a.m.]

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

[7 CFR Part 989]

HANDLING OF RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposed Compensation to Handlers for Certain Pooling Services During 1960–61 Crop Year

Consideration is being given to a proposal to amend § 989.166(g)(1)(i) of the administrative rules and regulations, as amended (Subpart-Administrative Rules and Regulations; 7 CFR 989.101–989.180), effective pursuant to, and for operations under, Marketing Agreement No. 109, as amended, and Order No. 89, as amended (7 CFR Part 989; 25 F.R. 12813), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order are effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Raisin Administrative Committee, established under this regulatory program.

The proposal is to amend § 989.166(g)(1)(i) to provide that each handler shall be compensated at the rate of $5.00 per ton (natural condition weight at the time of acquisition) for receiving, storing and handling reserve and surplus tonnage raisins acquired by him during the 1960-61 crop year (September 1, 1960-August 31, 1961) and held by him for the account of the committee during all or any part of such 1960–61 crop year. The rate of payment to handlers of $5.00 per ton for performing these services is the same as that in effect for the 1959–60 crop year (September 1, 1959–August 31, 1960). The committee considers no change in the rate of payment is warranted.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the seventh day after publication of this notice in the FEDERAL REGISTER.

Dated: March 2, 1961.

FLOYD F. HEDLUND,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 61-2011; Filed, Mar. 7, 1961; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGICAL PRODUCTS

Additional Standards; Packed Red Blood Cells (Human)

Notice is hereby given of proposed rule making pursuant to section 351 of the Public Health Service Act, as amended (58 Stat. 702; 42 U.S.C. 262). The proposed amendments to Part 73 would prescribe specific standards of safety, purity and potency for Packed Red Blood Cells (Human).

Notice is also given that it is proposed to make any amendments that are adopted effective 60 days after publication in the FEDERAL REGISTER.

Inquires may be addressed, and data, views and arguments may be presented by interested parties, in writing, in triplicate, to the Surgeon General, Public Health Service, Washington 25, D.C. All relevant material received not later than 60 days after publication of this notice in the FEDERAL REGISTER will be considered.

Amend Part 73 of the Public Health Service regulations by inserting at the end thereof the following center heading and sections:

ADDITIONAL STANDARDS: PACKED RED BLOOD CELLS (HUMAN)

§ 73.320 Proper name and definition.

The proper name of this product shall be Packed Red Blood Cells (Human). The product is defined as red blood cells remaining after separating plasma from sedimented Citrated Whole Blood (Human) to attain an hematocrit reading of from 60 percent to 70 percent.

§ 73.321 Manufacture.

Packed Red Blood Cells (Human) shall be prepared from Citrated Whole Blood (Human) that meets the standards prescribed in §§ 73.301 through 73.304. Packed Red Blood Cells (Human) may be prepared either by centrifugation conducted no later than six days after the date of blood collection or by normal undisturbed sedimentation before the expiration date of the blood. Packed Red Blood Cells (Human) shall be maintained at a temperature between 1° and 10°C. during processing, all of which shall be conducted so as to maintain the sterility of the product. Surfaces of apparatus, including needles and tubing, that come in contact with the product during its processing shall be clean, sterile and pyrogen free. If the method of processing involves a vented system, the vent shall be one that will exclude microorganisms and maintain a sterile system.

§ 73.322 Pilot sample.

Before filling the final container of Packed Red Blood Cells (Human) a pilot tube bearing the donor identification shall have been attached to the final container in a tamper-proof manner that will conspicuously indicate removal and reattachment. Pilot samples shall be either the original blood pilot sample or a sample of the Packed Red Blood Cells (Human) being processed.

§ 73.323 Containers.

Final containers used for Packed Red Blood Cells (Human) shall meet the requirements for blood containers prescribed in § 73.304(c) and may be either the original blood containers or different containers.

§ 73.324 Labelling.

Except for the proper name, "Citrated Whole Blood (Human)", labels for Packed Red Blood Cells (Human) shall bear the information required for the Citrated Whole Blood (Human) from which it is processed.

§ 73.325 Expiration date.

The dating period for Packed Red Blood Cells (Human) shall be no longer than 21 days after the date of bleeding the donor for the Citrated Whole Blood (Human) from which it was processed, except that if the seal is broken during processing the dating period shall be no longer than 24 hours after the seal was broken.

§ 73.326 General requirements.

Manufacturing responsibilities, periodic check on sterile technique, shipment, reissue and record-keeping for Packed Red Blood Cells (Human) shall be carried out in all respects as prescribed in § 73.304 (a), (b), (d), (e) and (f) respectively for Citrated Whole Blood (Human).

(Section 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 351, 58 Stat. 702; 42 U.S.C. 262)

Dated: February 23, 1961.

[SEAL] JOHN D. PORTERFIELD,
Acting Surgeon General.

Approved: March 2, 1961.

ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 61-2036; Filed, Mar. 7, 1961; 8:52 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 608]

[Airspace Docket No. 59-WA-377]

RESTRICTED AREAS

Withdrawal of Proposal To Revoke a Restricted Area

In a notice of proposed rule making published as Airspace Docket No. 59-WA-377 in the FEDERAL REGISTER on November 10, 1959 (24 F.R. 9172), it was stated that the Federal Aviation Agency proposed to revoke the Camp Claiborne, La., Restricted Area (R-3801), formerly (R-431).

Subsequent to the publication of this notice, the Department of the Air Force and the Department of the Army have been conducting negotiations for the shared use of other Restricted Areas to accommodate the activities presently conducted by the Air Force in the Camp Claiborne Restricted Area. Since these negotiations are expected to continue for an extended period of time, the Federal Aviation Agency is withdrawing the proposal contained in Airspace Docket No. 59-WA-377. The Department of the Air Force would continue essential activities in the Camp Claiborne Restricted Area until such time as an agreement is reached for the transfer of the activities at Camp Claiborne to other Restricted Areas.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the proposal contained in Airspace Docket No. 59-WA-377 is withdrawn.

Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 49 U.S.C. 1348).

Issued in Washington, D.C., on March 1, 1961.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61-1996; Filed, Mar. 7, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 10]

[Docket No. 13971]

LOCAL GOVERNMENT RADIO SERVICE

Frequency for Control of Traffic Lights by Mobile Units Installed in Emergency Vehicles

In the matter of amendment of Part 10 of the Commission's rules to make the frequency 39.06 Mc available to the Local Government Radio Service for control of traffic lights by mobile units installed in emergency vehicles; Docket No. 13971, RM-217.

1. The Commission is in receipt of a petition to amend Part 10 of its rules to provide a frequency on which mobile units may operate to control traffic lights. The petitioner is the City of Erie, Pennsylvania, which on May 2, 1960, received a developmental authorization under Part 10 of the Commission's rules to test and evaluate the performance of equipment designed and installed by the Rad-O-Lite Company in a specified area in Erie. The transmitters were placed in several police and fire vehicles and controlled traffic light at certain given intersections.

2. As a result of these tests, the City of Erie accompanied its petition with factual data demonstrating that such a system of traffic light control is feasible and desirable. The frequency utilized for these tests was 39.06 Mc which is presently available pursuant to § 10.255 (g) to licensees in the Police Radio Service. This frequency was selected because it contains a 3 watt power limitation (its main use thus far has been for walkie-talkies), and thus presented little likelihood of causing or receiving interference.

3. From the date of the developmental authorization on May 2, 1960, until December 1960, the petitioner states that "over 110,000 traffic light hours have been accumulated * * *," and during that time the Rad-O-Lite device has been utilized in 1440 individual emergency situations. To buttress its contention that this system is reliable and effiicient, the petitioner reports that "during the entire period there have been only two Rad-O-Lite component failures (both corrected), and two other failures, one most logically attributable to lightning striking the utility pole on which the Rad-O-Lite receiver was mounted, the other due to a weak battery in the transmitting police car—the weak battery further weakened by a 60 amp drain from the police siren." According to the petition, operation of the system was not affected by either weather conditions or time of day.

4. The petitioner also reports that extensive tests were made to ascertain whether its usage of the frequency 39.06 Mc would cause interference to existing police operations or whether interference would be received from such operations. In this regard, the following tests were conducted:

(a) "Two 39.06 Mc handy-talkies were on and placed on diagonal corners of the 12th and Myrtle Street intersection in Erie, Pennsylvania; a Rad-O-Lite equipped vehicle was run toward this intersection with the traffic control transmitter turned 'on.' There was no effect whatever on the successful operation of the traffic light control device, the traffic light being activated in the usual manner." The petitioner contends that this is "conclusive proof" that operations by walkie-talkies on this frequency will not impair the efficiency of the Rad-O-Lite traffic light control device.

(b) Reversing the situation, the City of Erie placed two handy-talkies 100 feet apart in an open field. The Rad-O-Lite transmitter was placed 1500 feet beyond the second handy-talky. "At these locations, intelligible conversations could be carried on between the two handy-talkies." Thus, it is the petitioner's contention that there will be no "unacceptable interference" either to or from the Rad-O-Lite device and the walkie-talkies.

5. It is the petitioner's proposal that these units be installed primarily in fire and police vehicles although it envisages use by other emergency vehicles. Hence, it is seeking to have the frequency 39.06 Mc made available to licensees in the Local Government Radio Service. In this manner, all emergency vehicles of a given governmental entity can utilize the device to control traffic lights in times of emergency. Since § 10.555(d) limits licensees in the Local Government Service to two frequencies, the petitioner requests amendment of that section to permit such licensees to obtain an authorization on the frequency 39.06 Mc without charge (i.e., in addition to any frequencies that the entity might otherwise obtain or have already obtained in this service).

6. The Rad-O-Lite device which the petitioner proposes to use requires a bandwidth in excess of that now permitted by the Commission's rules. Hence, it requests that the appropriate sections of the Commission's rules be amended to permit a bandwidth not in "excess of 32 kc nor deviation in excess of 5 kc." Since this system utilizes A9 emission, the petitioner also seeks to amend § 10.104(b) to so provide. It should be noted that this proposal contemplates retention of the 3-watt power limitation.

7. It is the Commission's opinion that the petitioner has established sufficient evidence to indicate that there may be some need for a device to control traffic lights from vehicles of a governmental entity in emergency situations. There is some question as to whether the means proposed are appropriate to meet this need. Particularly, the Commission has reference to the fact that the described system required a bandwidth of approximately 32 kc. In this connection, the Commission has pending before it a petition to split the land mobile service channels between 25 and 42 Mc. If that petition should be granted, one effect of granting the instant petition could be to preclude the possibility of utilizing the split channels 39.04 and 39.08 Mc immediately adjacent to 39.06 Mc. This is a factor which should be borne in mind by those wishing to file comments in this proceeding.

8. Authority for the rule amendments proposed herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

9. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal may file with the Commission on or before May 1, 1961, a written statement or brief setting forth his comments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all comments filed hereunder prior to taking final action in this matter provided that, notwithstanding the provisions of § 1.213 of the rules, the Commission will not be limited solely to the comments filed in this proceeding. If comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

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

Adopted: March 1, 1961.

Released: March 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-2051; Filed, Mar. 7, 1961; 8:54 a.m.]

Notices

CIVIL AERONAUTICS BOARD

[Docket No. 10946; Order No. E-16468]

SPECIFIC COMMODITY RATES

Agreements Adopted by Traffic Conferences of the International Air Transport Association

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3d day of March 1961:

There have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, agreements between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conferences 1 and 3 and Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board) and Resolution 590a (Specific Commodity Rates).

The agreements cancel certain specific commodity rates and name a number of additional rates.[1] The rates proposed are consistent with the level of rates in effect to other points for the commodities in question.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreements, which are incorporated in the following IATA Memoranda, to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

C.A.B. 12179	IATA memorandum
R-4	TC3/Rates 429.
C.A.B. 14358	
R-35	JT12/Rates 2553.
R-36	JT12/Rates 2554.
R-37	JT12/Rates 2552.
R-38	JT12/Rates 2557.
C.A.B. 14827	
R-12	TC1/Rates 1162.
R-13	TC1/Rates 1163.
R-14	TC1/Rates 1164.
R-15	TC1/Rates 1165.
R-16	TC1/Rates 1166.

Accordingly, it is ordered, That:

1. Agreement C.A.B. 12179, R-4, Agreement C.A.B. 14827, R-12 through R-16, and Agreement C.A.B. 14358, R-35 through R-38, are approved, provided that such approval shall not necessarily constitute approval of any specific commodity description contained therein for purposes of tariff publication.

2. Any air carrier party to the agreement or any interested person may, within 15 days from the date of service, submit statements in writing, containing reasons deemed appropriate, in support of or in opposition to the Board's approval herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 61-2037; Filed, Mar. 7, 1961; 8:51 a.m.]

[1] The agreements set forth in IATA Memoranda JT12/Rates 2552 and TC1/Rates 1166 name rates from Malta to Montreal and from Panama City to Managua, respectively. Under the terms of the basic agreements, a rate to/from Montreal may be applied to/from New York and a rate to/from Panama City may be applied to/from Balboa. Accordingly, the instant agreements fall within the Board's jurisdiction under section 412 of the Act as pointed out in Orders E-16160 and E-16339.

DEPARTMENT OF DEFENSE

Office of the Secretary

PROCESSING OF CLAIMS

Single Service Assignment of Responsibility

The following revised delegation of authority was approved on January 24, 1961:

Purpose. The purpose of this Directive is to assign single Service responsibility for the processing of claims against and in favor of the United States.

Applicability. This Directive is effective during peacetime and under war or emergency conditions, subject to the continued applicability of the Foreign Claims Act (10 U.S.C. 2734); Military Claims Act (10 U.S.C. 2733); and Act of August 31, 1954 (62 Stat. 1006; 31 U.S.C. 224i-2-224i-5).

Assignment of responsibility. A. Responsibility for the processing of all claims in favor of the United States, or against the United States and cognizable under the Foreign Claims Act (10 U.S.C. 2734); Military Claims Act (10 U.S.C. 2733); and Act of August 31, 1954 (68 Stat. 1006; 31 U.S.C. 224i-2-224i-5), which arise in the following countries is hereby assigned to the military departments designated below:

1. Department of the Army: Belgium, Ethiopia, France, The Federal Republic of Germany Iran, Korea, and as the Receiving State Office in the United States under Act of August 31, 1954 (68 Stat. 1006; 31 U.S.C. 224i-2-224i-5), and NATO Status of Forces Agreement (4 UST 1792, TIAS 2846).

2. Department of the Navy: Italy and Portugal.

3. Department of the Air Force: Canada, Denmark, Greece, Iceland, Japan, Libya, Luxembourg, Netherlands, Norway, Pakistan, Saudi Arabia, Spain, Turkey and the United Kingdom.

B. Notwithstanding the provisions of A., above, the Department of the Navy is authorized to settle non-scope of duty claims under $100 arising in foreign ports visited by the Sixth Fleet and may, subject to the concurrence of the authorities of the receiving state concerned, process such claims without regard to Article VIII, paragraph 6 of NATO Status of Forces Agreement (4 UST 1792, TIAS 2846).

Delegation of authority published at 25 F.R. 9065 is hereby superseded.

MAURICE W. ROCHE, *Administrative Secretary.*

[F.R. Doc. 61-1994; Filed, Mar. 7, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13968; FCC 61M-341]

CUMMINGS BROADCASTING ASSOCIATES

Order Scheduling Hearing

In re application of Herbert K. Cunnings and Alan H. Cummings, d/b as Cummings Broadcasting Associates, Joint Venture, Palm Springs, California, Docket No. 13968, File No. BP-13296, for construction permit.

It is ordered, This 1st day of March 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 14, 1961, in Washington, D.C.

Released: March 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-2044; Filed, Mar. 7, 1961; 8:53 a.m.]

[Docket Nos. 13887-13890; FCC 61M-342]

CAPITOL BROADCASTING CORP., INC. (WKXL) ET AL.

Order Continuing Hearing

In re applications of Capitol Broadcasting Corporation, Inc. (WKXL), Concord, New Hampshire, Docket No. 13887, File No. BP-12712; Tri-State Area Broadcasting Corporation (WTSA), Brattleboro, Vermont, Docket No. 13888, File No. BP-13126; WMAS, Incorporated (WMAS), Springfield, Massachusetts, Docket No. 13889, File No. BP-13264; Normandy Broadcasting Corporation (WWSC), Glens Falls, New York, Docket

No. 13890, File No. BP–13274; for construction permits.

The Hearing Examiner having under consideration verbal request of counsel of Capitol Broadcasting Corporation, Inc., requesting that the hearing now scheduled for March 6, 1961, be continued pending further discussions among other parties to the proceeding relative to certain procedural matters;

It appearing, that good cause exists why said request should be granted and there is no opposition thereto;

Accordingly, it is ordered, This 2d day of March 1961, that the request for continuance is granted, that the hearing in the proceeding now scheduled for March 6, 1961, be, and the same is hereby continued to March 23, 1961, 10:00 a.m., in the Offices of the Commission, Washington, D.C.

Released: March 2, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–2043; Filed, Mar. 7, 1961; 8:53 a.m.]

[Docket No. 13948; FCC 61M–348]

HARFORD COUNTY BROADCASTING CO. (WAMD)

Order for Prehearing Conference

In re application of John L. Allen, tr/as Harford County Broadcasting Company (WAMD), Aberdeen, Maryland, Docket No. 13948, File No. BP–12529; for construction permit.

A prehearing conference in the above-entitled proceeding will be held on Friday, March 17, 1961, beginning at 2:00 p.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 2d day of March 1961.

Released: March 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–2045; Filed, Mar. 7, 1961; 8:53 a.m.]

[Docket No. 13962; FCC 61M–338]

HIGH FIDELITY BROADCASTING CORP.

Order Scheduling Hearing

In re application of High-Fidelity Broadcasters Corp., Norristown, Pennsylvania, Docket No. 13962, File No. BP–13386; for construction permit.

It is ordered, This 1st day of March 1961, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 17, 1961, in Washington, D.C.

Released: March 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–2046; Filed, Mar. 7, 1961; 8:53 a.m.]

[Docket Nos. 13969, 13970; FCC 61–287]

NICHOLASVILLE BROADCASTING CO. AND JESSAMINE BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Pierce E. Lackey, F. E. Lackey, and Kathrine Peden d/b as Nicholasville Broadcasting Co., Nicholasville, Kentucky, requests 1250 kc, 500 w, Day, Class III, Docket No. 13969, File No. BP–13253; Inman S. Wood and Paul Everman d/b as Jessamine Broadcasting Co., Nicholasville, Kentucky, requests 1250 kc, 500 w, Day, Class III, Docket No. 13970, File No. BP–13358; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of March 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that in a prehearing letter dated November 22, 1960, and incorporated herein by reference, the Commission notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of either of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing, that the above-mentioned prehearing letter indicated that the proposal of WHIR, Inc. (File No. BP–13870, requesting 1230kc, 250w, 1kw–LS, U, Class IV), to increase the power of Station WHIR, Danville, Kentucky to 1 kilowatt, was timely filed with the above-captioned applications; and that mutual interference existed, but that it has been determined that the WHIR proposal, a Class IV station, will not receive a great amount of interference from either proposal and a grant of either will not preclude a grant of the WHIR application. Therefore, the WHIR proposal has been returned to the processing line and if either of the above-captioned applications is granted, it will be conditioned upon acceptance of interference arising from a grant of the WHIR proposal; and

It further appearing, that after consideration of the foregoing, and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant 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, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

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

It is further ordered, That, in the event of a grant of either of the instant proposals, the construction permit shall contain a condition that the permittee shall accept any interference resulting from a grant of the proposal of WHIR, Inc., File No. BP–13870, to increase daytime power of Station WHIR, Danville, Kentucky, to 1 kilowatt.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission 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 the above-captioned 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: March 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-2047; Filed, Mar. 7, 1961; 8:53 a.m.]

[Docket Nos. 13965-13967; FCC 61M-340]

ROCKFORD BROADCASTERS, INC. (WROK) ET AL.

Order Scheduling Hearing

In re applications of Rockford Broadcasters, Incorporated (WROK), Rockford, Illinois, Docket No. 13965, File No. BP-13422; Quincy Broadcasting Company (WGEM), Quincy, Illinois, Docket No. 13966, File No. BP-14225; Robert W. Sudbrink and Margareta S. Sudbrink, d/b as McLean County Broadcasting Co., Normal, Illinois, Docket No. 13967, File No. BP-14401; for construction permits.

It is ordered, This 1st day of March 1961, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 17, 1961, in Washington, D.C.

Released: March 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-2048; Filed, Mar. 7, 1961; 8:53 a.m.]

[Docket Nos. 13963, 13964; FCC 61M-339]

YOAKUM COUNTY BROADCASTING CO. AND ECHOLS BROADCASTING CO.

Order Scheduling Hearing

In re applications of Claude Calvin McAdams, tr/as Yoakum County Broadcasting Company, Denver City, Texas, Docket No. 13963, File No. BP-13531; Odis L. Echols, Sr., Odis L. Echols, Jr. and Elphin Rinn, d/b as Echols Broadcasting Company, Hobbs, New Mexico, Docket No. 13964, File No. BP-13603; for construction permits.

It is ordered, This 1st day of March 1961, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 26, 1961, in Washington, D.C.

Released: March 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-2049; Filed, Mar. 7, 1961; 8:53 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

CERTAIN HUMANELY SLAUGHTERED LIVESTOCK; SUPPLEMENTAL LIST OF HUMANE SLAUGHTERERS

Identification of Carcasses

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1 (25 F.R. 5863) the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 *et seq.*) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the list previously published under the act (26 F.R. 1742) for February and represents those establishments and species which were reported too late to be included in the earlier list or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier list was based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co	2AG	(*)					
Do	2AU	(*)		(*)			
Swift and Co	3AE	(*)	(*)			(*)	
Do	3C	(*)	(*)	(*)		(*)	
Do	3NN	(*)	(*)	(*)		(*)	
Lykes Bros., Inc., of Georgia	8	(*)				(*)	
Hygrade Food Products Corp	12G	(*)	(*)			(*)	
Mickelberry's Food Products Co	16					(*)	
Swift and Company	23	(*)		(*)			
American Packing Co	26	(*)	(*)	(*)		(*)	
Kreinberg and Krasny, Inc	30	(*)					
Roegelein Provision Co	32	(*)	(*)			(*)	
Sunnyland Packing Co	43	(*)				(*)	
Idaho Meat Packers	46	(*)	(*)	(*)		(*)	
Sunnyland Packing Co. of Alabama	56	(*)					
The Cudahy Packing Co	81	(*)	(*)			(*)	
Liberty Packing Co	101	(*)	(*)				
Ottawa Packing Co	135	(*)					
Swift and Co	166A	(*)	(*)	(*)		(*)	
Armour and Co	177	(*)	(*)				
Krey Packing Co	192	(*)	(*)	(*)		(*)	
United Fryer and Stillman, Inc	198	(*)					
The Cudahy Packing Co	203A	(*)				(*)	
Heinzs Riverside Abattoir, Inc	210	(*)					
S. Adams Packing Co	211	(*)	(*)				
Gold Merit Packing Co., Inc	232	(*)					
Suber Edwards and Co	250	(*)				(*)	
System Meat Co	269	(*)					
American Stores Co	279	(*)		(*)			
Western Packing Co	288	(*)					
Melton Provision Co	311	(*)	(*)	(*)	(*)		
C and M Meat Packing Corp	329	(*)	(*)				
Royal Packing Co	331	(*)					
Sokolik Packing Co	331A	(*)					
Anza Packing Co	345	(*)	(*)	(*)			
Heil Packing Co	357					(*)	
Watsonville Dressed Beef, Inc	398	(*)	(*)				
Schneider Packing Co	439	(*)					
Pioneer Provision Co	461	(*)					
Litvak Packing Co	465	(*)					
Armour and Co	477	(*)	(*)	(*)			
Swift and Co	505	(*)					
Gruensfelder Packing Co	508	(*)	(*)	(*)			
Capitol Packing Co	513	(*)	(*)	(*)			
Armour and Co	528	(*)	(*)				
Pepper Packing Co	536	(*)				(*)	
Swift and Co	548	(*)					
The Cudahy Packing Co	559	(*)	(*)			(*)	
Texas Meat Packers, Inc	565	(*)	(*)				
City of Austin Municipal Abattoir	590	(*)	(*)				
San Antonio Packing Co	602	(*)	(*)	(*)	(*)		
Swift and Co	608	(*)					
Eastern Oregon Meat Co., Inc	611	(*)					
H. H. Keim Co	630	(*)	(*)	(*)		(*)	
General Meat Co	632	(*)					
John Morrell and Co	650					(*)	
Wilson and Co., Inc	655	(*)		(*)			
St. Louis Dressed Beef Co	659	(*)					
McCook Packing Corp	660	(*)					
Scottsbluff Packing Company	667	(*)		(*)			
Union Packing Co	673	(*)					
Haas Davis Packing Co., Inc	682	(*)	(*)			(*)	
Marco Packing Co	692	(*)	(*)				
Carter Packing Co	698	(*)	(*)				
Central Nebraska Packing Co	713E						(*)
Decker and Son	727					(*)	
William N. Peters, Inc	741	(*)					
Norman Peters Packing Co	834	(*)					
Wells and Davies Packing Co	860	(*)	(*)			(*)	
Midwestern Packing Co., Inc	878	(*)	(*)				
Sigman Meat Co., Inc	901	(*)	(*)				
National Meat Packers, Inc	917	(*)	(*)				
Tarpoff Packing Co	931	(*)					
Volz Packing Co	938	(*)					
Greeley Capitol Packing Co	969	(*)		(*)			
McCabe Packing Plant	1312	(*)	(*)	(*)			

Done at Washington, D.C., this 2d day of March, 1961.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 61-2012; Filed, Mar. 7, 1961; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-16563 etc.]

CITIES SERVICE CO. ET AL.

Notice of Applications, Consolidation of Proceedings and Date of Hearing

MARCH 2, 1961.

Cities Service Company,[1] Docket No. G-16563; Jake L. Hamon, Operator, Docket No. G-16747; Renwar Oil Corporation, Operator, Docket No. G-16867; Tidewater Oil Company, Docket No. G-16908; Sunray Mid-Continent Oil Company, Docket No. G-17461.

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

The respective Applicants produce and propose to sell natural gas to United Gas Pipe Line Company (United) from the Northwest Corpus Christi Field, Nueces and San Patricio Counties, located in Texas Railroad Commission District Four in the State of Texas. United will allegedly transport the gas in interstate commerce and make sales thereof for resale. The Applicants' proposed initial base rate is 18 cents per Mcf at 14.65 psia plus 0.2034 cent per Mcf tax reimbursement. Temporary authorization has been issued to each of the Applicants between October 24, 1958 and January 23, 1959.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 4, 1961, at 10:00, 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.

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 March 24, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-2026; Filed, Mar. 7, 1961; 8:50 a.m.]

[Docket No. RI61-316]

COLUMBIAN FUEL CORP.

Order Amending Order Suspending Proposed Change in Rate, To Shorten Suspension Period, Permitting Increased Rate To Become Effective Subject To Filing an Undertaking and Denying Motion To Vacate Suspension Order

MARCH 2, 1961.

Columbian Fuel Corporation (Columbian) on February 1, 1961, filed a motion[1] for reconsideration of the Commission's order issued herein on January 6, 1961. The said order provided for hearing and suspended until June 8, 1961, Columbian's proposed change in rate designated Supplement Nos. 8 and 9 to its FPC Gas Rate Schedule No. 7. In its motion, Columbian requests that the Commission reconsider the action taken by its said order, and upon such reconsideration, to vacate said order, or alternatively to amend said order to reduce the period of suspension to one day.

Columbian contends, in essence, that: (1) the rate of 11.0 cents per Mcf, plus 1.0 cent per Mcf gathering charge, was being charged on June 7, 1954; (2) the Commission accepted for filing Supplement No. 7 to Rate Schedule No. 7, reflecting the 0.5 cent per Mcf compression charge; (3) the November 30, 1960, amendatory agreement (Supplement No. 8) reduced to formal agreement the pricing provisions already contained in Rate Schedule No. 7 and (4) the base rate of 11.0 cents per Mcf, plus adjustments of 1.5 cents per Mcf for gathering and compression, is consistent with and in accord with the Commission's Statement of General Policy No. 61-1.

In addition, Columbian lists several rates of 12.5 cents per Mcf and higher that have been accepted for filing by the Commision as June 7, 1954, rates, initial rates and rate changes. Using these rates as a basis of comparison, Columbian claims that the subject 12.5 cents per Mcf rates is below the present area price level and is not higher than rates already effective because of previous Commission actions.

While Columbian's proposed rate of 12.5 cents per Mcf exceeds the 11 cents per Mcf ceiling for increased rates in Kansas, as stated in its Statement of General Policy No. 61-1, "Of necessity we have not set forth the adjustments to these prices which must be made to take into account every possible provision of every contract which may affect the actual price, such as Btu adjustments, conditions of delivery etc. The relevance of such adjustments to the basic contract price and the appropriate established price standard must be considered as each filing is made."

The Commission finds:

(1) Upon reconsideration, it appears that due and proper administration of the Natural Gas Act requires that the order issued herein on January 6, 1961 should be amended to shorten the suspension period and the use of the above designated supplements as hereinafter ordered.

(2) Columbian's motion to vacate the order issued herein on January 6, 1961, should be denied.

The Commission orders:

(A) The period of suspension of the aforesaid proposed rate supplements, prescribed in our order issued herein on January 6, 1961, is hereby shortened to March 3, 1961, *Provided, however,* That said supplements shall become effective on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Columbian shall execute and file, in this docket with the Secretary of the Commission, its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copy thereof upon Cities Service Gas Company. Unless Columbian is advised to the contrary within 15 days after the filing of such agreement and undertaking, it shall be deemed to have been accepted.

(B) Columbian's motion to vacate the order issued herein on January 6, 1961, is hereby denied.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-2027; Filed, Mar. 7, 1961; 8:50 a.m.]

[Project No. 2276]

CALIFORNIA

Notice of Land Withdrawal

MARCH 2, 1961.

In the matter of Davis Creek Power Project, Project No. 2276.

Conformable to the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1063), as amended, notice is hereby given that the lands herein described, insofar as title thereto remains in the United States are included in Power Project No. 2276 (Davis Creek Power Project) for which completed application for a preliminary permit was filed April 25, 1960, by Robert P. Wilson, Taylorsville, California. Under said section 24 these lands are from said date of filing reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

[1] Successor to Arkansas Fuel Oil Corporation and subsequently to Cities Service Reserves, Inc. and Cities Service Oil Company.

[1] Columbian entitled the document "Motion for Reconsideration, for Vacation of Order of Suspension Order and Termination of Proceeding, or Alternatively, Amendment of Suspension Order and Application for Rehearing", which has been accepted for filing as a motion for reconsideration pursuant to § 1.12 of the Commission's rules of practice and procedure. An "application for re-hearing" of an interlocutory order, such as is here involved, may not properly be filed (§ 1.30(e) of the rules).

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 26 N., R. 11 E.,
Sec 14: SW¼NE¼, N½S½;
Sec. 15: E½SW¼, SE¼;
Sec. 21: E½NE¼, SW¼NE¼, SE¼;
Sec. 22: NW¼NE¼, NE¼NW¼, W½NW¼;
Sec. 28: NE¼, E½W½SE¼, E½SE¼.

The area of United States lands reserved pursuant to the filing of this application is approximately 1,160 acres, wholly within the Plumas National Forest, none of which has been previously withdrawn for purposes of power development.

Copies of the project map exhibit "H & I" (FPC No. 2276–1) have been transmitted to the Bureau of Land Management Forest Service, and Geological Survey.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–1997; Filed, Mar. 7, 1961; 8:45 a.m.]

[Docket No. E–6977]

PACIFIC POWER & LIGHT CO. AND CALIFORNIA OREGON POWER CO.

Notice of Application

MARCH 1, 1961.

Take notice that on February 17, 1961, a joint application was filed with the Federal Power Commission pursuant to sections 203 and 204 of the Federal Power Act by Pacific Power & Light Company ("Pacific") and The California Oregon Power Company ("Copco") authorizing (a) Copco and Pacific to merge, with Pacific as the Surviving Corporation; (b) Pacific to issue securities as part of the proposed merger; and, (c) Pacific to assume the obligation and liability with respect to the securities of Copco which it will assume as a result of such merger. Pacific is incorporated under the laws of the State of Maine and is qualified to transact business in the States of Oregon, Washington, Wyoming, Montana and Idaho and states that in consummating the proposed merger it will qualify to do business in the State of California. Copco is incorporated under the laws of the State of California and is qualified to transact business in the State of Oregon. The principal business office of Pacific is at Portland, Oregon and the principal business office of Copco is Medford, Oregon. Pacific is engaged principally in the business of generating, purchasing, transmitting, distributing and selling electric energy in Oregon, Washington, Wyoming, Montana and Idaho. Copco is engaged principally in the business of generating, purchasing, transmitting, distributing and selling electric energy in southern Oregon and northern California. Both Pacific and Copco own and operate facilities for the transmission of electric energy in interstate commerce, and for the sale of electric energy at wholesale in interstate commerce. Pacific and Copco have entered into an Agreement and Act of Merger dated January 18, 1961, providing for the merger of Copco into Pacific, Pacific to be the corporation surviving the merger. When the merger agreement becomes effective, the separate existence of Copco will cease and Pacific will succeed to all the rights and properties and be responsible for all debts, liabilities, and obligations of Copco, including all Notes and First Mortgage Bonds of Copco at the time outstanding under Copco's First Mortgage and Deed of Trust dated November 1, 1944 by American Trust Company (now Wells Fargo Bank American Trust Company) Trustee, as supplemented. On the effective date of the merger agreement, the Certificate of Organization of Pacific will be amended to provide that the authorized Capital Stock of Pacific as the Surviving Corporation shall consist of 126,533 shares of 5 percent Preferred Stock of the par value of $100 per share, 586,074 shares of Serial Preferred Stock of the par value of $100 per share and 8,212,679 shares of Common Stock of the par value of $6.50 per share, in lieu of Pacific's presently authorized shares of Capital Stock—126,533 shares, 450,000 shares and 6,000,000 shares, respectively. The merger agreement provides for the following treatment of the Preferred and Common Stock of Copco:

(a) Each share of the non-callable Seven Per Cent Preferred Stock of the par value of $100 per share of Copco which shall be issued and outstanding on the effective date of the merger agreement will be converted on such date into one share of non-callable 7.00 percent Serial Preferred Stock of the par value of $100 per share of the Surviving Corporation.

(b) Each share of the non-callable Six Per Cent Preferred Stock of the par value of $100 per share of Copco which shall be issued and outstanding on the effective date of the merger agreement will be converted on such date into one share of non-callable 6.00 percent Serial Preferred Stock of the par value of $100 per share of the Surviving Corporation.

(c) Each share of 4.70 percent Series Preferred Stock of the par value of $100 per share of Copco which shall be issued and outstanding on the effective date of the merger agreement will be converted on such date into one share of 5.00 percent Serial Preferred Stock of the par value of $100 per share of the Surviving Corporation.

(d) Each share of 5.10 percent Series Preferred Stock of the par value of $100 per share of Copco which shall be issued and outstanding on the effective date of the merger agreement will be converted on such date into one share of 5.40 percent Serial Preferred Stock of the par value of $100 per share of the Surviving Corporation.

(e) Each share of the Common Stock of the par value of $20 per share of Copco which shall be issued and outstanding on the effective date of the merger agreement will be converted on such date into one and two-tenths shares of the Common Stock of the par value of $6.50 per share of the Surviving Corporation.

The Surviving Corporation will not, according to the application, issue any fractional shares, as a result of the merger, but arrangements will be made pursuant to which each holder of Copco's Common Stock who becomes entitled to a fractional interest in a share will be enabled either to sell his fractional interest or to purchase the additional fractional interest required to entitle him to a full share. Applicants state that the proposed merger will promote the integration of the electric utility properties now separately owned and operated by Pacific and Copco and will result in better utilization of existing and potential power resources of the two companies. Applicants state also, among other things, that the proposed merger will result in a Surviving Corporation which will be both larger and financially stronger than either company operating separately, and that the proposed merger will produce immediate and substantial long-term benefits compatible with the public interest and the interest of investors and employees.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 20th day of March 1961, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–1998; Filed, Mar. 7, 1961; 8:46 a.m.]

[Docket Nos. RI61–365—RI61–373]

SOHIO PETROLEUM CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1] and Allowing Proposed Increased Rates To Become Effective Subject to Refund

MARCH 1, 1961.

Sohio Petroleum Company, Docket No. RI61–365; Producing Properties, Inc., (Operator), et al., Docket No. RI61–366; Bass and Vessels, et al., Docket No. RI61–367; Bass and Vessels (Operator), et al., Docket No. RI61–368; George H. Coates, Docket No. RI61–369; MWJ Producing Co. (Operator), et al., Docket No. RI61–370; Martin, Williams and Judson (Operator), et al., Docket No. RI61–371; Gordon P. Street, Docket No. RI61–372; Gordon Street, Inc., Docket No. RI61–373.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each case but one the sales are made at 14.65 psia. Sales under Sohio Petroleum Company's Rate Schedule 35, Supplement 8 are made at 15.025 psia. The proposed changes are designated as follows:

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

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI61-365	Sohio Petroleum Co., 970 First National Office Building, Oklahoma City 2, Okla.	33	5	Natural Gas P/L Co. of America (Camrick Field, Beaver County, Okla.).	$100	1-30-61	3-21-61	8-21-61	16.8	17.0	RI60-172
RI61-365	Sohio Petroleum Co.[2]	35	8	Texas Eastern Trans. Corp. (Greenwood-Waskom Field, Caddo Parish, La.).	99	2- 2-61	3- 5-61	8- 5-61	16.0058	16.211	G-19772
RI61-366	Producing Properties, Inc. (Operator), et al., 3500 Southland Center, Dallas 1, Tex.).	7	4	Mississippi River Fuel Corp. (Woodlawn Field, Harrison County, Tex.).	4,846	1-31-61	3- 3-61	8- 3-61	13.1248	14.1344	----------
RI61-366	Producing Properties, Inc. (Operator), et al.	8	8	do	30,894	1-31-61	3- 3-61	8- 3-61	13.1248	14.6392	----------
RI61-367	Bass & Vessels, et al., P.O. Box 910, McAllen, Tex.	9	2	Tennessee Gas Transmission Co. (N.E. Starr County Field, Starr County, Tex.).	2,592	1-31-61	3- 3-61	8- 3-61	15.0952	17.24347	G-19815
RI61-368	Bass & Vessels (Operator), et al.	7	3	Tennessee Gas Transmission Co. (N. Rincon Field, Starr County, Tex.).	9,586	1-31-61	3- 3-61	8- 3-61	15.0952	17.24347	G-19816
RI61-369	George H. Coates, 1610 Milam Building, San Antonio, Tex.	2	4	Tennessee Gas Transmission Co. (San Salvador Field, Hidalgo County, Tex.).	7,834	2- 3-61	3- 6-61	8- 6-61	15.0952	17.24347	G-19824
RI61-370	MWJ Producing Co. (Operator), et al., c/o Watkins and Rea, Attorneys, Munsey Building, Washington 4, D.C.	1	1 to 4	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.).	3,024	1-30-61	3- 2-61	3- 3-61	17.0	17.2295	RI60-88
RI61-370	MWJ Producing Co. (Operator), et al.	2	1 to 1	do	68	1-30-61	3- 2-61	3- 3-61	17.0	17.2295	RI60-88
RI61-370	do	3	1 to 2	El Paso Natural Gas Co. (Spraberry Field, Midland County, Tex.).	246	1-30-61	3- 2-61	3- 3-61	17.0	17.2295	RI60-88
RI61-370	do	4	1 to 1	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.).	68	1-30-61	3- 2-61	3- 3-61	17.0	17.2295	RI60-88
RI61-370	do	5	1 to 2	do	34	1-30-61	3- 2-61	3- 3-61	17.0	17.2295	RI60-88
RI61-370	do	6	1 to 9	El Paso Natural Gas Co. (Spraberry Field, Midland County, Tex.).	22	1-30-61	3- 2-61	3- 3-61	17.1632	17.2295	RI60-188
RI61-371	Martin, Williams and Judson (Operator), et al., % Watkins and Rea, Attorneys, Munsey Building, Washington 4, D.C.	1	1 to 2	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.).	244	1-30-61	3- 2-61	3- 3-61	17.0	17.2295	RI60-89
RI61-372	Gordon P. Street, % Watkins and Rea, Attorneys, Munsey Building, Washington 4, D.C.	2	1 to 5	do	392	1-30-61	3- 2-61	3- 3-61	17.1632	17.2295	RI60-85
RI61-372	Gordon P. Street	3	1 to 2	do	1,632	1-30-61	3- 2-61	3- 3-61	17.0	17.2295	RI60-85
RI61-373	Gordon Street, Inc. % Watkins and Rea, Attorneys, Munsey Building, Washington 4, D.C.	2	1 to 9	El Paso Natural Gas Co. (Spraberry Field, Midland County, Tex.).	28	1-30-61	3- 2-61	3- 3-61	71.1632	17.2295	RI60-86

[1] The pressure base is 14.65 psia except as shown in footnote 2.
[2] The pressure base is 15.025 psia.

The proposed changes of respondents MWJ Producing Company (Operator), et al., Martin, Williams and Judson (Operator) et al., Gordon P. Street and Gordon Street Inc. involve increases in tax reimbursements. The tax changes are the result of the failure of the aforementioned respondents to claim any or all of the tax reimbursements to which they were entitled in the filing of past renegotiated rate increases. As the tax charges are applicable to rates which are in effect subject to refund they should be suspended for one day.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

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

The Commission orders:

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

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by M. W. J. Producing Company (Operator), et. al., Martin, Williams and Judson (Operator), et al., Gordon P. Street and Gordon Street Inc., as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order said respondents shall execute and file under their respective above-designated docket numbers with the Secretary of the Commission their agreements and undertakings to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless said respondents are advised to the contrary within 15 days after the filing of such agreements and undertakings, their agreements and undertakings shall be deemed to have been accepted.

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

(D) Notices of intervention 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 and 1.37(f)) on or before April 17, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-2001; Filed, Mar. 7, 1961; 8:46 a.m.]

[Project No. 2101]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Notice of Application for Amendment of License

MARCH 1, 1961.

Public notice is hereby given that Sacramento Municipal Utility District, 2101 K Street, Sacramento 11, California, has filed application under the Federal Power Act (16 U.S.C. 791a–825r) for further amendment of its license for water-power Project No. 2101 under construction on tributaries of the American River in El Dorado County, California, and affecting lands of the United States within the El Dorado National Forest to change the proposed Loon Lake dam on Gerle Creek from rock-fill concrete-faced type to rock-fill type with impervious core, and to increase the dam height by approximately 19 feet so as to form a reservoir with storage capacity of 76,500 acre-feet at normal maximum operating elevation 6,410 feet. The spillway would be a side channel type on the right embankment.

Pursuant to section 24 of the Federal Power Act, the filing of this application has the effect of segregating from all forms of disposal any lands of the United States which may be contained within the project.

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 April 17, 1961. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–1999; Filed, Mar. 7, 1961; 8:46 a.m.]

[Docket No. E–6978]

SIERRA PACIFIC POWER CO.

Notice of Application

MARCH 1, 1961.

Take notice that on February 20, 1961, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Sierra Pacific Power Company ("Applicant") for authorization of the issuance of securities. Applicant is a corporation organized under the laws of the State of Maine and doing business in the States of Nevada and California with its principal business office at Reno, Nevada. Applicant proposes through appropriate action of its Stockholders to amend its Certificate of Organization so as to reclassify, change and increase the authorized 1,000,000 shares of Common Stock of the par value of $7.50 per share into 2,500,000 shares of Common Stock of the par value of $3.75 per share and to reclassify and change the presently outstanding 795,416 shares of Common Stock of the par value of $7.50 per share into 1,590,832 shares of Common Stock of the par value of $3.75 per share. Upon reclassification and change there shall be issued to the holders of the outstanding 795,416 shares of Common Stock of the par value of $7.50 per share, of record at the close of business on the date the amendment to the Certificate of Organization becomes effective, certificates for a like number of shares of Common Stock of the par value of $3.75 per share on the basis of one additional share of Common Stock of the par value of $3.75 per share for each share of Common Stock of the par value of $7.50 per share then held, in lieu of the surrender and exchange of existing certificates, which existing certificates shall thereupon be deemed to represent 795,416 shares of Common Stock of the par value of $3.75 per share. Certificates for the additional shares of Common Stock of the par value of $3.75 per share will be issued as soon as practicable to Common Stockholders of record at the close of business on the date the amendment to the Certificate of Organization becomes effective. Applicant states that the purpose of the reclassification and change of its Common Stock is primarily to establish the price per share at a market level that will more readily attract new investors and broaden the interest in the stock. The capital and surplus accounts of the Applicant will not be affected by the proposed reclassification and change of the Common Stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 24th day of March 1961, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–2000; Filed, Mar. 7, 1961; 8:46 a.m.]

[Docket No. E–6980]

VIRGINIA ELECTRIC AND POWER CO. AND APPALACHIAN POWER CO.

Notice of Application

MARCH 2, 1961.

Take notice that on February 23, 1961, a joint application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Virginia Electric and Power Company (VEPCO) and Appalachian Power Company (Appalachian) with respect to the disposition of approximately 13 miles of 132 KV transmission line. VEPCO is incorporated under the laws of the Commonwealth of Virginia and is qualified to do business in the States of Virginia, North Carolina and West Virginia. VEPCO is engaged in the business of generating and purchasing energy and transmitting and selling it at retail and at wholesale in an area comprising the greater part of Virginia, northeastern North Carolina and east central West Virginia. Its principal business office is at Richmond, Virginia. Appalachian is incorporated under the laws of the Commonwealth of Virginia and is qualified to do business in the States of Virginia, Tennessee and West Virginia. Appalachian is a public utility engaged in the generation, purchase, transmission and distribution of electric energy and its sale to the public in extensive territory in Virginia and West Virginia and in the supplying of electric energy at wholesale to other electric utility companies and municipalities in those States and Tennessee. The joint application is for approval of the sale by VEPCO and the purchase by Appalachian of a 132,000 volt transmission line of VEPCO in Virginia, approximately 13 miles in length, extending from the line side of the disconnect switches of VEPCO's Altavista Substation to the present point of interconnection between the two Applicants and consisting of towers, poles, conductors, and appurtenances, and including the related rights of way. The consideration to be paid is $212,210. Applicants state that the transmission facilities being sold have been and are being used for power and energy transactions between VEPCO and Appalachian and will continue to be used by Appalachian for the same purpose and also for transmission of power within the Appalachian System. According to the application, no addition to the facilities of VEPCO will be necessary to complete the transaction above-described or to enable VEPCO to perform all the functions and services heretofore performed by VEPCO; however, as the result of the proposed transaction the "Altavista interconnection point", as defined in the Appalachian-VEPCO Interconnection Agreement dated February 1, 1948, will be moved from its present location approximately 13 miles north of Altavista to VEPCO's Altavista Substation, and the existing facilities within VEPCO's Altavista Substation will be rearranged. Applicants state that the proposed transaction will promote efficiency and economy of operation and service to the public by strengthening the interconnection between VEPCO and Appalachian, especially in view of the construction by Appalachian of its Smith Mountain Combination Hydroelectric Project.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 20th day of March 1961, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–2028; Filed, Mar. 7, 1961; 8:50 a.m.]

[Docket No. CP61-87]

WESTERN KENTUCKY GAS CO.

Notice Fixing Date of Hearing

MARCH 2, 1961.

Take notice that the hearing concerning the matters involved in and the issues presented by the application in the above captioned proceeding relating to Perryville, Kentucky, originally set for 10:00 a.m., e.s.t., on November 21, 1960, in consolidation with The Berkshire Gas Company, et al., Docket No. CP61-74, et al., and on November 30, 1960, by order of the Commission severed and continued, subject to further notice by the Secretary of the Commission, is hereby re-set for April 10, 1961, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-2029; Filed, Mar. 7, 1961; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1]

APPLICATIONS FOR "GRANDFATHER" ALASKA CERTIFICATE OR PERMIT AND HAWAII FREIGHT FORWARDER PERMIT

FEBRUARY 24, 1961.

Section 1.243 of the Commission's special rules of practice have been amended to cover "grandfather" applications filed under the July 12, 1960, amendments.

Protests to the granting of an application must be filed with the Commission within 75 days of this publication in the FEDERAL REGISTER. A copy of the protest must be served on applicant's representative or on applicant if no practitioner represents him. The Special Rules provide further that failure to file a timely protest will be construed as a waiver of opposition and participation in the proceeding.

MOTOR CARRIER ALASKA "GRANDFATHER" RIGHTS

No. MC 339 (Sub No. 7), filed December 30, 1960. Applicant: LINCOLN MOVING & STORAGE CO., INC., P.O. Box 3945, 801 Holgate Street, Seattle 24, Wash. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, between points in Alaska, on the one hand, and, on the other, points in Washington west of the summit of the Cascade Mountains.

NOTE: Applicant states it is under common control and affiliation with Alaska Orient Van Service, Inc., Carrier holds Certificate No. MC 339 (Sub No. 1) authorizing the transportation of household goods between points in Washington, Oregon, and California.

No. MC 1931 (Sub No. 5), filed December 30, 1960. Applicant: MOLLERUP VAN LINES, a corporation, doing business as MOLLERUP VAN LINES AND MOLLERUP MOVING & STORAGE CO., 2900 South Main Street, P.O. Box 2188, Salt Lake City 10, Utah. Applicant's attorney: Bartley G. McDonough, 10 Executive Building, Salt Lake City 11, Utah. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, between points in Utah, Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Washington, and Wyoming, on the one hand, and, on the other, points in Alaska.

NOTE: Applicant also claims "grandfather" rights as a freight forwarder—See FF-290. Carrier holds Certificate No. MC 1931 authorizing the transportation of household goods between points in the States of Utah, Arizona, California, Colorado, Idaho, Montana, Nevada, Washington, and Wyoming.

No. MC 2934 (Sub No. 3), filed December 28, 1960. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 863 Massachusetts Avenue, Indianapolis, Ind. Applicant's attorney: James L. Beattey, Suite 1021-1029, 130 East Washington Street, Indianapolis 4, Ind. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, (1) between points in Alaska, and (2) between points in Alaska, on the one hand, and, on the other, points in the United States, including the District of Columbia.

NOTE: Applicant also claims "grandfather" rights as a freight forwarder—See FF-281. Carrier holds Certificate No. MC 2934 authorizing the transportation of household goods between all points in the United States.

No. MC 6992 (Sub No. 6), filed December 16, 1960. Applicant: AMERICAN RED BALL TRANSIT COMPANY, INC., 1000 Illinois Building, Indianapolis, Ind. Applicant's attorney: John S. Fessenden, Suite 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, (1) between points in Alaska, and (2) between points in Alaska, on the one hand, and, on the other, points in the United States except those in Alaska, Nevada, Utah, Idaho, North Dakota, Montana, Oregon, and Washington.

NOTE: Carrier holds Certificate No. MC 6992 authorizing the transportation of household goods between points in the United States.

No. MC 8768 (Sub No. 24), filed December 30, 1960. Applicant: SECURITY VAN LINES, INC., 120 West Airline Highway, Kenner, La. Applicant's attorney: Carll V. Kretsinger, Suite 1014-18 Temple Building, Kansas City 6, Mo. Authority sought to continue to operate as a *common carrier*, by motor vehicle over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, between points in Hawaii, on the one hand, and, on the other, points in Continental United States, and the District of Columbia.

NOTE: Applicant also claims "grandfather" rights as a freight forwarder. See FF-291. Carrier holds Certificate No. MC 8768 (Sub No. 1) authorizing the transportation of household goods between various States in the United States.

No. MC 8768 (Sub No. 25), filed December 30, 1960. Applicant: SECURITY VAN LINES, INC., 120 West Airline Highway, Kenner, La. Applicant's attorney: Carll V. Kretsinger, Suite 1014-18 Temple Building, Kansas City, Mo. Authority sought to continue to operate as a *common carrier*, by motor vehicle over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, between points in Alaska, on the one hand, and, on the other, points in the Continental United States, and the District of Columbia.

NOTE: Applicant also claims "grandfather" rights as a freight forwarder. See FF-291. Carrier holds Certificate No. MC 8768 (Sub No. 1) authorizing the transportation of household goods between various States in the United States.

No. MC 15735 (Sub No. 15), filed December 25, 1960. Applicant: ALLIED VAN LINES, INC., 25th Avenue and Roosevelt Road, Broadview, Ill. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, (1) from, to and between points in Alaska, and (2) between points in Alaska, on the one hand, and, on the other, points in the United States.

NOTE: Applicant also claims "grandfather" rights as a freight forwarder—See FF-272, covering Household goods, as defined by the Commission, between points in Hawaii and points in the United States and Alaska. Carrier holds Certificate No. MC 15735 (Sub No. 5) authorizing the transportation of household goods between points in the United States.

No. MC 22254 (Sub No. 29), filed December 30, 1960. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Avenue, Chicago, Ill. Applicant's attorney: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street NW., Washingtor 4, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: (A) *Household goods*, (1) Between points in Alaska. (2) Between points in Alaska, on the one hand, and, on the other,

points in the United States, except those in Alaska, Oregon, Idaho, California, Nevada, Utah, Arizona, and New Mexico. (3) Between Seattle, Wash., and points within 50 miles thereof, on the one hand, and, on the other, points in the United States (except those in Oregon, Idaho, California, Nevada, Utah, Arizona, and New Mexico), limited to shipments either originating or have ultimate destination at points in Alaska. (B) *Pianos,* (1) Between points in Alaska. (2) Between points in Alaska, on the one hand, and, on the other, points in the United States. (C) *Typewriters,* (1) between points in Alaska. (2) Between points in Alaska, on the one hand, and, on the other, points in the United States. (D) *Self-propelled passenger or property carrying vehicles,* (1) between points in Alaska. (2) Between points in Alaska, on the one hand, and, on the other, points in the United States.

NOTE: Carrier holds Certificate No. MC 22254 (Sub No. 8) authorizing the transportation of household goods between points in the United States.

No. MC 26825 (Sub No. 6), filed December 29, 1960. Applicant: ALBERT ROY ANDREWS, doing business as ANDREWS VAN LINES, Seventh and Park Avenues, Norfolk, Nebr. Applicant's attorney: Donald E. Leonard, IBM Building, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to continue to operate as a *common carrier,* by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods,* as defined by the Commission, between points in Alaska, on the one hand, and, on the other, points in Colorado, Delaware, the District of Columbia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Washington, Wisconsin, and Wyoming.

No. MC 36900 (Sub No. 9), filed December 30, 1960. Applicant: U.S. VAN LINES, INC., 59642 South U.S. 31, South Bend 14, Ind. Applicant's attorney: Ramon S. Reagan, 2255 Penobscot Building, Detroit 26, Mich. Authority sought to continue to operate as a *common carrier,* by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods,* as defined by the Commission, (1) between points in Alaska. (2) Between points in Alaska, on the one hand, and, on the other, points in the United States.

NOTE: Applicant also claims "grandfather" rights as a freight forwarder—See FF–289. Carrier holds Certificate No. MC 36900 authorizing the transportation of household goods between points in the United States.

No. MC 40215 (Sub No. 12), filed December 30, 1960. Applicant: RICHARDSON TRANSFER AND STORAGE CO., INC., 246 North Fifth Street, Salina, Kans. Applicant's attorney: Carll V. Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to continue to operate as a *common carrier,* by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods,* as defined by the Commission, between points in Alaska, on the one hand, and, on the other, points in the Continental United States, and the District of Columbia. Applicant also claims "grandfather" rights as a freight forwarder. See FF–292. Carrier holds Certificate Nos. MC 40215 and Sub No. 7 authorizing the transportation of household goods between points in various States.

No. MC 41098 (Sub No. 9), filed December 27, 1960. Applicant: GLOBAL VAN LINES, INC., 9100 East Garvey Avenue, P.O. Box 18900, South San Gabriel, Calif. Authority sought to continue to operate as a *common carrier,* by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods,* as defined by the Commission, (1) between points in Alaska, and (2) between points in Alaska, on the one hand, and, on the other, points in the United States except those in Arizona, Iowa, Maine, Minnesota, North Dakota, South Dakota, and Wyoming.

NOTE: Carrier holds Certificate No. MC 41098 authorizing the transportation of household goods between points in the United States.

No. MC 42487 (Sub No. 493), filed December 24, 1960. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to continue to operate as a *common carrier,* by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities,* (a) between points in Alaska, (b) between points in Alaska, on the one hand, and, on the other, points in Arizona, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

NOTE: Carrier holds Certificates MC 42487 and Subs thereunder, authorizing the transportation of general commodities between points in the above-named States.

No. MC 42866 (Sub No. 7), filed December 29, 1960. Applicant: NATIONAL VAN LINES, INC., 2800 Roosevelt Road, Broadview, Ill. Applicant's attorney: John S. Fessenden, Suite 618, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to continue to operate as a *common carrier,* by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods,* (1) between points in Alaska. (2) Between points in Alaska, on the one hand, and, on the other, points in the United States.

NOTE: Carrier holds Certificate No. MC 42866 authorizing the transportation of household goods between points in the United States.

No. MC 52657 (Sub No. 610), filed December 22, 1960. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to continue to operate as a *common carrier,* by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Motor vehicles,* in initial movements, from Oshkosh, Wis., to points in Alaska, with stop over at body or specialty plants or other places of manufacture located anywhere in the United States for the purpose of assembling or installing bodies or other equipment to such automobiles, tractors, trucks, trailers, and chassis.

NOTE: Carrier holds Certificates under MC 52657 and Subs thereunder covering operations throughout the United States.

No. MC 52793 (Sub No. 13), filed December 30, 1960. Applicant: BEKINS VAN LINES, CO., a corporation, 333 South Center Street, Hillside, Ill. Applicant's attorney: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to continue to operate as a *common carrier,* by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, (1) between points in Alaska. (2) Between points in Alaska, on the one hand, and, on the other, points in the United States.

No. MC 65802 (Sub No. 21), filed December 29, 1960. Applicant: LYNDEN TRANSFER, INC., P.O. Box 433, Lynden, Wash. Applicant's attorney: James T. Johnson, 609–11 Norton Building, Seattle 4, Wash. Authority sought to continue to operate as a *common carrier,* by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities,* between Fairbanks, Alaska, and points within a radius of 85 miles thereof, on the one hand, and, on the other, Anchorage and Valdez, Alaska.

NOTE: Carrier holds Certificate No. MC 65802 authorizing the transportation of general commodities between points in the State of Washington, including Ports of Entry between the United States and Canada.

No. MC 67234 (Sub No. 6), filed December 15, 1960. Applicant: UNITED VAN LINES, INC., 7808 Maplewood Industrial Court, Maplewood 17, Mo. Applicant's attorney: G. M. Rebman, Suite 1230, Boatman's Bank Building, St. Louis 2, Mo. Authority sought to continue to operate as a *common carrier,* by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods,* as defined by the

Commission in 17 M.C.C. 467, (1) between points in the United States and Alaska, and (2) between points in Alaska.

NOTE: Applicant states the proposed operations will be accessible by water and overland transportation. Also applicant claims "grandfather" rights as a freight forwarder. See FF-282. Carrier holds Certificate No. MC 67234 (Sub No. 1) authorizing the transportation of household goods between points in the United States.

No. MC 70272 (Sub No. 22), filed December 21, 1960. Aplicant: KING VAN LINES, INC., 6800 East Kellogg, Wichita, Kans. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, (1) between points in Alaska, and (2) between points in Alaska, on the one hand, and, on the other, points in the United States, except Hawaii.

No. MC 70451 (Sub No. 224), filed December 30, 1960. Applicant: WATSON BROTHERS TRANSPORTATION CO., INC., 1910 Harney Street, Omaha 2, Nebr. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, from points in the United States to points in Alaska.

No. MC 84719 (Sub No. 5), filed December 30, 1960. Applicant: BEKINS MOVING & STORAGE CO., a corporation, P.O. Box 1428, Aurora Avenue and North 95th Street, Seattle, Wash. Applicant's attorney: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Alaska.

No. MC 94350 (Sub No. 18), filed December 30, 1960. Applicant: TRANSIT HOMES, INC., Anderson Building, P.O. Box 273, Anderson, S.C. Applicant's attorney: John S. Fessenden, Suite 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Trailers*, designed to be drawn by passenger automobiles, in truckaway service, between points in Alaska, on the one hand, and, on the other, points in the United States.

NOTE: Carrier holds Certificate No. MC 94350 authorizing transportation of Trailers, with certain qualifications, between points in the United States.

No. MC 96612 (Sub No. 7), filed December 30, 1960. Applicant: ALASKA FREIGHT LINES, INC., P.O. Box 3025, Seattle 14, Wash. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except livestock, and those of unusual value, between points in Alaska.

No. MC 96615 (Sub No. 6), filed December 30, 1960. Applicant: L. H. DOOLITTLE, doing business as DOOLITTLE TRANSPORTATION CO., 500 Dakota Street, Seattle 8, Wash. Authority sought to continue to operate as a *common carrier* by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, between points in Alaska.

NOTE 1: Applicant states it controls operations of Pacific Northwest Motor Freight Lines, Inc., therefore, common control may be involved.

NOTE 2: Carrier holds Certificate No. 96615 authorizing the transportation of general commodities, with exceptions between Seattle, Wash., and Ports of Entry on the International Boundary line between the United States and Canada.

No. MC 103993 (Sub No. 142), filed December 27, 1960. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Trailers*, (1) between Fairbanks, Big Delta, Kodiak, and Juneau, Alaska, and (2) between (a) St. Louis, Mich., and Fairbanks, Alaska, (b) between Groveton, Va., and Big Delta, Alaska, (c) between Boise, Idaho, and Kodiak, Alaska, and (d) between Boise, Idaho, and Juneau, Alaska.

NOTE: Carrier holds Certificate No. MC 103993 and Subs thereunder authorizing the transportation of trailers, between points in the United States.

No. MC 106398 (Sub No. 165), filed December 16, 1960. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa 15, Okla. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Trailers*, designed to be drawn by passenger automobiles, in truckaway service, between points in the United States, on the one hand, and, on the other, points in Alaska.

NOTE: Carrier holds Certificate No. MC 106398 and subs thereunder, authorizing the transportation of trailers between points in the United States.

No. MC 107012 (Sub No. 30), filed December 29, 1960. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, (1) between points in Alaska, and (2) between point in Alaska on the one hand, and, on the other, points in the United States. Applicant also claims "grandfather" rights as a freight forwarder FF 276.

No. MC 107678 (Sub No. 29), filed December 23, 1960. Applicant: HILL & HILL TRUCK LINE, INC., 13019 Sarah Lane (P.O. Box 9698), Houston 15, Tex. Applicant's attorney: Joe G. Fender, Melrose Building, Houston 2, Tex. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, and commodities in bulk, between points in Alaska, on the one hand, and, on the other, Sweetgrass, Mont.

No. MC 107678 (Sub No. 30), filed December 23, 1960. Applicant: HILL & HILL TRUCK LINE, INC., 13019 Sarah Lane (P.O. Box 9698), Houston 15, Tex. Applicant's attorney: Joe G. Fender, Melrose Building, Houston 2, Tex. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: (1) *Machinery, equipment, materials and supplies*, used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and *pipe and machinery, equipment, materials and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof. (2) *Commodities*, the transportation of which, by reason of size or weight, requires the use of special equipment, and (3) *Mining and contractors' equipment, materials, and supplies*, between points in Alaska, on the one hand, and, on the other, points in Colorado, Kansas, Louisiana, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

No. MC 108068 (Sub No. 35), filed December 22, 1960. Applicant: U.S.A.C. TRANSPORT, INC., 457 West Fort Street, Detroit 26, Mich. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except new passenger automobiles, commodities moving in tank vehicles, and Classes A and B explosives, between points in Utah, Oklahoma, Texas, Kansas, California, Pennsylvania, Georgia, New York, Tennessee, Florida, Virginia, South Dakota,

Montana, Colorado, Alabama, and Illinois, on the one hand, and, on the other, points in Alaska.

NOTE: Carrier holds Certificate No. MC 108068 (Sub-No. 23) authorizing the transportation of general commodities, with exceptions, between points in certain States and Ports of Entry on the International Boundary line between the United States and Canada.

No. MC 110149 (Sub No. 4), filed December 30, 1960. Applicant: DEAN VAN LINES, INC., 18420 South Santa Fe Avenue, P.O. Box 923, Long Beach 1, Calif. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, designated by the Interstate Commerce Commission and *Ex Parte No. MC 19*, between points in Alaska on the one hand, and, on the other, points in the United States.

No. MC 110585 (Sub No. 11), filed December 30, 1960. Applicant: REPUBLIC VAN AND STORAGE CO., INC., 330 South Central Avenue, Los Angeles 13, Calif. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, (1) betwen points in Alaska, and (2) between points in Alaska, on the one hand, and on the other, points in the United States.

NOTE: Applicant also claims "grandfather" rights as a freight forwarder—See FF 287 and FF 287 Sub 1.

No. MC 112263 (Sub No. 8), filed December 30, 1960. Applicant: MARTIN VAN LINES, INC., 1461 Elliott Avenue, West, Seattle 99, Wash. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, (1) between points in Alaska, and (2) between points in Alaska on the one hand, and, on the other, points in Montana, Wyoming, Colorado, Idaho, Utah, Oregon, Washington, Minnesota, South Dakota, North Dakota, California, and Nevada.

NOTE: Carrier holds Certificate No. MC 112263 and subs thereunder authorizing the transportation of general commodities in the above-named States.

No. MC 113573 (Sub No. 6), filed November 15, 1960. Applicant: HERDA ALASKA TRUCK LINES, INC., 656 Pelham Boulevard, St. Paul 14, Minn. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, and commodities requiring special equipment, (1) between Minneapolis, St. Paul, Duluth, and Fosston, Minn., Minot, N. Dak., and Seattle, Wash., on the one hand, and, on the other, points in Alaska, and (2) between points in Alaska.

NOTE: Carrier holds Certificates Nos. MC 113573 and Sub 5 authorizing the transportation of general commodities between certain points in the United States and Ports of Entry on the International Boundary line between the United States and Canada.

No. MC 113753 (Sub No. 3), filed December 21, 1960. Applicant: WEAVER BROS., INC., P.O. Box 252, Anchorage, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities of all kinds, including heavy machinery, commodities in bulk, such as petroleum products, cement, ore and special aggregates in special equipment, explosives and ammunition for the military and commercial shippers, and household goods, REGULAR ROUTES:* Between points in Alaska, (1) from Big Delta over Alaska Highway 1 (Richardson Highway) to Delta Junction, Alaska, thence over Alaska Highway 2 (Alaska Highway) to the International Boundary line between the United States and Canada at the port of entry approximately forty (40) miles southeast of Northway Junction, Alaska, and return over the same route, serving all intermediate points. (2) From Valdez over Alaska Highway 2 (Alaska Highway) to Fairbanks, and return over the same route, serving all intermediate points. (3) From Seward over Alaska Highway 4 via Moose Pass to Junction Alaska Highway 3 (Glenn Highway), thence over Alaska Highway 3 (Glenn Highway) to Tok Junction, and return over the same route, serving all intermediate points. (4) From Homer over Alaska Highway 5 to junction Alaska Highway 4 at a point approximately 10 miles northwest of Moose Pass, and return over the same route, serving all intermediate points. (5) From Haines over Alaska Highway 9 to the International Boundary line between the United States and Canada at the port of entry approximately forty two (42) miles northwest of Haines, and return over the same route, serving all intermediate points. (6) From junction of Alaska Highway 5 at Soldotna to Nikishka over Sterling Highway, and return over the same route, serving all intermediate points. *IRREGULAR ROUTES:* Between points in Alaska.

NOTE: Carrier holds Certificate No. MC 113753 authorizing the transportation of General commodities with exceptions, between certain points in Oregon, Washington, and Montana, and Ports of Entry on the International Boundary line between the United States and Canada.

No. MC 114761 (Sub No. 3), filed December 30, 1960. Applicant: GETTER TRUCKING, INCORPORATED, P.O. Box 806, Cut Bank, Mont. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Machinery, machines, or parts, thereof, materials, supplies, equipment and building materials*, from, to, or between points in Alaska.

No. MC 115835 (Sub No. 3), filed December 30, 1960. Applicant: EXPRESS VAN LINES, INC., 2506 West Sixth Street, Los Angeles 57, Calif. Applicant's attorney: Herbert Burnstein, 160 Broadway, New York 38, N.Y. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, between points in California, Oregon, and Washington, and that part of Idaho on and west of U.S. Highway 93 and on and south of U.S. Highway 30, on the one hand, and, on the other, points in Alaska.

No. MC 117739 (Sub No. 3), filed December 30, 1960. Applicant: McCAHILL FREIGHT AND WAREHOUSING CO., INC., 501 Fireweed Lane, P.O. Box 452, Anchorage, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, and commodities in bulk, (1) between points in Alaska. (2) Between points in Alaska and Seattle, Wash.

No. MC 118145 (Sub No. 1), filed December 30, 1960. Applicant: O. G. NESS, doing business as O. G. TRUCK CO., P.O. Box 41, Valdez, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, from, to, and between points in Alaska.

No. MC 118208 (Sub No. 3), filed December 28, 1960. Applicant: H. E. WRIGHT, doing business as WRIGHT-WAY AUTO CARRIER, 602 Gamble Street, Anchorage, Alaska. Applicant's attorney: Joseph H. Trethewey, 330 White Henry Stuart Building, Seattle 1, Wash. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: (1) *Motor vehicles* and *tractors*, in secondary movements, in truckaway and driveaway service, and (2) *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipments, (a) between points in Alaska, and (b) between Seattle, Wash. and points in Alaska.

No. MC 118433 (Sub No. 2), filed December 23, 1960. Applicant: HILL & HILL TRANSPORT OF CANADA, LTD., 10351—60th Avenue, South, Edmonton, Alberta, Canada. Applicant's attorney: Joe G. Fender, Melrose Building, Houston 2, Tex. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, ex-

cept those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Alaska.

NOTE: Applicant states the proposed transportation shall be restricted to traffic moving to or from points in Alberta Province, Canada.

No. MC 118444 (Sub No. 2), filed November 21, 1960. Applicant: BILL UNFER AND VIC UNFER, doing business as UNFER BROS., Box 491, Valdez, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, commodities in bulk, in tank type equipment, and household goods as defined by the Commission, (1) between Valdez, Alaska, and points in Alaska, and (2) between Haines, Alaska, and points in Alaska, and (3) between points on the International Boundary line between the United States and Canada, at or near Border City, Alaska, and points in Alaska.

No. MC 118445 (Sub No. 2), filed December 30, 1960. Applicant: JIMMY A. PERSINGER, doing business as PERSINGER TRANSPORT CO., College, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, commodities in bulk in tank type equipment, between points in Alaska.

No. MC 118446 (Sub No. 2), filed December 30, 1960. Applicant: JOHN P. KNUDSEN, doing business as KNUDSEN FAST FREIGHT, 6200 DeBarr, Anchorage, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, commodities in bulk, and those requiring special equipment, (1) between Valdez, Alaska, and Anchorage, Alaska. (2) Between Tok Junction, Alaska, and Anchorage, Alaska, on the one hand, and, on the other, points in Alaska.

No. MC 118447 (Sub No. 2), filed December 31, 1960. Applicant: JOE A. LENTZ, JR., doing business as LENTZ EXPRESS, Star Route, Palmer, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, commodities in bulk, those requiring special equipment, and those of unusual value, between points in Alaska.

No. MC 118448 (Sub No. 2), filed December 2, 1960. Applicant: HOWARD BAYLESS, ALICE BAYLESS, RICHARD ROBERTS, ROBERT ROBERTS, AND ELLIS ROBERTS, a partnership, doing business as BAYLESS & ROBERTS, Copper Center, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: (1) *General commodities*, except Classes A and B explosives, Household goods as defined by the Commission, and articles of unusual value, between Valdez, Alaska, and points in Alaska, and (2) *Bulk commodities in tank-type equipment, commodities requiring special equipment because of unusual size, shape, or weight*, and *Contractors equipment, material and supplies, Mining equipment and supplies*, between Haines, Alaska, and points in Alaska, and (3) *General commodities*, with the abovenamed exceptions, and *Contractors and Mining equipment, material and supplies*, between points in Alaska.

No. MC 118449 (Sub No. 2), filed December 30, 1960. Applicant: CHARLES O. TACHICK AND MELVIN TACHICK, doing business as TACHICK FREIGHT LINES, P.O. Box 84, Soldotna, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, and commodities in bulk, between points in Alaska.

No. MC 118450 (Sub No. 2), filed December 30, 1960. Applicant: VICTOR D. BARBER, Leger Road, P.O. Box 1835, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk, from, to, and between points in Alaska.

No. MC 118451 (Sub No. 2), filed December 30, 1960. Applicant: V. D. BARBER AND CARROLL BARBER, doing business as V. D. BARBER & SON, Leger Road, P.O. Box 1835, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, and articles of unusual value, between points in Alaska.

No. MC 118452 (Sub No. 2), filed December 12, 1960. Applicant: ARCTIC MOTOR FREIGHT, INC., Mile 2, Seward Highway, P.O. Box 601, Anchorage, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, and articles of unusual value, between points in Alaska.

NOTE: Applicant states authority is specifically requested to perform interline or interchange service at all authorized points and places in Alaska.

No. MC 118474 (Sub No. 2), filed December 28, 1960. Applicant: AIR VAN LINES, INC., 2d Off Post Road, P.O. Box 3413 (Eastchester Branch), Anchorage, Alaska. Applicant's attorney: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities, including household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Alaska.

No. MC 118475 (Sub No. 2), filed December 27, 1960. Applicant: EVERETT W. HEPP AND FRANK X. CHAPADOS, doing business as H & S WAREHOUSE ASSOCIATION, Room 230, Chena Building, 510 Second Avenue, P.O. Box 227, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, commodities in bulk, and those requiring special equipment, between points in Alaska.

No. MC 118477 (Sub No. 3), filed December 27, 1960. Applicant: THOMAS JATZECK, doing business as T. J. TRUCKING, 406 Broadway, P.O. Box 232, Valdez, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, between points in Alaska.

NOTE: Applicant states it is affiliated with Alaska Valdez Transport, Inc., therefore, common control may be involved.

No. MC 118480 (Sub No. 3), filed December 30, 1960. Applicant: PENINSULA FAST FREIGHT, INC., P.O. Box 586, 17th and Gambell Streets, Anchorage, Alaska. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, and livestock, between points in Alaska.

NOTE: Applicant states it is under common control with Continental Van Lines, Inc., and Crone Moving & Storage Co., Inc.

No. MC 118481 (Sub No. 2), filed December 28, 1960. Applicant: S. S. MULLEN, INCORPORATED, doing business as S. S. MULLEN, INCORPORATED, TRUCKING CO., 220 River Street, P.O. Box 3886, Terminal, Seattle 24, Wash. Applicant's attorney: John H. Faltys, Suite 1107 American Building, 920 Sec-

ond Avenue, Seattle 4, Wash. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Petroleum products, construction materials and equipment*, from, to and between points in Alaska.

NOTE: Applicant states the above operations have been performed during the summer construction season.

No. MC 118482 (Sub No. 2), filed December 30, 1960. Applicant: SMYTH OVERSEAS VAN LINES, INC., 1024 East Pike Street, Seattle 22, Wash. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: (a) *General commodities*, and (b) *Household goods* as defined by the Commission, between points in Alaska.

NOTE: Applicant states it is under common control with Smyth Van & Storage Co., Inc., and Smyth Van & Storage Co. of California, Inc. Applicant further states all three companies are owned and controlled by Smyth Worldwide Movers, Inc.

No. MC 118489 (Sub No. 2), filed December 19, 1960. Applicant: HERBERT N. KOPPERUD, doing business as KOPPERUD TRANSPORTATION, Palmer, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk in tank type equipment, (1) between Anchorage, Alaska and points in Alaska. (2) Between Palmer, Alaska, and points in Alaska. (3) Between Seward, Alaska, and points in Alaska. (4) Between points in the Commercial Zones of Anchorage, Palmer, and Wasilla, Alaska.

No. MC 118490 (Sub No. 2), filed December 30, 1960. Applicant: ALASKA VAN & STORAGE CO., INC., P.O. Box 3386, Eastchester Branch, Post Road, Anchorage, Alaska. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, between points in Alaska.

NOTE: Applicant states it is under common control or affiliated with Alaska Terminals, Inc., Martin Van Lines, Inc., and Martin Overseas Van Lines, Inc.

No. MC 118491 (Sub No. 2), filed December 30, 1960. Applicant: HUGH B. MITCHELL, PAUL POLLOCK, AND D. C. TAYLOR, doing business as ALASKA TERMINALS, P.O. Box 3638, Eastchester Branch, Anchorage, Alaska. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, and livestock, between points in Alaska.

NOTE: Applicant states it is under common control or affiliated with Alaska Van & Storage Co., Inc., Martin Van Lines, Inc., and Martin Overseas Van Lines, Inc.

No. MC 118493 (Sub No. 5), filed December 27, 1960. Applicant: MITCHELL TRUCK & TRACTOR SERVICE, INC., 1911 Cushman Street, P.O. Box 787, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: (a) *General commodities*, except those of unusual value, Classes A and B explosives, livestock, and commodities in bulk, and (b) *Motor vehicles*, in secondary movements, in truckaway service, (1) between points in Alaska, and (2) between points in Alaska and Seattle, Wash.

No. MC 118494 (Sub No. 2), filed December 30, 1960. Applicant: DENALI TRANSPORTATION CORPORATION, 1113 Cushman Street, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, commodities in bulk, and those requiring special equipment, from, to, or between points in Alaska.

NOTE: Applicant states Sigurd Wold, President, owns stock in Sig Wold Storage & Transfer, Inc., and Leo Schlotfeldt and Agnes Schlotfeldt, Vice President and Secretary-Treasurer, respectively, own stock in Sourdough Express, Inc.

No. MC 118495 (Sub No. 2), filed December 15, 1960. Applicant: JACK H. WALLACE, doing business as COPPER RIVER FREIGHT LINES, 514 Hobart Street, P.O. Box 194, Valdez, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, livestock, and articles of unusual value, between points in Alaska.

No. MC 118506 (Sub No. 2), filed December 30, 1960. Applicant: ALASKA ORIENT VAN SERVICE, INC., 801 Holgate Street, Seattle 4, Wash. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, between points in Alaska.

NOTE: Applicant states it is under common control and affiliation with Lincoln Moving & Storage Co., Inc.

No. MC 118511 (Sub No. 1), filed December 30, 1960. Applicant: WILLIAM C. WARD, doing business as W. C. WARD TRUCKING CO., 127½ Minnie Street, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, and commodities in bulk other than tank type equipment, between points in Alaska.

No. MC 118513 (Sub No. 2), filed December 9, 1960. Applicant: JAMES F. DIERINGER, doing business as DIERINGER TRUCKING SERVICE, P.O. Box 183, Valdez, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and livestock, between points in Alaska.

No. MC 118514 (Sub No. 2), filed December 25, 1960. Applicant: GENE ROGGE, doing business as SOURDOUGH FREIGHT LINES, P.O. Box 276, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, and articles of unusual value, between points in Alaska.

No. MC 118515 (Sub No. 2), filed December 30, 1960. Applicant: GERALD A. PROTZMAN, doing business as JERRY'S FREIGHT SERVICE, Sterling 86, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, and commodities in bulk, between points in Alaska.

No. MC 118516 (Sub No. 2), filed December 27, 1960. Applicant: RICHARD DEJONG, 4300 Lois Drive, Spenard, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, and articles of unusual value, from, to and between points in Alaska.

NOTE: Applicant states authority is specifically requested to perform interline or

interchange service at all authorized points and places in Alaska.

No. MC 118518 (Sub No. 3), filed December 15, 1960. Applicant: WALTER CHRISTENSEN, P.O. Box 552, Homer, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, commodities in bulk, and those requiring special equipment, *REGULAR ROUTES:* (1) Between Anchorage, Alaska, and Seward, Alaska: from Anchorage over Alaska Highway 4 to Seward, and return over the same route, serving all intermediate points. (2) Between the junction of Alaska Highway 4 and Alaska Highway 5 to Homer, Alaska: from the junction of Alaska Highway 4 and Alaska Highway 5 over Alaska Highway 5 to Homer, and return over the same route, serving all intermediate points. (3) Between Soldotna, Alaska, and Kenai, Alaska: from Soldotna over the Kenai Spur Road to Kenai, and return over the same route, serving all intermediate points. *IRREGULAR ROUTES:* Between points on the Kenai Peninsula generally south of an imaginary line from the Alaska Railroad running approximately East-West between Whittier and Alaska Highway 4 continuing to Turnagain Arm.

No. MC 118520 (Sub No. 5), filed December 29, 1960. Applicant: ALASKA TRUCK TRANSPORT, INC., P.O. Box 797, Anchorage, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities, including household goods*, as defined by the Commission, and excepting articles of unusual value, and Classes A and B explosives, (1) between points in Alaska. (2) Between points in Alaska, on the one hand, and, on the other, points in Washington, and Montana, and Portland, Oreg.

No. MC 118524 (Sub No. 2), filed December 30, 1960. Applicant: SIG WOLD STORAGE & TRANSFER, INC., P.O. Box 791, 802 2d Avenue, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, commodities in bulk, and those requiring special equipment, from, to, or between points in Alaska.

NOTE: Applicant states Sig Wold, President, owns stock in the Denali Transportation Corporation, therefore, common control may be involved.

No. MC 118525 (Sub No. 2), filed December 27, 1960. Applicant: ALASKA VALDEZ TRANSPORT, a corporation, P.O. Box 232, Valdez, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, other than those transported in tank type equipment, between points in Alaska.

NOTE: Applicant states Thomas Jatzeck, President, is the owner-operator of R. J. Trucking, therefore, common control may be involved.

No. MC 118527 (Sub No. 2), filed December 30, 1960. Applicant: SOURDOUGH EXPRESS, INC., P.O. Box 288, 531 3d Avenue, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, commodities in bulk, and those requiring special equipment, from, to, or between points in Alaska.

NOTE: Applicant states Leo A. Schlotfeldt and Agnes H. Schlotfeldt, President and Secretary-Treasurer, respectively, own stock in the Denali Transportation Corporation, therefore, common control may be involved.

No. MC 118534 (Sub No. 2), filed December 30, 1960. Applicant: E. F. WESTPHAL, doing business as TOK DISTRIBUTING SERVICE, P.O. Box 892, Tok, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Comerce Act, transporting: *General commodities*, except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment because of unusual size, shape or weight, *REGULAR ROUTE:* Between Anchorage, Alaska, and Tok, Alaska; from Anchorage over Alaska Highway 3 to Tok, and return over the same route, serving all intermediate points. *IRREGULAR ROUTE:* Between points in Alaska.

No. MC 118620 (Sub No. 2), filed December 16, 1960. Applicant: THE BRITISH YUKON NAVIGATION COMPANY, LIMITED, P.O. Box 1121 (311 Franklin Street), Juneau, Alaska. Applicant's attorney: N. C. Banfield, P.O. Box 1121, Juneau, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over regular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Passengers and their baggage, express and newspapers*, between the International Boundary line between Alaska and Canada and Haines, Alaska: from the port of entry on the International Boundary line between Alaska and Canada at or near Porcupine, Alaska, over Alaska Highway 9 to Haines, Alaska, and return over the same route serving all intermediate points.

NOTE: Applicant states it is under control of its parent corporation the White Pass & Yukon Corporation, Limited, which also controls Pacific and Arctic Railway and Navigation Company and Pacific and Arctic Pipelines, Incorporated, therefore, common control may be involved.

No. MC 118758 (Sub No. 3), filed December 29, 1960. Applicant: J. L. HOUCK, doing business as WHITE BIRCH TRAILER SALES & SERVICE, 6th and Karluk Street, P.O. Box 1959, Anchorage, Alaska. Applicant's attorney: Jerrold Scoutt, Jr., Cafritz Building, Washington, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *House trailers and contents*, (1) between points in Alaska, and (2) between points in Alaska and points in California, Colorado, Indiana, Illinois, Michigan, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Washington, and Wisconsin.

No. MC 118778 (Sub No. 2), filed December 29, 1960. Applicant: BEE LINE FREIGHT SERVICE, INC., doing business as BEE LINE FUEL COMPANY, P.O. Box 187, 1340 Ocean Dock Road, Anchorage, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: (1) *Automobiles, trucks*, and *truck trailers*, in truckaway and driveaway service. (2) *Petroleum products*, in bulk, in tank vehicles. (3) *General commodities*, except household goods, Classes A and B explosives, and commodities in bulk other than those transported in tank type equipment, and articles of unusual value, between points in Alaska.

No. MC 118805 (Sub No. 2), filed December 30, 1960. Applicant: CONTINENTAL VAN LINES, INC., P.O. Box 3963, 4501 West Marginal Way, Seattle 22, Wash. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, between points in Alaska.

NOTE: Applicant states it is under common control with Peninsula Fast Freight, Inc., and Crone Moving & Storage Co., Inc. Applicant further states all three carriers are controlled by E. W. Hundley, who is an officer, director and majority stockholder of each.

No. MC 118832 (Sub No. 4), filed December 30, 1960. Applicant: ALASKA HYWAY TOURS, INC., 510 Northward Building, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Passengers*, in seasonal operations approximately May 1 through September 30, inclusive, of each year, in special package, conducted sightseeing tours in Alaska; *REGULAR ROUTES:* (1) Between Fairbanks, Alaska, and Seward, Alaska; from Fairbanks over Alaska Highway 1 to junction Alaska Highway 3, thence over Alaska Highway 3 to Anchorage, thence over Alaska Highway 4 to Seward, and return over the same route, serving the intermediate point of

Anchorage, and off-route points in Matanuska Valley, Portage Glacier, and Valdez. (2) Between Fairbanks, Alaska, and the port of entry on the International Boundary line between the United States and Canada on Alaska Highway 2; from Fairbanks over Alaska Highway 1 to junction Alaska Highway 2, thence over Alaska Highway 2 to the International Boundary line between the United States and Canada, and return over the same route, serving the intermediate point of Scottie Creek, Alaska. *IRREGULAR ROUTES:* From, to, or between points in Alaska as follows. (1) Fairbanks local sightseeing tours, within and without the city of Fairbanks, within the Fairbanks mining area. (2) Anchorage local sightseeing tours within the city of Anchorage. (3) Fairbanks transfers, carrier to lodging and carrier to carrier. (4) Anchorage transfers, carrier to lodging and carrier to carrier.

No. MC 119006 (Sub No. 2), filed December 31, 1960. Applicant: R. S. McCOMBE, Chicken, Alaska. Authority sought to continue to operate as a *common carrier,* by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities,* between points in Alaska.

No. MC 119402 (Sub No. 2) filed December 14, 1960. Applicant: CARL H. MEIER, doing business as PALMER TRANSFER, P.O. Box 1745, Palmer, Alaska. Authority sought to continue to operate as a *common carrier,* by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities,* except Classes A and B explosives, commodities in bulk, commodities requiring special equipment because of unusual size, shape or weight, and livestock, between Anchorage, Alaska, and points within a 100 mile radius thereof.

No. MC 119558 (Sub No. 2), filed December 30, 1960. Applicant: A. F. TISCHER, 3305 Oregon Drive, Spenard, Alaska. Authority sought to continue to operate as a *common carrier,* by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Trailers,* designed to be drawn by passenger vehicles, *including mobile homes and mobile motel units,* (1) between points in Alaska, and (2) Between points in Alaska, on the one hand, and, on the other, points in Colorado, Idaho, Indiana, Kansas, Michigan, Minnesota, Montana, Nebraska, Oklahoma, South Dakota, Washington, and Wisconsin.

NOTE: Applicant states if the authority herein is granted it shall be construed as authorizing carrier to interchange shipments with authorized carriers.

No. MC 119660 (Sub No. 1), filed December 30, 1960. Applicant: LEONARD C. BIBLER AND WILLIAM L. BIBLER, doing business as B & M TRANSPORT SERVICE, P.O. Box 784, 10th and Turpin Streets, Anchorage, Alaska. Authority sought to continue to operate as a *common carrier,* by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities,* except household goods, and Classes A and B explosives, between points in Alaska.

NOTE: Applicant states it also transports *bulk cement* in summer months only.

No. MC 119723 (Sub No. 1), filed December 30, 1960. Applicant: WILLIAM A. HOOD, JOHN W. HOOD, AND RICHARD HOOD, doing business as HOOD AND SONS, 618 Fourth Street, P.O. Box 362, Valdez, Alaska. Authority sought to continue to operate as a *common carrier,* by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, between Valdez, Alaska, and points in Alaska, with privilege of interline on shipments having a prior or subsequent movement at Valdez.

No. MC 119724 (Sub No. 1), filed December 9, 1960. Applicant: RICHARD H. JENSEN, doing business as BRISTOL BAY CONTRACTORS, General Delivery, King Salmon, Alaska. Authority sought to continue to operate as a *common carrier,* by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities,* except Classes A and B explosives, between points in and on the Alaska Peninsula, described as follows: southwest of a line starting at the mouth of the Kuichak River to its source at Igiugig, Alaska; thence east along the south shore of Lake Illiamna to Pile Bay, Alaska; thence southeast over an unnamed road to Portage Bay on the Cook Inlet, the northern limit of the territory. The southerly limit being False Pass. Serving also all points on the above described boundary lines.

NOTE: Applicant also claims "grandfather" rights as a freight forwarder—See FF–264, covering Bulk petroleum products, Seattle, Wash., to King Salmon, Alaska.

No. MC 123134 (Sub No. 1), filed December 19, 1960. Applicant: ANCO SHIPPING CO., a corporation, Terminal Yards, Anchorage, Alaska. Applicant's attorney: Wallace Aiken, 1215 Norton Building, Seattle 4, Wash. Authority sought to continue to operate as a *common carrier,* by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities,* except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, and commodities requiring special equipment, between points in Alaska.

No. MC 123284, filed December 12, 1960. Applicant: JOHN P. SNOW AND EUGENE L. SNOW, doing business as SNOW TRANSPORTATION COMPANY, Bethel, Alaska. Authority sought to continue to operate as a *common carrier,* by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Stove oil, building materials, furniture,* and *groceries (case),* serving Bethel, Alaska, and points within nine (9) miles thereof, in conjunction with lighterage operations.

NOTE: Applicant has also filed a BOR 98 application covering water carrier operations in Alaska, assigned Docket No. W–1152.

No. MC 123297, filed December 16, 1960. Applicant: CARL V. LINDSTROM AND ELMER E. LINDSTROM, doing business as RELIABLE TRANSFER, 200 Franklin Street, P.O. Box 2230, Juneau, Alaska. Authority sought to continue to operate as a *common carrier,* by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, Transporting: *General commodities, household and personal effects, building materials,* from Yakutat, Alaska, South and Southwest to points in Southeastern Alaska including ports of entry on the International Boundary line between Alaska and British Columbia at Prince Rupert, British Columbia.

No. MC 123298, filed December 19, 1960. Applicant: AL RENK & SONS, INC., Mile 1 Seward Highway, P.O. Box 3085, Anchorage, Alaska. Authority sought to continue to operate as a *common carrier,* by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities,* except Classes A and B explosives, commodities in bulk, commodities of unusual value, livestock, and household goods as defined by the Commission, between points in Alaska.

No. MC 123313, filed December 23, 1960. Applicant: ORME TRANSFER COMPANY, 535 Willoughby Avenue, Juneau, Alaska. Authority sought to continue to operate as a *common carrier,* by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities,* except Classes A and B explosives, between points in the area known as South Eastern Alaska that lies generally south and east of Yakutat, Alaska.

No. MC 123323, filed December 27, 1960. Applicant: ALASKA TRANSFER, INC., 149 South Main Street, Juneau, Alaska. Authority sought to continue to operate as a *common carrier,* by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities,* between points in the area known as Southeastern Alaska; generally South and East of Yakutat, Alaska; and between points in the described area and Anchorage and Fairbanks, Alaska.

No. MC 123326, filed December 27, 1960. Applicant: ROSANDER AND REED, Ophir, Alaska. Authority sought to continue to operate as a *common carrier,* by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Bulk petroleum products, petroleum products* in barrels, *mining machinery, general cargo and food stuffs,* in seasonal operations between June 1 through October 30, inclusive, of each year, from Sterling

Landing on the Kuskokwim River to Air Force Site F 10 at Tatalina, Alaska, Takotna, Alaska, Ophir, Alaska, and various mines in the Ophir area.

No. MC 123327 filed December 29, 1960. Applicant: RALPH A. BARTHOLOMEW, LAURA S. BARTHOLOMEW, AND RALPH M. BARTHOLOMEW, doing business as IRELAND TRANSFER & STORAGE CO., 102 Front Street, Ketchikan, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, from, to, or between points within that part of Alaska known as the 1st Judicial District or that portion of Alaska east of the 141st Meridian.

No. MC 123328, filed December 29, 1960. Applicant: HEATHERLY & SONS, INC., 1305 17th Avenue, Anchorage, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, and articles of unusual value, between points in Alaska.

No. MC 123332, filed December 28, 1960. Applicant: CORDELL TRANSFER CO., INC., 128 Front Street, Ketchikan, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, from, to, or between points within that part of Alaska known as the 1st Judicial District or that portion of Alaska east of the 141st Meridian.

No. MC 123333, filed December 26, 1960. Applicant: HOWARD V. ELLIOTT, doing business as ELLIOTT'S FUEL TRANSFER, Box 285, Bethel, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Bulk diesel fuel, gasoline stove oil, gasoline, etc.*, from, to, or between points in Alaska and points in the United States, and between points in Alaska as follows: From Bethel, Alaska Standard Oil Bulk Plant to Air Force Site F–21 and Federal Aviation Agency, over Air Force Access Road.

NOTE: Operations are conducted AF Site F–21 between May thru September, and FAA year round.

No. MC 123336, filed December 30, 1960. Applicant: JIMMIE M. EASTHAM, doing business as HUSKY PARCEL #2, Box 11, Ketchikan, Alaska. Applicant's attorney: Robert H. Ziegler, Sr., P.O. Box 1079, Ketchikan, Alaska. Authority sought to continue to operate as a *contract carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities, groceries, etc.*, between points in Alaska.

NOTE: Applicant also claims "grandfather" rights as a freight forwarder see FF 295.

No. MC 123337, filed December 30, 1960. Applicant: ALFRED GHEZZI JR., doing business as GHEZZI TRUCKING, 2404 Capt. Cook Boulevard, Anchorage, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, (1) between points in Alaska and (2) between points in Alaska, on the one hand, and, on the other, Seattle and Tacoma, Wash.

No. MC 123338, filed December 30, 1960. Applicant: PAUL E. MONSEN AND MELVIN J. MONSEN, doing business as MONSEN TRANSFER, P.O. Box 113, Naknek, Alaska. Authority sought to continue to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Fuels, general freight* and *"For Hire" freight hauling*, between Naknek, Alaska, and environs and King Salmon, Alaska, and environs.

NOTE: Applicant states Naknek Beach is seasonal and involves freight and salmon cargoes.

No. MC 123340, filed December 30, 1960. Applicant: JEFFERY W. NOBLE, doing business as ALASKAN CANADIAN FREIGHT WAY, 221 Northward Building, Fairbanks, Alaska. Authority sought to continue to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, including commodities in bulk, between all points in Alaska.

NOTE: Applicant also claims "grandfather" rights as a water carrier—See W 1160.

No. MC 123342, filed December 30, 1960. Applicant: C. RAYMOND LOESCHE, doing business as POLAR VAN SERVICE, 523 Second Avenue, P.O. Box 622, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Household goods*, as defined by the Commission, between points in Alaska.

No. MC 123343, filed December 30, 1960. Applicant: EDWARD H. HANBY, doing business as WING'S & TRUCK'S TRANSPORTATION CO., 2601 Spenard Road, Spenard, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, between points in Alaska within a 25 mile radius of Anchorage.

No. MC 123344, filed December 30, 1960. Applicant: MAX MILLER, doing business as GENERAL TRANSPORTATION, 224 North Cushman Street, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, (1) between points in Alaska and (2) between points in Alaska, on the one hand, and, on the other, Seattle and Tacoma, Wash.

No. MC 123345, filed December 30, 1960. Applicant: ALASKA MOTOR COACHES, INC., P.O. Box 1048, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over regular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Passengers and their baggage, mail, express and newspapers* in the same vehicle with passengers, (1) between Anchorage, Alaska, and Tok, Alaska; from Anchorage over Alaska Highway 3 to Tok, and return over the same route, serving all intermediate points and the points of Wasilla, Willow, Talkeetna, and Big Lake, Alaska, over unnumbered highways. (2) Between Anchorage, Alaska, and Seward, Alaska; from Anchorage over Alaska Highway 4 to Seward, and return over the same route, serving all intermediate points and the points of Hope, Gridwood and Portage, Alaska, over unnumbered highways. (3) Between Homer, Alaska, and the junction of Alaska Highways 4 and 5; from Homer over Alaska Highway 5 to its junction with Alaska Highway 4, and return over the same route, serving all intermediate points and the points of Kenai and Nikishka, Alaska, over unnumbered highways. (4) Between Fairbanks, Alaska, and Nenana and Clear, Alaska; from Fairbanks over unnumbered state road to Nenana and Clear, and return over the same route, serving all intermediate points. (5) Between Fairbanks, Alaska, and the International Boundary line between the United States and Canada at or near Boundary City, Alaska; from Fairbanks over Alaska Highway 2 to the International Boundary line between the United States and Canada at or near Boundary City, and return over the same route, serving all intermediate points. (6) Between Valdez, Alaska, and Big Delta, Alaska; from Valdez over Alaska Highway 1 to Big Delta, and return over the same route, serving all intermediate points and the points of Mt. McKinley Park and Cantwell via Alaska Highway 8 and Park Forestry Service road to Kontishna, Alaska. (7) Between Eagle, Alaska, and Tetlin Junction, Alaska; from Eagle over Alaska Highway 3 to Tetlin Junction, and return over the same route, serving all intermediate points, and the point of Boundary, Alaska, over an unnumbered highway. (8) Between Fairbanks, Alaska, and Circle, Alaska; from Fairbanks over Alaska Highway 6 to Circle, and return over the same route, serving all intermediate points.

No. MC 123355, filed December 30, 1960. Applicant: ROY H. SMITH, doing business as FLYING BUYING & TRANS-

PORTATION SERVICE, Box 74, Dillingham, 7, Alaska. Authority sought to continue to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Raw fish, processed fish* and *freight*, between points in Alaska as follows: Bristol Bay Area, Nelson Lagoon, Lake Clark, Koliganek, Quinhagak and enclosed area. Applicant also claims "grandfather" rights as a water carrier see W–1162 and a freight forwarder see FF–262.

No. MC 123357, filed December 30, 1960. Applicant: LAMBERT C. RATCLIFFE, doing business as HUSKY PARCEL DELIVERY, 702 Water Street, Ketchikan, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over regular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities including household goods, and fuel oil*, from, to, or between points or areas in Alaska as follows: Wrangel, Petersburg, Juneau, Hydaburg, Klawock, Craig, Hollis, Annette, Metlakatla, Haines, Skagway, Yakutat, Cordova, Anchorage, Fairbanks, Nome, Ketchikan, Hyder, and Kodiak.

No. MC 123366, filed December 30, 1960. Applicant: MULTI VENTURES OF FAIRBANKS, P.O. Box 1142, Fairbanks, Alaska. Authority sought to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Commodities*, in bulk, in tank type equipment, between points in Alaska limited to shipments originating from or destined to points in Canada.

No. MC 123367, filed December 30, 1960. Applicant: WALTER L. HOOPER, doing business as HOMER FREIGHT LINES, Box 64, Soldotna, Alaska. Authority sought to continue to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, between all points in Alaska.

FREIGHT FORWARDER ALASKA-HAWAII "GRANDFATHER" RIGHTS

No. FF–31 (Sub No. 3), filed December 27, 1960. Applicant: WESTERN TRANSPORTATION CO., INC., 1440 East Fifth Street, Los Angeles 33, Calif. Applicant's attorney: Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service, arranging for the transportation of, *General commodities*, (1) between points in Alaska and points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, the District of Columbia, California, Oregon, and Washington. (2) Between points in Alaska. (3) Between points in Hawaii and points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, the District of Columbia, California, Oregon, and Washington. (4) Between points in Hawaii.

NOTE: Applicant states it is authorized to transport General commodities between various points in Southern California in Certificate No. MC 38536, therefore, common control may be involved.

No. FF–36 (Sub No. 1), filed December 29, 1960. Applicant: D.C. ANDREWS & COMPANY OF ILLINOIS, INC., 327 South La Salle Street, Chicago 4, Ill. Applicant's attorney: Charles B. Myers, 2106 Field Building, Chicago 3, Ill. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, (1) between points in Hawaii, and (2) from points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Kentucky, Ohio, Michigan, Indiana, Illinois, Iowa, Missouri, Kansas, Arkansas, Nebraska, North Dakota, South Dakota, Minnesota, Wisconsin, and the District of Columbia, to points in Hawaii, and (3) also from San Francisco and Los Angeles, Calif., and points within 25 miles of said cities, to all points in Hawaii.

No. FF–37 (Sub No. 3), filed December 30, 1960. Applicant: PACIFIC FORWARDING ASSOCIATION, INC., 711 Third Avenue, New York 17, N.Y. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (A) *General commodities*, (1) between points in Alaska, and (2) between points in Alaska and points in the United States, except points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. (B) *General commodities*, (1) between points in Hawaii, and (2) between points in Hawaii and points in the United States, except points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

No. FF 40 (Sub No. 5), filed December 28, 1960. Applicant: MERCHANTS CARLOADING CO., INC., Pier 8 North River, New York 6, N.Y. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, (1) from points in Vermont, New York, and Long Island, N.Y., and points in Westchester and Rockland Counties, N.Y., and points in Hudson, Essex, Bergen, Passaic, Union, Middlesex, Morris, Mercer, Monmouth, and Somerset Counties, N.J., to points in Alaska. (2) *General commodities*, from points in Vermont, New York, and Long Island, N.Y., and points in Westchester and Rockland Counties, N.Y., and points in Hudson, Essex, Bergen, Passaic, Union, Middlesex, Morris, Mercer, Monmouth, and Somerset Counties, N.J., to points in Hawaii.

NOTE: Applicant states all of the stock of Merchants Carloading Co., Inc., is owned by Watson Bros. Transportation Co., Inc., a common carrier under Docket No. MC 70451 and Subs thereunder. Common control may be involved.

No. FF 43 (Sub No. 3), filed December 30, 1960. Applicant: UNIVERSAL CARLOADING & DISTRIBUTING CO., INC., 711 Third Avenue, New York, N.Y. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (A) *General commodities*, (1) between points in Alaska, and (2) between points in Alaska and all points in the United States. (B) (1) Between points in Hawaii, and (2) between points in Hawaii, and all points in the United States.

No. FF 49 (Sub No. 4), filed December 30, 1960. Applicant: WESTLAND FORWARDING CO., 1858 South Western Avenue, Chicago 8, Ill. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (A) *General commodities*, (1) between points in Alaska, and (2) between points in Alaska, and points in Louisiana, Arkansas, Missouri, Kansas, Nebraska, Iowa, Minnesota, and points in the United States east of such states, except Florida. (B) *General commodities*, (1) between points in Hawaii. (2) Between points in Louisiana, Arkansas, Missouri, Kansas, Nebraska, Iowa, Minnesota, and points in the United States east of such states, except Florida.

No. FF 51 (Sub No. 4), filed December 30, 1960. Applicant: MERCHANT SHIPPERS ASSOCIATION, 1858 South Western Avenue, Chicago 8, Ill. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities;* (1) between points in Alaska, and (2) from points in Louisiana, Arkansas, Missouri, Kansas, Nebraska, South Dakota, North Dakota, California, Oregon, and Washington, and points in the United States East of such states to points in Alaska. *General commodities*, (1) between points in Hawaii, and (2) from points in Louisiana, Arkansas, Missouri, Kansas, Nebraska, South Dakota, North Dakota, California, Oregon, and Washington, and points in the United States East of such states to points in Hawaii.

No. FF 52 (Sub No. 3), filed December 30, 1960. Applicant: PACIFIC & ATLANTIC SHIPPERS, INC., doing business as "P & A," 356 North Halsted Street, Chicago 6, Ill. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, (1) from, to, or between points in Hawaii and points in

the United States, and (2) between points in Hawaii.

NOTE: Applicant states that it is controlled by Pacific Intermountain Express Co., a common carrier under Docket No. MC 730 and subs thereunder.

No. FF 53 (Sub No. 1), filed December 28, 1960. Applicant: HAWAIIAN FREIGHT FORWARDERS, LTD., 1910 Harney Street, Omaha 2, Nebr. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (A) *General commodities*, between all points in the United States, on the one hand, and, on the other, all points in Alaska. (B) Between all points in Alaska. (C) Between points in Alaska and points in Hawaii. *General commodities*, (A) between all points in the United States, on the one hand, and, on the other, all points in Hawaii. (B) Between points in Hawaii.

NOTE: Applicant states it owns all of the capital stock of Flynn Forwarding Co., Inc., under Docket No. FF 115 and subs thereunder, also Watson Bros. Transportation Co., Inc., owns 49 percent of the outstanding shares of Hawaiian Freight Forwarders, Ltd., and has a contract to purchase the remaining 51 percent of its stock.

No. FF 56 (Sub No. 6), filed December 27, 1960. Applicant: SUPERIOR FAST FREIGHT, 4527 Loma Vista Avenue, Los Angeles 58, Calif. Applicant's representative: Cromwell Warner, 404 Varmouth Road, Palos Verdes Estates, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of, *General commodities*, between points in Arizona, California, Idaho, New Mexico, Oregon, and Washington, on the one hand, and, on the other, points in Alaska.

No. FF 57 (Sub No. 3), filed December 30, 1960. Applicant: INTERNATIONAL FORWARDING CO., 200 East Illinois Street, Chicago 11, Ill. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (A) *General commodities*, (1) between points in Alaska. (2) Between points in Alaska and all points in the United States. (B) *General commodities*, (1) between points in Hawaii. (2) Between points in Hawaii and all points in the United States.

No. FF 68 (Sub No. 3), filed December 30, 1960. Applicant: NATIONAL CARLOADING CORPORATION, 63 Vesey Street, New York 7, N.Y. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (A) *General commodities*, (1) between points in Alaska. (2) Between points in Alaska on the one hand, and, all points in the Continental United States, the District of Columbia and the State of Hawaii, on the other. (B) *General commodities*, between points in Hawaii. (2) Between points in Hawaii on the one hand, and all points in the Continental United States, the District of Columbia and the State of Alaska, on the other.

No. FF 72 (Sub No. 3), filed December 29, 1960. Applicant: ACME FAST FREIGHT, INC., 2 Lafayette Street, New York 7, N.Y. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (A) *General commodities*, (1) between points in Alaska. (2) Between all points in Alaska, on the one hand, and, all points in the Continental United States and Hawaii, on the other. (B) *General commodities*, (1) Between points in Hawaii. (2) Between all points in Hawaii, on the one hand, and, all points in the Continental United States and Alaska, on the other.

No. FF 79 (Sub No. 2), filed December 30, 1960. Applicant: WESTERN CARLOADING CO., INC., 960 East Third Street, Los Angeles, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act; to continue service in arranging for the transportation of: *General commodities*, (1) between points in Hawaii. (2) From all points in Alabama, California, Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Tennessee, Vermont, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia to points in Hawaii.

No. FF–81 (Sub No. 4), filed December 23, 1960. Applicant: CALIFORNIA WESTERN FREIGHT ASSOCIATION, doing business as WESTERN FREIGHT ASSOCIATION, 2102 Alhambra Avenue, P.O. Box 54037, Los Angeles 54, Calif. Applicant's representative: Charles O. Jenne, Traffic Manager, Western Freight Association (same address as applicant). Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service, arranging for the transportation of: *General commodities*, (1) between points in Maine, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, Virginia, Ohio, Michigan, Indiana, Illinois, Kentucky, and Tennessee, in westbound service; and North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas and States east thereof, in eastbound service, and points in Alaska. (2) Between points in Maine, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, Virginia, Ohio, Michigan, Indiana, Illinois, Kentucky, and Tennessee, in westbound service; and North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas and States east thereof, in eastbound service, and points in Hawaii.

No. FF 82 (Sub No. 4), filed December 27, 1960. Applicant: COAST CARLOADING CO., 4647 East 49th Street, Los Angeles 58, Calif. Applicant's attorney: Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of, *General commodities*, (1) between all points in Alaska, on the one hand, and, on the other, points in California, Oregon, Washington and Idaho, and (2) between all points in Alaska.

No. FF 85 (Sub No. 2), filed December 30, 1960. Applicant: BEKINS HOUSEHOLD SHIPPING CO., 1335 South Figueroa Street, Los Angeles 15, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *Household goods*, as defined by the Commission in Ex Parte MC–19 17 M.C.C. 467, and *used automobiles*, (1) from, to, or between points in Hawaii and points in the United States, and (2) between points in Hawaii as follows: Between points in Hawaii, on the one hand, and, on the other, points in the United States and the District of Columbia.

No. FF 115 (Sub No. 8), filed December 28, 1960. Applicant: FLYNN FORWARDING COMPANY, INC., 911 North 11th Street, St. Louis 1, Mo. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (A) *General commodities*, from points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas, and West Virginia to points in Alaska. (B) *General commodities*, from points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas, and West Virginia, to points in Hawaii.

NOTE: Applicant states (1) all of the stock of Flynn Forwarding Co., Inc., is owned by Hawaiian Freight Forwarders, Ltd., under Permit FF 53, and (2) Watson Bros. Transportation Co., Inc., under Docket No. MC 70451 and subs thereunder owns 49 percent of the outstanding shares of Hawaiian Freight Forwarders, Ltd., and has a contract to purchase the remaining 51 percent of its stock.

No. FF 128 (Sub No. 3), filed December 27, 1960. Applicant: CLIPPER CARLOADING COMPANY, 323 West Polk Street, Chicago 7, Ill. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (A) *General commodities including household goods*, (1) Between all points in Alaska on the one hand, and, all points in the following states on the other, Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky,

Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Virginia, Vermont, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia and (2) between points in Alaska. (B) *General commodities including household goods,* (1) between all points in Hawaii on the one hand, and, all points in Alaska, Arizona, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Virginia, Vermont, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia on the other, and (2) between points in Hawaii.

No. FF 137 (Sub No. 4), filed December 30, 1960. Applicant: CENTRAL STATES FREIGHT SERVICE, INC., 434 West Polk Street, Chicago 7, Ill. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to continue to operate as a *freight forwarder,* under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities,* between points in Hawaii, on the one hand, and, points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming, on the other.

NOTE: Applicant states that all of the issued and outstanding stock of applicant is owned by Yellow Transit Lines, Inc., as a common carrier under Docket No. MC 112713 and Subs thereunder.

No. FF 148 (Sub No. 8), filed December 27, 1960. Applicant: REPUBLIC CARLOADING AND DISTRIBUTING CO., INC., 64 Worth Street, New York 13, N.Y. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to continue to operate as a *freight forwarder,* under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (a) *General commodities,* from, to, or between points in Alaska as follows: Between points in Alaska and all points in the United States. (b) *General commodities,* from, to, or between points in Hawaii and points in the United States, and between points in Hawaii as follows: Between points in Hawaii and all points in the United States.

No. FF 245 (Sub No. 2), filed December 30, 1960. Applicant: EMPIRE HOUSEHOLD SHIPPING COMPANY OF NEW YORK, INC., 117 Liberty Street, New York 6, N. Y. Authority sought to continue to operate as a *freight forwarder,* under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (a) *Used household goods* and *used automobiles,* from points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia to points in Alaska. (b) *Used household goods* and *used automobiles,* from points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia to points in Hawaii.

No. FF 262, filed December 30, 1960. Applicant: ROY H. SMITH, doing business as FLYING, BUYING & TRANSPORTATION SERVICE, Box 74, Dillingham 7, Alaska. Authority sought to continue to operate as a *freight forwarder,* under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of, *Raw fish, processed fish,* and *freight,* between points in Alaska.

NOTE: Applicant also claims grandfather rights as a common carrier. See MC 123355 and also water carrier, see W 1162.

No. FF–263, filed December 19, 1960. Applicant: HAWAIIAN HAULING SERVICE, LTD., 1714 Home Rule Street, P.O. Box 3644, Honolulu 17, Hawaii. Authority sought to continue to operate as a *freight forwarder* under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service, arranging for the transportation of, *merchandise, general freight, crated household goods, crated personal effects,* (1) from, to, or between points in Hawaii as follows: Honolulu, Oahu, and Hilo, Hawaii; Honolulu, Oahu, and Kailua-Kona, Hawaii; Honolulu, Oahu, and Kahului, Maui; Honolulu, Oahu, and Port Allen, Kauai; Honolulu, Oahu, and Nawiliwili, Kauai; Honolulu, Oahu, and Kaunakakai, Molokai; and (2) between points in Hawaii and points in the United States as follows: From Honolulu to points on the West Coast and Gulf-East Coast of the United States.

NOTE: In connection with Item (2) applicant states, that freight is assembled at Honolulu for shipments to the United States by steamship consigned to its agent at San Francisco or Los Angeles, Calif., for delivery to the consignee. Also that a door to door service is offered from California to Honolulu through agency agreements with Hawaiian Express Co., in San Francisco and Hawaiian Consolidators in Los Angeles.

No. FF–264, filed December 9, 1960. Applicant: RICHARD H. JENSEN, doing business as BRISTOL BAY CONTRACTORS, General Delivery, King Salmon, Alaska. Authority sought to continue to operate as a *freight forwarder* under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of *Bulk petroleum products,* between, from or to, points in Alaska as follows: From Seattle, Wash., to King Salmon, Alaska. (Barge to truck).

NOTE: Applicant also claims "grandfather" rights as a motor carrier. See MC 119724 (Sub No. 1).

No. FF–265, filed December 22, 1960. Applicant: T. E. KOLLMAR, doing business as ALASKA CONSOLIDATING & FORWARDING CO., 3200 26th Avenue SW., Seattle 6, Wash. Authority sought to continue to operate as a *freight forwarder,* under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities,* (1) between Seattle, Wash., Portland, Oreg., San Francisco and Los Angeles, Calif., and (2) between points in Alaska.

No. FF 266, filed December 27, 1960. Applicant: MILTON J. DALY, doing business as HAWAIIAN EXPRESS & DILLON DRAYAGE CO., 646 First Street, San Francisco, Calif. Applicant's representative: Aaron H. Glickman, Monadnock Building, 681 Market Street, San Francisco, Calif. Authority sought to continue to operate as a *freight forwarder,* under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities,* (1) between points in the continental United States, on the one hand, and, on the other points in Hawaii. (2) Between points in Hawaii.

No. FF 267, filed December 27, 1960. Applicant: HONOLULU FREIGHT SERVICE, 2425 Porter Street, Los Angeles 25, Calif. Applicant's attorney: Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to continue to operate as a *freight forwarder,* under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities,* from, to, or between points in Hawaii and points in the United States, and between points in Hawaii as follows: (1) Between all points in Hawaii, on the one hand, and, on the other hand, all points in the United States; and (2) between all points in Hawaii.

No. FF 268, filed December 27, 1960. Applicant: HAWAIIAN CONSOLIDATORS, 2417 Porter Street, Los Angeles 21, Calif. Applicant's attorney: Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to continue to operate as a *freight forwarder,* under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities,* from, to, or between points in Hawaii and points in the United States, and between points in Hawaii as follows: (1) Between all points in Hawaii, on the one hand, and, on the other hand, all points in the United States; and (2) between all points in Hawaii.

No. FF 269, filed December 27, 1960. Applicant: ALOHA CONSOLIDATORS AND FREIGHT FORWARDERS, 8919 Miner Street, Los Angeles 2, Calif. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to continue to operate as a *freight forwarder,* under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities,* from, to, or between points in Hawaii and points in the United States, and between points in Hawaii as follows: Between points in Hawaii, on the one hand, and, on the other points in California.

NOTE: Applicant is a wholly-owned subsidiary of Water-Land Truck Lines.

No. FF–270, filed December 27, 1960. Applicant: PACIFIC HAWAIIAN FORWARDERS, 9833 Adella Avenue, South Gate, Calif. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, from, to, or between points in Hawaii and points in the United States, and between points in Hawaii as follows: Between points in Hawaii on the one hand, and, on the other, points in Fresno, Imperial, Kings, Los Angeles, Monterey, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Tulare, and Ventura Counties, Calif.

NOTE: Applicant is wholly owned subsidiary of Griley Security Freight Lines.

No. FF 271, filed December 27, 1960. Applicant: JAMES M. SKEWES, doing business as NORTHERN TRAFFIC SERVICE, Pier 16, Seattle 4, Wash. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, except commodities in bulk, from, to, or between points in Alaska and points in the United States, and between points in Alaska as follows: Between points in Washington and Alaska.

No. FF 272, filed December 27, 1960. Applicant: ALLIED VAN LINES, INC., 25th Avenue and Roosevelt Road, Broadview, Ill. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to continue to operate as a freight forwarder, under the applicable "grandather" provisions of the Interstate Commerce Act, to continue service, arranging for the transportation of: *Household goods*, as defined by the Commission, between points in Hawaii and points in the Continental United States and Alaska.

NOTE: Applicant also claims "grandfather" rights as a motor carrier. See MC 15735 (Sub No. 15).

No. FF 273, filed December 27, 1960. Applicant: JOHN J. KLEIMER, doing business as KLEIMER OVERSEAS SERVICE, 1884 East 22d Street, Los Angeles 58, Calif. Applicant's representative: Cromwell Warner, 404 Yarmouth Road, Palos Verdes Estates, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, from, to, or between points in Hawaii and points in the United States, and between points in Hawaii as follows: From points in California to points in Hawaii.

NOTE: Applicant states it has also common carrier authority under Docket No. MC 73992 and Subs thereunder.

No. FF–274, filed December 27, 1960. Applicant: WILLIAM P. STANLEY, doing business as ALASKA TRAFFIC CONSULTANTS, 3466 East Marginal, Seattle 4, Wash. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, from, to, or between points in Alaska and points in the United States, and between points in Alaska as follows: (1) Between Los Angeles and San Francisco, Calif., Portland, Oreg., Seattle and Tacoma, Wash., and points in Alaska, and (2) between points in Alaska.

No. FF 275, filed December 30, 1960. Applicant: ALASKA FORWARDING CO., INC., 440 Warehouse Avenue, Anchorage, Alaska. Applicant's attorney: George R. LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to continue to operate as a freight forwarder, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, (1) between points in Alaska, and (2) between points in Alaska on the one hand, and, on the other, points in the United States, except Hawaii.

NOTE: Applicant's President and controlling majority stockholder is the President and controlling majority stockholder of Alaska Truck Transport, Inc. of Anchorage, Alaska, which carrier presently holds authority under Docket No. MC 118520 and Subs thereunder.

No. FF 276, filed December 29, 1960. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (A) *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, (1) between points in Alaska, on the one hand, and, on the other, points in the United States (including Hawaii), and (2) between points in Alaska. (B) *Household Goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, (1) between points in Hawaii, on the one hand, and, on the other, points in the United States (including Alaska), and (2) between points in Hawaii.

NOTE: Applicant also claims "grandfather" rights as a motor carrier. See MC 107012 (Sub No. 30).

No. FF 277, filed December 29, 1960. Applicant: PACIFIC FREIGHT FORWARDING CO., 760 South Mission Road, Los Angeles 23, Calif. Applicant's attorney: Wyman C. Knapp, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of, *General commodities*, from, to or between points in Hawaii and points in the United States and between points in Hawaii as follows: (1) Between points in Los Angeles, Orange, and Riverside Counties, Calif., on the one hand, and, on the other, points in Oahu and Hawaii Counties, Hawaii, and (2) between points in Oahu and Hawaii Counties, Hawaii.

NOTE: Applicant states its capital stock is owned by Pacific Transportation and Warehouse Co., Inc., as a common carrier under Docket Nos. MC 22987 and Subs thereunder.

No. FF–278, filed December 29, 1960. Applicant: STANDARD WAREHOUSE & TRANSFER CO., 2 Hanford Street, Seattle, Wash. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of, *General commodities*, between points in Washington and points in Alaska.

No. FF–279, filed December 30, 1960. Applicant: AIR-SEA FORWARDERS, INC., 406 South Main Street, Los Angeles 13, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, from, to, or between points in Hawaii and points in the United States, (1) between points in Hawaii and points in the United States and (2) between points in Hawaii and (3) from Los Angeles, Calif., to points in Hawaii.

No. FF–280, filed December 30, 1960. Applicant: RUSSELL S. STOWELL, doing business as WESTERN VAN AND STORAGE, P.O. Box 1070, San Diego, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of, *Household goods* and *personal effects*, between points in San Diego County, Calif., and points in Hawaii.

No. FF 281, filed December 28, 1960. Applicant: AREO MAYFLOWER TRANSIT COMPANY, INC., 863 Massachusetts Avenue, Indianapolis, Ind. Applicant's attorney: James L. Beattey, Suite 1021–1029, 130 East Washington Street, Indianapolis 4, Ind. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (A) *Household goods*, as defined by the Commission, (1) between points in Alaska, and (2) between all points in the United States and Alaska, and (3) between all points in the United States on the one hand, and, on the other, all points in Alaska. (B) *Household goods*, as defined by the Commission, (1) between points in Hawaii, and (2) between all points in the United States and Hawaii, and (3) between all points in the United States on the one hand, and, on the other, all points in Hawaii.

NOTE: Applicant also claims "grandfather" rights as a motor carrier. See MC 2934 (Sub No. 3).

No. FF–282, filed December 15, 1960. Applicant: UNITED VAN LINES, INC., 7808 Maplewood Industrial Court, Maplewood 17, Mo. Applicant's attorney: G. M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for transportation of: (A) *Household goods*, as defined by the Commission in 17 M.C.C. 467, (1) from, to, or between points in Alaska and points in the United States, and (2) between points in Alaska. (B) *Household goods*, as defined by the Commission in 17 M.C.C. 467, (1) from, to, or between points in Hawaii and points in the United States, and (2) between points in Hawaii.

NOTE: Applicant also claims "grandfather" rights as a motor carrier. See MC 67234 (Sub No. 6).

No. FF 283, filed December 30, 1960. Applicant: SMYTH WORLDWIDE MOVERS, INC., 1024 East Pike Street, Seattle 22, Wash. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, from, to, or between points in Alaska and points in the United States, and between points in Alaska as follows: (1) Between points in Alaska, and (2) between points in Alaska, Washington, Oregon, and California.

No. FF 283 (Sub No. 1), filed December 30, 1960. Applicant: SMYTH WORLDWIDE MOVERS, INC., 1024 East Pike Street, Seattle 22, Wash. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, from, to, or between points in Hawaii and points in the United States, and between points in Hawaii as follows: (1) Between points in Hawaii, and (2) between points in Hawaii on the one hand, and, on the other, points in Washington, Oregon, and California.

No. FF 284, filed December 30, 1960. Applicant: FORD VAN LINES, INC., 56th and Cornhusker Highway, Lincoln, Nebr. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *Household goods*, uncrated, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, from, to, or between points in Hawaii and points in the United States, and between points in Hawaii as follows: Points in the United States and the District of Columbia, except Hawaii and Alaska, on the one hand, and, on the other, points in Hawaii.

No. FF–285, filed December 30, 1960. Applicant: IRVING ANCHES, doing business as NORTHWEST CONSOLIDATORS, 1461 Elliott Avenue, West, Seattle 99, Wash. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, (1) between points in Alaska, and (2) between points in Alaska, on the one hand, and, on the other, points in Washington, Oregon, and California.

No. FF 285 (Sub No. 1), filed December 30, 1960. Applicant: IRVING ANCHES, doing business as NORTHWEST CONSOLIDATORS, 1461 Elliott Avenue, West, Seattle 99, Wash. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, (1) between points in Hawaii, and (2) between points in Hawaii, on the one hand, and, on the other, points in Washington, Oregon, and California.

No. FF 286, filed December 30, 1960. Applicant: L. E. ERICKSON AND ED W. WOLF, doing business as KETCHIKAN TRANSPORTATION COMPANY, Box 6, 1209 Tongass Avenue, Ketchikan, Alaska. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities* and *mail*, from, to, or between points in Alaska, as follows: Ketchikan, Alaska, to Myers Chuck, Thorne River, Ratz Harbor, Coffman Cove, Whale Pass, Lincoln Rock, Wrangell, Pt. Baker, Port Protection, Cape Decisiom, Cape Pole, Edna Bay, Tuxekan, Tokekan, Tokeen, Hecata Is, Klawock, Craig, Steamboat Bay, Waterfall, Hydaburg, Tamgass Harbor, Annieet Is. Applicant also claims "grandfather" rights as a water carrier, see W 1159.

No. FF 287, filed December 30, 1960. Applicant: REPUBLIC VAN AND STORAGE CO., INC., 330 South Central Avenue, Los Angeles 13, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of, *Household goods* as defined by the Commission, (1) between points in Alaska, on the one hand, and points in the United States including Hawaii, on the other.

NOTE: Applicant also claims "grandfather" rights as a motor carrier—See MC 110585 (Sub No. 11).

No. FF 287 (Sub No. 1), filed December 30, 1960. Applicant: REPUBLIC VAN AND STORAGE CO., INC., 330 South Central Avenue, Los Angeles 13, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *Household goods*, as defined by the Commission, (1) between points in Hawaii, and (2) between points in Hawaii, on the one hand, and points in the United States and Alaska, on the other.

NOTE: Applicant also claims "grandfather" rights as a motor carrier—See MC 110585 (Sub No. 11).

No. FF 288, filed December 30, 1960. Applicant: WEATHERS BROS. TRANSFER CO., INC., 592 St. Charles Avenue NE., Atlanta, Ga. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *Household goods*, from, to, or between points in Hawaii and points in the United States, and between points in Hawaii as follows: (1) Between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia, on the one hand, and, on the other, points in Hawaii, and (2) between points in Hawaii.

No. FF 289, filed December 30, 1960. Applicant: U.S. VAN LINES, INC., 59642 South U.S. 31, South Bend 14, Ind. Applicant's attorney: Ramon S. Regan, 2255 Penobscot Building, Detroit 26, Mich. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *Household goods*, (1) between points in Alaska, and (2) between points in Alaska, on the one hand, and, points in the United States, including points in Hawaii, on the other. *Household goods*, (1) between points in Hawaii, and (2) between points in Hawaii, on the one hand, and, points in the United States, including points in Alaska, on the other.

NOTE: Applicant also claims "grandfather" rights as a motor carrier see MC 36900 Sub 9.

No. FF–290, filed December 30, 1960. Applicant: MOLLERUP VAN LINES, a corporation, doing business as MOLLERUP VAN LINES AND MOLLERUP MOVING & STORAGE CO., 2900 South Main Street, (P.O. Box 2188), Salt Lake City 10, Utah. Applicant's attorney: Bartly G. McDonough, 10 Executive Building, Salt Lake City 11, Utah. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *Household goods*, as defined by the Commission, (A) (1) between points in Alaska, and (2) between points in Alaska, and points in Utah, Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Washington, and Wyoming. (B) (1) *Household goods* defined by the Commission,

between points in Hawaii, and (2) between points in Hawaii and points in Utah, Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Washington, and Wyoming.

NOTE: Applicant also claims "grandfather" rights as a motor carrier—See MC 1931 (Sub No. 5).

No. FF 291, filed December 30, 1960. Applicant: SECURITY VAN LINES, INC., 120 West Airline Corporation, Kenner, La. Applicant's attorney: Carll V. Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *Household goods*, as defined by the Commission, (1) between points in Alaska. (2) Between points in Alaska, on the one hand, and, on the other, points in the Continental United States.

NOTE: Applicant also claims "grandfather" rights as motor carrier. See MC 8768 Sub No. 24 and MC 8768 Sub No. 25.

No. FF–292, filed December 30, 1960. Applicant: RICHARDSON TRANSFER AND STORAGE CO., INC., 246 North Fifth Street, Salina, Kans. Applicant's attorney: Carll V. Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: (A) *Household goods*, as defined by the Commission, (1) between points in Alaska. (2) Between points in Alaska, on the one hand, and, on the other, points in the Continental United States, and the District of Columbia. (B) *Household goods*, as defined by the Commission, (1) between points in Hawaii. (2) Between points in Hawaii, on the one hand, and, on the other, points in the Continental United States, and the District of Columbia.

NOTE: Applicant also claims "grandfather" rights as a motor carrier. See MC 40215.

No. FF 293, filed December 30, 1960. Applicant: VON DER AHE VAN LINES, INC., 4601 Olive Street, St. Louis 8, Mo. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *Household goods*, as defined by the Commission, *new furniture, office and store fixtures* and *appliance and office furnishings*, from, to, or between points in Alaska and points in the United States, and between points in Alaska as follows: (1) Between points in Alaska, and (2) between points in Alaska, on the one hand, and on the other, points in the United States.

No. FF 293 (Sub No. 1), filed December 30, 1960. Applicant: VON DER AHE VAN LINES, INC., 4601 Olive Street, St. Louis 8, Mo. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *Household goods*, as defined by the Commission, *new furniture, office and store fixtures* and *appliances and office furnishings*, from, to, or between points in Hawaii and points in the United States, and between points in Hawaii as follows: (1) Between points in Hawaii and (2) between points in Hawaii, on the one hand, and, on the other, points in the United States.

No. FF 295, filed December 30, 1960. Applicant: JIMMIE M. EASTHAM, doing business as HUSKY PARCEL No. 2, Box 11, Ketchikan, Alaska. Applicant's attorney: Robert H. Ziegler, Sr., P.O. Box 1079, Ketchikan, Alaska. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Comerce Act, to continue service in arranging for the transportation of, *General commodities*, between points in Alaska.

NOTE: Applicant also claims "grandfather" rights as a motor carrier, see MC 123336.

WATER CARRIER ALASKA "GRANDFATHER" RIGHTS

No. W–448 (Sub No. 1), filed December 29, 1960. Applicant: ALASKA STEAMSHIP COMPANY, Pier 42, Seattle 4, Wash. Applicant's attorneys: Stanley B. Long and Donald E. Leland, Sixth Floor Central Building, Seattle 4, Wash., *and* Mr. Henry W. Clark, 1026 17th Street NW., Washington, D.C. Authority sought to continue to operate as a *common carrier*, by water, over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, from, to, or between points or areas in Alaska.

No. W–563 (Sub No. 1), filed December 30, 1960. Applicant: AMERICAN TUG BOAT CO., Pier 2, Everett, Wash. Applicant's attorney: Payton Smith, Hoge Building, Seattle 4, Wash. Authority sought to continue to operate as a *common carrier*, by water, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Lumber, construction and logging equipment*, and *building materials*, from, to, or between points or areas in Alaska as follows: Juneau to Whittier; Sitka to Whittier; Sitka to Sitkinak Island; Cold Bay to Anchorage; Cape Saricheff to Anchorage; Juneau to Sitka; Thomas Bay to Prince of Wales Island; Juneau to Anchorage.

NOTE: Applicant states, service beyond Cape Spencer is seasonal and operates only between April 1st and October 15th.

No W–1123 (Sub No. 3), filed December 21, 1960. Applicant: INLAND RIVERWAYS, INC., P.O. Box 252, Anchorage, Alaska. Authority sought to continue to operate as a *common carrier*, by water, over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, with no exceptions, from, to, or between points or areas in Alaska as follows: Between Fairbanks, Alaska, on the one hand, and, on the other, ports and points in Alaska along the Yukon River below Eagle, the Tanana River below its confluence with the Chena River, and the Chena River below Fairbanks.

NOTE: Applicant states summer season only, usually May through October.

No. W–1131 (Sub No. 2), filed December 30, 1961. Applicant: YUTANA BARGE LINES, INC., P.O. Box 544, Nenana, Alaska. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington, D.C. Authority sought to continue to operate as a *common carrier*, by water, over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, from, to, or between points in areas in Alaska, as follows: On the Tanana River below Nenana, on the Yukon River between Fort Yukon and Marshall, and on tributaries thereto, including the ports named as well as Minto, Tolovana, Hot Springs, Tanana, Rampart, Steven Village, Beavers, Birches, Kokrines, Ruby, Galena, Koyukuk, Nulato, Koltog, Anvik, Holy Cross, and Russian Mission.

NOTE: Applicant states that operations are conducted May 1 to September 30, subject to early ice break-up or freeze.

No. W 1132 (Sub No. 2), filed December 30, 1960. Applicant: BLACK NAVIGATION COMPANY, P.O. Box 1432, Fairbanks, Alaska. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington, D.C. Authority sought to continue to operate as a *common carrier*, by water over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, from, to, or between points or areas in Alaska as follows: Along the Yukon River below and including Eagle, along the Tanana River below its confluence with the Chena River, and along the Koyukuk, Porcupine, Innoko, and Iditarod Rivers serving all ports and points including but not limited to Fairbanks, Nenana, Minto, Tolovana, Tanana, Hot Springs, Rampart, Stevens Village, Beaver, Fort Yukon, Circle, Coal Creek, Nation, Eagle, Kallands, Kokrines, Ruby, Galena, Koyukuk. Nulato, Holy Cross, Russian Mission, Marshall, St. Marys, Mt. Village, Chaneliak, Alakanuk, Huslia, Hog River, Huges, Alatna, Shageluk, Holikachuk, Iditarod, New Rampart House, and Old Crow.

NOTE: Applicant states that operations are conducted May 1 to September 30, subject to early river break-up or freeze.

No. W–1135 (Sub No. 2), filed December 30, 1960. Applicant: YUKON FISHING & TRANSPORTATION COMPANY, INC., Nenana, Alaska. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington, D.C. Authority sought to continue to operate as a *common carrier*, by water over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, from, to, or between points or areas in Alaska, as follows: On the Yukon River below and

including Marshall and tributaries thereto, including but not limited to Tuckshuck, Pilot Station, Pitkas Point, St. Marys, Andreafski, Kotlik Mountain Village, New Hamilton, Old Hamilton, Bill Moores Slough, Chaneliak, Kwiguk, Emonguk, Alakanuk, Shaltons Point.

NOTE: Applicant states that operations are conducted May 1 to September 1, subject to early river break-up or freeze.

No. W–1148, filed November 18, 1960. Applicant: ALASKA RIVERS NAVIGATION COMPANY, 419 Colman Building, Seattle 4, Wash. Authority sought to continue to operate as a *common carrier* and as a *contract carrier*, by water, over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General merchandise, bulk and package petroleum products*, from, to, or between points or areas in Alaska as follows: Bethel, Kuskokwim, Kalskag, Aniak, Napamute, Crooked Creek, Georgetown, Parks, Red Devil, Sleetmute, Stony River, Sterling Landing, Tatalina, McGrath, and Medfra.

NOTE: The map submitted with the application indicates the above-named points are on or near the Kuskokwim River. Dual operations may be involved.

No. W–1149, filed November 18, 1960. Applicant: NORTHERN COMMERCIAL COMPANY, doing business as NORTHERN COMMERCIAL COMPANY RIVER LINES, 419 Colman Building, Seattle 4, Wash. Authority sought to continue to operate as a *common carrier* and as a *contract carrier*, by water, over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General merchandise, fish*, canned and salted, and *package petroleum products*, from, to, and between points or areas in Alaska as follows: St. Michael, Unalakleet, Stebbins, Kotlik, Chaneliak, Hamilton, Mountain Village, St. Mary's, Andreafski, Pikkas Point, Pilot Station, Fortuna Ledge, Marshall, Kwiguk, Alakanuk, and Sheldon's Point (Saltery).

NOTE: The map submitted with the application indicates the above-named points are located on or near the Yukon River. Dual operations may be involved.

No. W–1150, filed December 1, 1960. Applicant: RAY L. WATERS AND HARLAN J. EGGLESTON, doing business as KUSKOKWIM TRANSPORTATION CO., Box 726, McGrath, Alaska. Authority sought to continue to operate as a *contract carrier*, by water, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Bulk and general cargo*, from, to, and between points or areas in Alaska as follows: Bethel, Akackuak, Akiak, Tuluksak, Kalskag, Aniak, Napamiute, Crook Creek, Red Devil, Sleetmute, Stony River, Sterling Landing, McGrath, Medfra, and Nickoli.

NOTE: The above-named points are located on or near the Kuskokwim River.

No. W–1152, filed December 12, 1960. Applicant: JOHN P. SNOW AND EUGENE L. SNOW, doing business as SNOW TRANSPORTATION COMPANY, Bethel, Alaska. Authority sought to continue to operate as a *common carrier*, by water, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: (1) *Stove oil, building materials, furniture*, and *groceries*, from Bethel and Kuskokwim Landing to Tuliksak, Akiak, Akiajak, Kwethluk, Napaskiak, Napakiak, Tuntuttuliak, Eek, Kwinhagak, Kwigillingok, Kipnuk, and Chirornak. (2) *Local lighterage service*, involving Kuskokwim Landing and Bethel.

NOTE: Applicant advises the above-named points are all villages on the lower Kuskokwim River and Bay. Applicant has also filed a Form BOR 98 "grandfather" application covering motor carrier operations in Alaska assigned Docket No. MC 123284.

No. W 1153, filed December 21, 1960. Applicant: CANADIAN NATIONAL STEAMSHIP COMPANY, LIMITED, Foot of Main Street, Vancouver 4, British Columbia, Canada. Applicant's attorney: J. Raymond Hoover, Metropolitan Bank Building, Washington 5, D.C. Authority sought to continue to operate as a *common carrier*, by water over regular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: (1) *Passengers, and their baggage*, and (2) *Automobiles* and *general commodities*, from, to, or between points or areas in Alaska as follows: Ketchikan and Skagway, serving unnamed waterways and serving all intermediate points.

NOTE: Applicant states, basically a summer cruise service between Vancouver, British Columbia, Canada, and Skagway, State of Alaska and intermediate points as shown on plan attached to IV. Service commences in May of each year and ends in September. Each cruise is for a period of nine (9) days. General commodities and automobiles are carried incidental to passenger service. Also applicant is owned and under common control with the Canadian National Railway Company.

No. W 1154, filed December 22, 1960. Applicant: CANADIAN PACIFIC RAILWAY COMPANY, doing business as BRITISH COLUMBIA COAST STEAMSHIP SERVICE, Windsor Station, Montreal, P.Q., Canada. Authority sought to continue to operate as a *common carrier*, by water over regular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Passengers, mail*, and *baggage*, including automobiles of passengers, from, to, or between points or areas in Alaska as follows: Ketchikan, Juneau, Skagway, and Wrangell.

NOTE: Applicant states operations are conducted from approximately May 1st to September 15th of each year.

No. W 1155, fied December 28, 1961. Applicant: HERMAN HERMANN, doing business as HERMAN HERRMANN LIGHTERAGE, Box 29, Naknek, Alaska. Authority sought to continue to operate as a *common carrier*, by water over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, (1) between points on the Naknek River and the Naknek Anchorage at the mouth of the Naknek River; (2) between points on the Kuichak Rivers and on Lake Iliamna, on the one hand, and, on the other, the Anchorage at the mouth of the Kuichak River; and (3) Egegik and Ugashik Rivers and points on the Nushagak River (Naknek River as far as King Salmon).

NOTE: Applicant states that operations are conducted May 1 through October of each year. Summer navigation season.

No. W–1156, filed December 30, 1960. Applicant: ALASKA BARGE AND TRANSPORT, INC., 601 Main Street, P.O. Box 831, Vancouver, Wash. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *contract carrier*, by water over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, from, to, or between points or areas in Alaska, as follows: (1) Along the Yukon River between its mouth at Kwikpak and Nulato. (2) Along the Naknek River between its mouth at Naknek and King Salmon. (3) Along the Kuskokwim River between its mouth and Bethel.

NOTE: Applicant states operations are conducted May through October.

No. W–1157, filed December 30, 1960. Applicant: B & R TUG AND BARGE CO., INC., Kotzebue, Alaska. Applicant's attorney: Alan F. Wohlstetter, 1518 K Street NW., Washington 5, D.C. Authority sought to continue to operate as a *common or contract carrier*, by water over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: (A) *General commodities*, from, to, or between points or areas in Alaska as follows: (1) Along the Kobuk River between its mouth at Hotham Inlet and Kobuk serving all villages including Noorvik, Kiana, and Shungnak. (2) Along the Noatak River between its mouth at Hotham Inlet and Noatak, serving all villages. (3) Along Selawik Lake and/or River between its mouth at Hotham Inlet and Selawik, serving all villages. (4) Along the Buckland River between its mouth at Eschscholtz Bay and Buckland, serving all villages. (5) Along the Kiwalik River between its mouth at Eschscholtz Bay and Candle, serving all villages. (6) Between ports and points along the coastline of Alaska between Nome and Point Barrow, Alaska, including Gambell, St. Lawrence Island, and ports and points on Norton Sound. (B) In the performance of Lighterage service between places in Kotzebue Sound and Kotzebue City. (C) The furnishing for compensation, under charter, lease or other agreement, of vessels to persons not subject to the Act for use by such persons in the transportation of their own property between ports and points on all navigable waterways within the jurisdiction of the State of Alaska.

NOTE: Common control may be involved.

No. W–1158, filed December 29, 1960. Applicant: ALASKA STEAMSHIP COMPANY, doing business as LOMEN COMMERCIAL COMPANY, Pier 42, Seattle

4, Wash. Applicant's attorneys: Stanley B. Long and Donald E. Leland, Sixth Floor Central Building, Seattle 4, Wash., *and* Mr. Henry W. Clark, 1026 17th Street NW., Washington, D.C. Authority sought to continue to operate as a *common carrier*, by water, over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, from, to, or between points or areas in Alaska, as follows: From Shishmaref on the north side of Seward Peninsula in a westerly direction to Little Diomede Island, thence west and south to Gambell on St. Lawrence Island, thence southerly and easterly to St. Michael, Unalakleet, Koyuk, and Dime Landing, west to Golovin, White Mountain, Nome, Teller, Tin City, and Cape Prince of Wales.

No. W-1159, filed December 30, 1960. Applicant: L. E. ERICKSON AND ED WOLF, doing business as KETCHIKAN TRANSPORTATION CO., Box 6, 1209 Tongass Avenue, Ketchikan, Alaska. Authority sought to continue to operate as a *common carrier*, by water, over regular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, and *surface mail contract*, except those of unusual value, Classes A and B explosives, from, to, or between points or areas in Alaska as follows: Ketchikan, Myers Chuck, Thorne River, Ratz Harbor, Coffman Cove, Whale Pass, Lincoln Rock, Wrangell, Pt. Baker, Port Protection, Cape Decision, Cape Pole, Edna Bay, Tuxekan, Tokeen, Hecata Is., Klawock, Craig, Steamboat Bay, Waterfall, View Cove, Waterfall, Hydaburg, Long Is., Tamgass Harbor, Annette Island, on a weekly route of approximate 620 miles as a common carrier between ports connecting at Ketchikan with both north and southbound freight to and from Seattle.

NOTE: Applicant also claims "grandfather" rights as freight forwarder, see FF 286.

No. W 1160, filed December 30, 1960. Applicant: JEFFERY W. NOBLE, doing business as ALASKA CANADIAN FREIGHT WAY, 221 Northward Building, Fairbanks, Alaska. Authority sought to continue to operate as a *contract carrier*, by water, over regular and irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, including commodities in bulk, from, to, or between points or areas in Alaska as follows: Tanana, Nenana, and Yukon River.

NOTE: Applicant also claims "grandfather" rights as a Motor carrier, see MC 123340.

No. W-1161, filed December 30, 1960. Applicant: EUGENE TIBBS, doing busines as McGRATH & KUSKOKWIN FREIGHT SERVICE, McGrath, Alaska. Authority sought to continue to operate as a *common carrier*, by water, over irregular routes, under the applicable "grandfather" provisions at the Interstate Commerce Act, transporting: *General commodities*, except Classes A and B explosives, from, to, or between points or areas in Alaska as follows: On the Kuskokwim River between the mouth of the Kuskokwim and the end of navigation with authority to serve all tributaries of the Kuskokwim.

No. W-1162, filed December 30, 1960. Applicant: ROY R. SMITH, doing business as FLYING, BUYING & TRANSPORTATION SERVICE, Box 74, Dillingham, Alaska. Authority sought to continue to operate as a *common or contract carrier*, by water, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Raw fish, processed fish* and *freight*, from, to or between points or areas in Alaska.

NOTE: Applicant also claims "grandfather" rights as a motor carrier, see MC 123355, and also a freight forwarder, see FF 262.

By the Commission.

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

[F.R. Doc. 61-2006; Filed, Mar. 7, 1961; 8:47 a.m.]

[Notice 459]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 3, 1961.

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 63595. By order of February 28, 1961, the Transfer Board approved the transfer to Steve Horvath, Frank Horvath, and Joseph George Horvath, a partnership, doing business as Horvath Bros., Kearny, N.J., of Certificate No. MC 123201, issued February 1, 1961, to Steve Horvath and Frank Horvath, doing business as Horvath Bros., Kearny, N.J., which authorizes the transportation of structural steel and steel bars, shapes, plates, sheets, and tubing, over irregular routes, between Newark, N.J., on the one hand, and, on the other, specified points in New York, and rolled steel products, wooden lath, lathing nails, chain and cable-type hoists, and parts and accessories thereof, and wooden crating and empty wooden cases or crates, over irregular routes, between Newark, N.J., on the one hand, and, on the other, specified points in New York, and Pennsylvania. Restriction: The separately stated authorities shall not be joined or tacked, one to another, for the purpose of performing any through transportation. Bert Collins, 140 Cedar Street, New York 6, N.Y., practitioner for applicants.

No. MC-FC 63766. By order of February 28, 1961, the Transfer Board approved the transfer to Charles E. Jensen, doing business as Jensen Transfer, Osceola, Wis., of Certificate No. MC 93107, issued July 27, 1956, to David G. Michaelson, Balsam Lake, Wis., authorizing the transportation of: Livestock, agricultural commodities, cheese factory products, and supplies, and empty containers, from points in the Towns of Apple River, Balsam Lake, Beaver, Bone Lake, Clayton, Garfield, Georgetown, Johnston, Lincoln, Luck, McKinley, and Milltown, Polk County, Wis., and those in Barron County, Wis., within 20 miles of Balsam Lake, Wis., to Minneapolis, St. Paul, South St. Paul, and Newport, Minn.; and general commodities, excluding household goods, commodities in bulk, and other specified commodities, from Minneapolis, St. Paul, South St. Paul, and Newport, Minn., to points in the Towns of Apple River, Balsam Lake, Beaver, Bone Lake, Clayton, Garfield, Georgetown, Johnston, Lincoln, Luck, McKinley, and Milltown, Polk County, Wis., and those in Barron County, Wis., within 20 miles of Balsam Lake, Wis. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., practitioner for applicants.

No. MC-FC 63791. By order of February 28, 1961, the Transfer Board approved the transfer to George L. Van Zandt, Jr., doing business as George Van Zandt, Jr., Danville, Ill., of Certificate No. MC 102916, issued October 22, 1942, to Albert Rice, Fairmount, Ill., authorizing the transportation of: Hay, beans, and clover seed, from Fairmount, Ill., and points within ten miles of Fairmount, to Terre Haute, Indianapolis, and La Fayette, Ind., and St. Louis, Mo.; livestock, corn, wheat, and oats, from Fairmount, Ill., and points within ten miles of Fairmount, to St. Louis, Mo., from points in that part of Champaign County, Ill., within ten miles of Fairmount, Ill., to Terre Haute, Indianapolis, and La Fayette, Ind.; fertilizer, from Terre Haute, Indianapolis, and La Fayette, Ind., and St. Louis, Mo., to Fairmount Ill., and points within ten miles of Fairmount, from Indianapolis, Ind., to points in Vermilion County, Ill., except those within ten miles of Fairmount, Ill.; livestock, from Terre Haute, Ind., and La Fayette, Ind., to points in that part of Champaign County, Ill., within ten miles of Fairmount, Ill., from St. Louis, Mo., to Fairmount, Ill., and points within ten miles of Fairmount; coal, from points in Vigo and Clay Counties, Ind., as specified, to points in Vermilion County, Ill., from points in Clay County, Ind. as specified, to Fairmount, Ill., and points in Vermilion County within ten miles of Fairmount, from points in Clay County, Ind., to points in Champaign County, Ill., within ten miles of Fairmount; tankage, from Danville, Ill., to Indianapolis, Ind.; livestock and grain, between points in Vermilion County, Ill., on the one hand, and, on the other, points in Indiana as specified. Seed, between Danville, Ill., on the one hand, and, on the other, points in Indiana as specified. Wendell W. Wright, 503 Temple Building, Danville, Ill., attorney for applicants.

No. MC-FC 63803. By order of February 28, 1961, the Transfer Board approved the transfer to Peoples Ware-

house, Inc., Klamath Falls, Oreg., of Certificate No. MC 32168, issued October 12, 1949, to Warren C. Bennet, doing business as Peoples Warehouse, Klamath Falls, Oreg., authorizing the transportation of: Household goods, between points in Klamath County, Oreg., on the one hand, and, on the other, points in Washington and California. Earle V. White, 2130 Southwest Fifth Avenue, Portland 1, Oreg., attorney for applicants.

No. MC–FC 63843. By order of February 28, 1961, the Transfer Board approved the transfer to Sky Line Carriers, Inc., Schuyler, Nebr., of the remaining portion of the operating rights in Certificate No. MC 90144, issued August 18, 1959, to Wagner Mills, Inc., Schuyler, Nebr., authorizing the transportation of: General commodities, with the usual exceptions including commodities in bulk, household goods, emigrant movables, grain, livestock, farm machinery and parts, salt, and agricultural commodities, from, to, or between, specified points in Nebraska, Iowa, Kansas, Missouri and South Dakota. Einar Viren, 904 City Nat'l Bank Building, Omaha 2, Nebr., attorney for applicants.

No. MC–FC 63940. By order of February 28, 1961, the Transfer Board approved the transfer to Parker Transfer and Storage, Inc., 221 South First Avenue, Sioux Falls, S. Dak., of Certificates Nos. MC 71820 and MC 71820 Sub 3, issued June 25, 1942, and May 31, 1943, to Mable L. Parker and John D. Parker, doing business as Parker Transfer & Storage Co., 221 South First Street, Sioux Falls, S. Dak., authorizing the transportation of: Immigrant movables, between Sioux Falls, S. Dak., and points in South Dakota, within 35 miles of Sioux Falls, on the one hand, and, on the other, points in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, and Pennsylvania, traversing West Virginia for operating convenience only; Household goods, between points in South Dakota, on the one hand, and, on the other, points in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, Montana, Washington, Wisconsin, and Wyoming, traversing the State of Idaho for operating convenience; and household goods, between points within 80 miles of Sioux Falls, S. Dak., on the one hand, and, on the other, points in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, Montana, Washington, Wisconsin, and Wyoming, traversing the State of Idaho, for operating convenience only.

No. MC–FC 63959. By order of February 28, 1961, the Transfer Board approved the transfer to Karn's Moving, Inc., Hazleton, Pennsylvania, of a portion of the certificate in No. MC 3076, issued on May 5, 1942, to Karn's Transfer, Inc., Hazleton, Pa., which authorizes the transportation of household goods, as defined over irregular routes, between Hazleton, Pa., and points within 15 miles of Hazleton, on the one hand, and, on the other, points in Massachusetts, Connecticut, New York, New Jersey, Ohio, Delaware, Maryland, Rhode Island, West Virginia, Virginia, North Carolina, and the District of Columbia. Robert H. Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa.

No. MC–FC 63969. By order of February 28, 1961, the Transfer board approved the transfer to Edmac Trucking Company, Inc., Fayetteville, N.C., of Certificate in No. MC 80018 and Permit No. MC 106915, issued August 8, 1960 and August 2, 1960, respectively, to W. D. Harrington, Jr., and Mildred M. Harrington, doing business as Alvic Trucking Co., Broadway, N.C., authorizing the transportation of: Tobacoo, from points in South Carolina to Norfolk, Va., and points in North Carolina; baled cotton, between points in North Carolina, South Carolina, and Virginia; citrus pulp or meal, from points in Florida to points in South Carolina and North Carolina; malt beverages from Charlotte, N.C., to Augusta, Ga., and points in South Carolina; empty malt beverage containers, from Augusta, Ga., and points in South Carolina, to Charlotte, N.C., and clay products and shale products from Greensboro, N.C., and points in Chatham County, N.C., to points in Florida and South Carolina. A. W. Flynn, Jr., York, Boyd & Flynn, 201 Jefferson Building, Greensboro, N.C. James E. Wilson, Perpetual Building, 1111 E Street NW., Washington, D.C., attorneys for applicants.

No. MC–FC 63975. By order of February 28, 1961, the Transfer Board approved the transfer to Kafka Bros., Inc., Denmark, Wis., of Permit No. MC 117654, issued April 10, 1959, to Lawrence Kafka, doing business as Kafka Brothers, Denmark, Wis., authorizing the transportation of: Corrugated metal culvert pipe and metal articles used in the installation or construction of metal culverts or drainage systems, from Green Bay, Wis., to points in the upper peninsula of Michigan; and returned (reshipped) shipments of the above-specified commodities, from points in the upper peninsula of Michigan, to Green Bay, Wis. Michael D. O'Hara, Spies Building, Menominee, Mich., attorney for applicants.

No. MC–FC 63983. By order of March 1, 1961, the Transfer Board approved the transfer to Fred Carpentier, Scranton, Pa., of a certificate in No. MC 118388, issued August 16, 1960, to Sarkis Tulaney, Moosic, Pa., which authorizes the transportation of bananas, over irregular routes, from New York, N.Y., Baltimore, Md., and Philadelphia, Pa., to Kingston, Scranton, Wilkes-Barre, and Easton, Pa. Albert B. Mackarey, 133 Washington Avenue, Connell Building, Scranton, Pa., attorney for applicants.

No. MC–FC 63987. By order of February 28, 1961, the Transfer Board approved the transfer to Chas. T. Brown Truck Lines, Inc., Greensboro, N.C., of Certificate No. MC 75192, issued August 3, 1948, to Mae C. Brown, doing business as Chas. T. Brown Truck Lines, Greensboro, N.C., authorizing the transportation of structural steel and related iron and steel articles requiring special equipment, over irregular routes, from Greensboro, N.C., to points in South Carolina and Virginia. A. W. Flynn, Jr., 203 Jefferson Building, Greensboro, N.C., attorney for applicants.

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

[F.R. Doc. 61–2019; Filed, Mar. 7, 1961; 8:50 a.m.]

[Revised S.O. 562; Amdt. 1 to Taylor's I.C.C. Order No. 129]

MERIDIAN AND BIGBEE RAILROAD CO. ET AL.

Diversion or Rerouting of Traffic

In the opinion of Charles W. Taylor, Agent, the Meridian & Bigbee Railroad Company, The Western Railway of Alabama, and Bonhomie and Hattiesburg Southern Railroad Company, due to flood conditions, are unable to transport traffic routed over their lines.

It is ordered, That:

(a) Rerouting traffic: The Meridian & Bigbee Railroad Company, The Western Railway of Alabama, and Bonhomie and Hattiesburg Southern Railroad Company and their connections, being unable to transport traffic in accordance with shippers' routing because of flood conditions, are hereby authorized to divert or reroute traffic moving over their lines over any available route to expedite the movement.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exists between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9:00 a.m., March 1, 1961.

(g) Expiration date: This order shall expire at 11:59 p.m., March 10, 1961,

unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D.C., March 1, 1961.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 61–2007; Filed, Mar. 7, 1961; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 3, 1961.

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. 36940: *Substituted service—Wab. for Midwest Haulers, Inc., Et Al.* Filed by Midwest Haulers, Inc. (No. 38), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between St. Louis, Mo., and Kansas City, Mo., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 17 to Midwest Haulers, Inc., tariff MF–I.C.C. 22.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61–2005; Filed, Mar. 7, 1961; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

SCHENKERS INTERNATIONAL, INC., AND LEP TRANSPORT, INC.

Agreement Filed for Approval

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

Agreement No. 8581 between Schenkers International, Inc., Chicago, Illinois and Lep Transport, Inc., New York, New York.

According to the terms of this agreement, Schenkers shall perform all the required forwarding services in connection with shipments referred to it by Lep Transport which move through the port of Chicago.

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

By order of the Federal Maritime Board.

Dated: March 3, 1961.

THOMAS LISI,
Secretary.

[F.R. Doc. 61–2034; Filed, Mar. 7, 1961; 8:51 a.m.]

UNITED STATES ATLANTIC & GULF-PUERTO RICO CONFERENCE

Notice of Request for Cancellation of Agreements

Notice is hereby given that the following carriers: Alcoa Steamship Company, Inc., Lykes Bros. Steamship Co., Inc., and Waterman Steamship Corporation of Puerto Rico, constituting the membership of the United States Atlantic & Gulf-Puerto Rico Conference, have requested cancellation of the agreement of that conference, No. 6120, as amended, in the trade between Atlantic and Gulf ports of the United States and Puerto Rico, and supplementary Agreement No. 6120–A, between said member lines and Sea-Land Services, Inc., Puerto Rican Division (formerly Pan-Atlantic Steamship Corporation), which concurs in said cancellation. The parties requested that the date of cancellation of these agreements coincide with the date of approval of Agreement No. 8559, covering the same trade, notice of the filing of which appeared in the FEDERAL REGISTER of January 28, 1961 (26 F.R. 921).

Any written statements, comments or protests with respect to the cancellation of either of the above referred to agreements, pursuant to section 15 of the Shipping Act, 1916, or request for hearing in connection therewith, may be filed with the Secretary, Federal Maritime Board, Washington, D.C., within 20 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: February 3, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61–2035; Filed, Mar. 7, 1961; 8:52 a.m.]

Office of the Secretary

JOSEPH P. CROSBY

Statement of Changes in Financial Interests

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

A. Deletions: Lone Star Cement, Eastern Gas & Fuel, Lodge & Shipley.
B. Additions: Metro-Goldwyn Mayer.

This statement is made as of February 24, 1961.

JOSEPH P. CROSBY.

[F.R. Doc. 61–2025; Filed, Mar. 7, 1961; 8:50 a.m.]

ROBERT L. TURNER, JR.

Statement of Changes in Financial Interests

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

A. Deletions: None.
B. Additions: 102 shares Eastern Air Lines, Inc., 116 shares Greyhound Corp.

This statement is made as of February 1, 1961.

ROBERT L. TURNER, Jr.

[F.R. Doc. 61–2031; Filed, Mar. 7, 1961; 8:51 a.m.]

HAROLD L. GRAHAM, JR.

Statement of Changes in Financial Interests

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

A. Deletions: None.
B. Additions: None.

This statement is made as of February 1, 1961.

HAROLD L. GRAHAM, Jr.

[F.R. Doc. 61–2032; Filed, Mar. 7, 1961; 8:51 a.m.]

FIRST ASSISTANT COMMISSIONER OF PATENTS

Delegation of Authority To Serve as Acting Commissioner of Patents

Acting under the provisions of section 3 of Title 35 United States Code and of section 2 of Reorganization Plan No. 5 of 1950, I hereby authorize Mr. Arthur W. Crocker, First Assistant Commissioner of Patents, to be and serve as Acting Commissioner of Patents, beginning with the opening of business of the United States Patent Office on March 2, 1961. This authorization shall remain in force until a new Commissioner of Patents to fill the vacancy that will exist in that office as of March 2, 1961, is appointed and takes office.

(R.S. 161; 5 U.S.C. 22; 35 U.S.C. 3; Reorganization Plan No. 5 of 1950, 15 F.R. 3174)

Dated: March 1, 1961.

LUTHER H. HODGES,
Secretary of Commerce.

[F.R. Doc. 61–2091; Filed, Mar. 7, 1961; 8:54 a.m.]

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