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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3405

LAW DAY, U.S.A., 1961

By the President of the United States
of America

A Proclamation

WHEREAS no nation can remain free unless its people cherish their freedoms, understand the responsibilities they entail, and nurture the will to preserve them; and

WHEREAS law is the strongest link between man and freedom, and by strengthening the rule of law we strengthen freedom and justice in our own country and contribute by example to the goal of justice under law for all mankind; and

WHEREAS the Congress of the United States, by a joint resolution approved April 7, 1961, has designated the first

day of May of each year as Law Day, U.S.A., and has requested the President to issue a proclamation calling for appropriate observance of that day; and

WHEREAS the objectives of Law Day, U.S.A., are to urge Americans to rededicate themselves to the ideals of equality and justice under law in their relations with each other and with other nations; to cultivate that respect for law which is vital in a democratic society; and to foster a full understanding and appreciation of our liberties and of the legal and judicial institutions which protect them:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby urge the people of the United States to observe Monday, May 1, 1961, as Law Day, U.S.A., with suitable ceremonies. I especially urge that public bodies, educational institutions, the legal profession, civic and service organizations, and the media of information take the lead

in sponsoring and participating in educational undertakings and other appropriate means to give effect to the objectives of this national observance.

I also call upon public officials to cause the flag of the United States to be displayed on all government buildings on that day.

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

DONE at the City of Washington this seventh day of April in the year of our Lord nineteen hundred and [SEAL] sixty-one, and of the Independence of the United States of America the one hundred and eighty-fifth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 61-3361; Filed, Apr. 11, 1961;
10:29 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (24) of § 6.302, having expired by its own terms, is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-3265; Filed, Apr. 11, 1961; 8:50 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense; Civilian-Military Liaison Committee

1. Effective upon publication in the FEDERAL REGISTER, subparagraphs (3), (6), (8), (17), (20), (22), (25), and (28) of paragraph (a) of § 6.304 are revoked, and subparagraphs (1), (11), and (13) of paragraph (a) are amended as set out below.

§ 6.304 Department of Defense.

(a) *Office of the Secretary.* (1) One special assistant and two private secretaries to the Secretary of Defense.

* * * * *

(11) One confidential assistant to the Assistant Secretary of Defense (International Security Affairs).

* * * * *

(13) The Defense Advisor to USRO in Paris, France.

§ 6.365 [Revocation]

2. Effective upon publication in the FEDERAL REGISTER, the headnote and paragraph (a) of § 6.365 are revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-3266; Filed, Apr. 11, 1961; 8:50 a.m.]

Title 6—AGRICULTURAL CREDIT

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

PART 464—TOBACCO

Subpart—1960 Tobacco Loan Program

MARYLAND TOBACCO; SCHEDULE OF ADVANCE RATES

Set forth below is a schedule of advance rates, by grades, for the 1960 crop of type 32, Maryland tobacco, under the tobacco loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service, published July 6, 1960 (25 F.R. 6323).

§ 464.1251 1960 crop; Maryland tobacco, Type 32, advance schedule.¹

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate	Grade	Advance rate
B1F	76.12	T4K	29.12	X1F	73.12
B2F	74.12	T5K	23.12	X2F	69.12
B3F	70.12	T4G	25.12	X3F	64.12
B4F	66.12	T5G	23.12	X4F	53.12
B5F	55.12	C1L	81.12	X5F	38.12
B1R	60.12	C2L	79.12	X3R	53.12
B2R	55.12	C3L	74.12	X4R	40.12
B3R	48.12	C4L	68.12	X5R	28.12
B4R	38.12	C5L	62.12	X3V	51.12
B5R	29.12	C1F	82.12	X4V	38.12
B3V	52.12	C2F	80.12	X5V	28.12
B4V	43.12	C3F	75.12	X3K	43.11
B5V	30.12	C4F	72.12	X4K	34.12
B3D	31.12	C5F	66.12	X5K	25.12
B4D	26.12	C3R	70.12	X4D	27.12
B5D	24.12	C4R	65.12	X5D	23.12
B3K	39.12	C5R	51.12	X4G	25.12
B4K	36.12	C3V	66.12	X5G	23.12
B5K	28.12	C4V	55.12	P3L	47.12
B3G	29.12	C5V	38.12	P4L	37.12
B4G	25.12	C4D	39.12	P5L	24.12
B5G	23.12	C5D	29.12	P6F	47.12
T3F	61.12	C3K	50.12	P4F	37.12
T4F	53.12	C4K	45.12	P5F	24.12
T5F	38.12	C5K	35.12	P6R	27.12
T3R	41.12	C4G	32.12	P5R	23.12
T4R	34.12	C5G	25.12	N1L	21.12
T5R	25.12	X1L	73.12	N1R	22.12
T4V	34.12	X2L	69.12	N1F	22.12
T5V	25.12	X3L	64.12	N1G	22.12
T4D	25.12	X4L	52.12		
T5D	21.12	X5L	37.12		

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 106, 401, 403, 63 Stat. 1054, 74 Stat. 6; 15 U.S.C. 714c, 7 U.S.C. 1445, 1421, 1423; sec.

¹The advance rate for each grade of any tobacco classified as type 32b will be 75 percent, rounded to the nearest dollar, of the rate designated for such grade of regular type 32 tobacco. Tobacco graded N2 (second quality nondescript), scrap, or No-G (no grade) will not be accepted. Only the original producer is eligible to receive advances. The cooperative associations through which price support is made available are authorized to deduct from the amount paid to growers 12 cents per hundred pounds to apply against overhead costs.

125, 70 Stat. 198, 7 U.S.C. 1813; Pub. Law 86-80, 73 Stat. 178)

Signed at Washington, D.C., on April 5, 1961.

E. A. JAENKE,
*Acting Executive Vice President,
Commodity Credit Corporation.*

[F.R. Doc. 61-3240; Filed, Apr. 11, 1961; 8:47 a.m.]

Title 7—AGRICULTURE

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

[Milk Order 116]

PART 1016—MILK IN THE NORTH-EASTERN WISCONSIN MARKETING AREA

Order Amending Order

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AUTHORITY: §§ 1016.0 to 1016.101 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1016.0 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 Northeastern Wisconsin 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;

(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.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than May 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued January 9, 1961 and the decision of the Acting Secretary containing all amendment provisions of this order, was issued March 6, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1961, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Northeastern Wisconsin 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:

DEFINITIONS

§ 1016.1 Act.

"Act" means Public Act No. 10, 73d Congress as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1016.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1016.3 USDA.

"USDA" means the United States Department of Agriculture.

§ 1016.4 Person.

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

§ 1016.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association is qualified under provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act."

§ 1016.6 Northeastern Wisconsin marketing area.

The Northeastern Wisconsin marketing area, hereinafter referred to as the "marketing area", means all territory within (a) the counties of Brown, Calumet, Kewaunee, Langlade, Lincoln, Manitowoc, Oneida, Outagamie, Portage, Shawano (exclusive of the Menominee Indian Reservation), Sheboygan, Vilas, Waupaca and Winnebago, all in Wisconsin, including all towns, villages and cities; (b) the County of Fond du Lac, Wisconsin, exclusive of the towns of Alto, Ashford, Auburn, Byron, Eden, Oakfield, Osceola and Waupun, the villages of Campbellsport, Eden and Oakfield, and the city of Waupun; (c) the city of Sturgeon Bay in Door County, Wisconsin; (d) the towns of Bergen, Berlin, Bevent, Easton, Elderon, Franzen, Guenther, Harrison, Hewitt, Knowlton, Kronenwetter, Maine, Marathon, Mosinee, Norrie, Plover, Reid, Rib Mountain, Ringle, Stettin, Texas, Wausau and Weston, the villages of Brokaw, Elderon, Hatley, Marathon and Rothschild, and the cities of Mosinee, Schofield and Wausau, all in Marathon County, Wisconsin; (e) Forest County and Oconto County (exclusive of the Menominee Indian Reservation), Wisconsin; and (f) the towns of Cranmoor, Grand Rapids, Port Edwards, Rudolph, Saratoga and Seneca, the villages of Biron and Port Edwards, and the cities of Nekoosa and Wisconsin Rapids in Wood County, Wisconsin.

§ 1016.7 Producer.

"Producer" means a person, other than a producer-handler, who produces Grade A milk in conformity with the sanitat-

tion requirements of any duly constituted Federal, state, county, or municipal authority, whose milk is received at a pool plant.

§ 1016.8 Pool plant.

"Pool plant" means any milk plant approved by a duly constituted authority for the handling of milk to be labeled Grade A, except as provided in §§ 1016.-80, 1016.81 and 1016.82:

(a) At which milk is processed or packaged and from which during the month:

(1) Disposition on routes in the marketing area of fluid milk products labeled Grade A is 20 percent or more of receipts of Grade A milk from dairy farmers, and

(2) Total disposition on routes of fluid milk products labeled Grade A is 50 percent or more of receipts of Grade A milk from dairy farmers and other milk plants; or

(b) At which milk eligible for distribution as Grade A milk is received from dairy farmers and from which during the month 50 percent or more of such receipts is moved to a plant described in paragraph (a) of this section. Any such receiving plant that was a pool plant during each of the months of July through November immediately preceding shall be a pool plant for the months of December through June unless written request to the contrary is filed with the market administrator on or before the first day of any such month.

§ 1016.9 Handler.

"Handler" means (a) the operator of a pool plant in his capacity as such; (b) the operator of any other plant from which fluid milk products labeled Grade A are disposed of during the month on routes in the marketing area; or (c) a cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant.

§ 1016.10 Producer-handler.

"Producer-handler" means a dairy farmer who distributes fluid milk products on a route in the marketing area, but receives no fluid milk products during the month except his own production or by transfer from pool plants.

§ 1016.11 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk received at a pool plant directly from producers: *Provided*, That milk diverted from a pool plant to nonpool plants shall be deemed to have been received by the diverting handler at the plant from which diverted: *And provided further*, That in any of the months of July through November, the quantity of milk of any producer which is diverted from pool plants to nonpool plants that is greater than the quantity delivered to pool plants shall not be deemed to have been received by the diverting handler at the plant from which diverted and shall not be producer milk.

§ 1016.12 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored milk, flavored milk drinks, buttermilk, half and half and cream (sweet or sour).

§ 1016.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month of fluid milk products except receipts from other pool plants or producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the pool plant) which are reprocessed or converted to another product in the pool plant during the month.

§ 1016.14 Route.

"Route" means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery to any milk processing plant.

§ 1016.15 Base milk.

"Base milk" means producer milk during each of the months of March, April, May and June which is not in excess of such producer's base multiplied by the number of days of production that such milk was received at pool plants in such month: *Provided*, That base milk shall not include milk received from a farm from which milk is delivered in the same month to a plant at which it is subject to the pricing and classification provisions of another order issued pursuant to the Act: *And provided further*, That all producer milk during each of the months from the effective date hereof through June 1961 shall be base milk.

§ 1016.16 Excess milk.

"Excess milk" means milk received at pool plants from a producer during each of the months of March, April, May and June which is in excess of the base milk received from such producer during such month.

MARKET ADMINISTRATOR

§ 1016.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 1016.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

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

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1016.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(c) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(d) Pay out of the funds provided by § 1016.74 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1016.75, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made reports pursuant to §§ 1016.30 through 1016.33, or payments pursuant to §§ 1016.70 through 1016.76;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers or persons upon whose utilization the classification of skim milk and butterfat for each handler depends to verify the reports and payments required pursuant to the provisions of this part; and

(i) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 1016.51 and the Class I butterfat differential pursuant to § 1016.54(a), both for the current month; the minimum price for Class II milk pursuant to § 1016.52 and the Class II butterfat differential pursuant to § 1016.54(b), both for the preceding month; and the minimum price for Class III milk pursuant to § 1016.53 and the Class III butterfat differential pursuant to § 1016.54(b), both for the preceding month;

(2) On or before the 14th day after the end of each of the months of July through February, the uniform price pursuant to § 1016.62 and the butterfat differential pursuant to § 1016.64; and

(3) On or before the 14th day after the end of each of the months of March through June, the uniform prices for base milk and excess milk pursuant to § 1016.63 and the butterfat differential pursuant to § 1016.64.

REPORTS, RECORDS, AND FACILITIES

§ 1016.30 Monthly reports of receipts and utilization.

On or before the 5th day (exclusive of Sundays and holidays) of each month, each handler shall report to the market administrator for the preceding month for each pool plant in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of butterfat and skim milk contained in or represented by:

(1) Producer milk (including for the months of March through June the aggregate amount of base and excess milk) or receipts from dairy farmers producing Grade A milk,

(2) Fluid milk products received from other pool plants,

(3) Other source milk, and

(4) Inventories of fluid milk products on hand at the end of each month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section; and

(c) Such other information with respect to sources and disposition as the market administrator may prescribe.

§ 1016.31 Payroll reports.

On or before the 25th day of each month each handler operating a pool plant or receiving Grade A milk from dairy farmers shall report his producer or dairy farmer payroll for each plant for the preceding month which shall show:

(a) The total pounds of milk received from each producer (including for the months of March through June the total pounds of base and excess milk) and the percentage of butterfat contained therein or the pounds of milk received from each dairy farmer producing Grade A milk and the percentage of butterfat contained therein; and

(b) The date and net amount of payment to such producer or dairy farmer, or to a cooperative association for such producer's milk, with the price, deductions and charges involved and the nature of each.

§ 1016.32 Producer-handler reports.

Each producer-handler shall make reports at such time and in such manner as the market administrator may request.

§ 1016.33 Exempt handler reports.

Each handler exempt pursuant to §§ 1016.81 and 1016.82 shall report to the market administrator his disposition of fluid milk products on routes within the marketing area at such time and in such manner as the market administrator shall prescribe.

§ 1016.34 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such

accounts and records of all of his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form;

(b) The weights and tests for butterfat, skim milk and other content of all milk and milk products handled;

(c) Inventories of all dairy products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations.

§ 1016.35 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1016.40 Skim milk and butterfat to be classified.

All skim milk and butterfat required to be reported pursuant to § 1016.30 shall be classified (separately as skim milk and butterfat) pursuant to §§ 1016.41 through 1016.45.

§ 1016.41 Classes of utilization.

Subject to the conditions set forth in §§ 1016.42 and 1016.43, the classes of utilization shall be:

(a) Class I utilization shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (c) (2) of this section; and

(2) Not accounted for as Class II and Class III utilization.

(b) Class II utilization shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraphs (a) or (c) of this section; and

(2) In inventories of fluid milk products on hand at the end of the month.

(c) Class III utilization shall be all skim milk and butterfat:

(1) Used to produce butter, nonfat dry milk or cheese in any form except cottage cheese;

(2) In skim milk disposed of for livestock feed or dumped subject to prior notification to and verification (at his discretion) by the market administrator;

(3) In shrinkage of skim milk and butterfat allocated to milk received from

producers, but not to exceed 2 percent of such receipts; and

(4) In shrinkage of other source milk.

§ 1016.42 Shrinkage.

(a) When producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred by a handler to another handler without first having been received in the transferor handler's plants shall be included in the receipts at the plant of the transferee handler for the purpose of computing his shrinkage and shall be excluded at the plant of the transferor handler in computing his shrinkage.

§ 1016.43 Transfers.

Skim milk and butterfat transferred or diverted as milk, skim milk or cream in bulk form from a pool plant to:

(a) The pool plant of another handler shall be classified at the utilization indicated by the operators of both plants in their reports submitted pursuant to § 1016.30, otherwise as Class I utilization, subject in either event to the following conditions:

(1) The receiving plant has utilization in such class of an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants;

(b) A plant operated by a producer-handler or a handler exempt pursuant to § 1016.81, shall be Class I utilization;

(c) A nonpool plant (except as specified in paragraph (b) of this section) shall be Class I utilization, unless the following conditions and the conditions of paragraph (d) of this section are met:

(1) Utilization in another class is claimed by the transferor-handler in his report submitted pursuant to § 1016.30 for the month;

(2) The operator of the nonpool plant has utilization of an equivalent amount of skim milk and butterfat remaining in the class of use claimed in subparagraph (1) of this paragraph after the prior deduction in sequence beginning with the lowest-priced available class of use of any receipts thereat during the month of skim milk or butterfat, respectively, from plants not regulated under the provisions of any Federal marketing agreement or order; and

(3) The operator of the nonpool plant maintains books and records which are adequate for the verification of such utilization and are made available if requested by the market administrator.

(d) The classification of any skim milk or butterfat for which a claim of use is made under paragraph (c) (1) of this section shall be subject to the following further conditions.

(1) If any skim milk or butterfat was disposed of from the nonpool plant in the form of bulk milk, skim milk, or cream to other nonpool plants, the market administrator shall determine the classification of such skim milk or but-

terfat at the nonpool plant where actually used or processed when necessary to support a claim made pursuant to paragraph (c) (1) of this section;

(2) If Class I utilization at any nonpool plant at which classification of the pooled milk is made exceeds the receipts during the month from dairy farmers who constitute its regular source of Grade A milk, the transferred quantity shall be Class I to the extent of such excess: *Provided*, That (i) when, during the month, transfers to such nonpool plant have been made from regulated plants under more than one Federal marketing agreement or order, the amount of skim milk or butterfat so classified as Class I milk shall be a pro rata quantity based on the proportion of receipts at the nonpool plant from each of such regulated plants, and (ii) any amount of pooled milk remaining after the computation in (i) of this proviso shall be assigned in sequence to the available uses in the class claimed and any balance to the remaining uses in the nonpool plant; and

(3) If Class I utilization at any nonpool plant at which classification of the pooled milk is made does not exceed the receipts during the month from dairy farmers who constitute its regular source of Grade A milk, the transferred quantity which is in excess of the available uses in the class claimed under paragraph (c) (1) of this section shall be classified in other classes in sequence beginning with the next lowest-priced available class of use.

§ 1016.44 Responsibility of handlers.

All skim milk and butterfat shall be classified as Class I utilization unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1016.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat respectively, in Class I, Class II and Class III utilization for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water normally associated with such solids in the form of whole milk.

§ 1016.46 Allocation of butterfat classified.

The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class III utilization the pounds of butterfat shrinkage allowed pursuant to § 1016.41(c) (3);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization,

the pounds of butterfat in other source milk received from plants other than those subject to another marketing agreement or order issued pursuant to the Act;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk received from a plant subject to another marketing agreement or order issued pursuant to the Act;

(d) Subtract from the pounds of butterfat remaining in Class II milk and Class I milk, in series beginning with Class II, the pounds of butterfat contained in inventory of fluid milk products on hand at the beginning of the month;

(e) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received as fluid milk products from pool plants of other handlers according to the classification established pursuant to §§ 1016.41 and 1016.43(a);

(f) Add to the remaining pounds of butterfat in Class III utilization the pounds subtracted pursuant to paragraph (a) of this section; and

(g) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such overage from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 1016.47 Allocation of skim milk classified.

Allocate the pounds of skim milk in each class to milk received from producers in the same manner as that prescribed for butterfat in § 1016.46.

§ 1016.48 Computation of total producer milk in each class.

The amounts computed pursuant to §§ 1016.46 and 1016.47 will be combined into one total for each class and the weighted average butterfat content of producer milk in each class will be determined.

MINIMUM PRICES

§ 1016.50 Basic formula price.

The basic formula price shall be the higher of the prices computed as follows:

(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 USDA.

Present Operator and Location

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

(b) The price computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the USDA, during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the USDA; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents and adjust to the nearest cent.

§ 1016.51 Class I milk price.

Subject to the provisions of § 1016.54 the minimum price per hundredweight to be paid by each handler for milk received at his pool plant from producers or the pool plant of a cooperative association during the month and utilized as Class I milk shall be as follows during the period through November 1961;

(a) Except as provided in paragraph (b) of this section, the basic formula price for the preceding month plus \$0.54 for the months of March, April, May, and June; \$0.74 for the months of January, February, July, and December; and \$0.94 for all other months.

(b) For plants located in the Wisconsin counties of Florence, Forest, Marinette, Oneida and Vilas or in the State of Michigan, the price computed in paragraph (a) of this section shall be increased ten cents.

§ 1016.52 Class II milk price.

Subject to the provisions of § 1016.54 the minimum price per hundredweight to be paid by each handler for milk received at his pool plant from producers or the pool plant of a cooperative association during the month and utilized as Class II milk shall be the basic formula price.

§ 1016.53 Class III milk price.

Subject to the provision of § 1016.54 the minimum price per hundredweight to be paid by each handler for milk received at his pool plant from producers or the pool plant of a cooperative association during the month and utilized as Class III milk shall be the price computed pursuant to § 1016.50(b), plus 5 cents: *Provided*, That the resulting price shall not be higher than the Class II price.

§ 1016.54 Handler butterfat differential.

If the average butterfat test of Class I milk, Class II milk or Class III milk as computed pursuant to § 1016.48 is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one per-

cent that such average butterfat test is above or below 3.5 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the USDA during the month specified below by the applicable factor listed, and rounding to the nearest one-tenth cent:

- (a) For Class I milk, multiply such price for the preceding month by 0.125;
- (b) For Class II and Class III milk, multiply such price for the current month by 0.115.

§ 1016.55 Equivalent price provision.

Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with, the price specified.

HANDLER'S OBLIGATION AND UNIFORM PRICE

§ 1016.60 Computation of value of producer milk.

The value of producer milk received by each handler shall be computed by the market administrator as follows:

- (a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1016.48, by the applicable class prices;
- (b) Add the amounts computed by multiplying the quantity of overage assigned to each class pursuant to § 1016.46(g) and the corresponding step of § 1016.47 by the applicable class price;
- (c) Add the amount obtained in multiplying by the difference between the Class II price for the preceding month and the Class I price for the current month the lesser of:

- (1) The hundredweight of milk subtracted from Class I pursuant to § 1016.46(d) and the corresponding step of § 1016.47; or
- (2) The hundredweight of producer milk classified as Class II during the preceding month; and
- (d) If during the month total receipts of producer milk were 110 percent or more of the total Class I milk at pool plants, add an amount equal to the difference between the values (at test and location) at the Class I price and Class III price with respect to:

- (1) Other source milk subtracted from Class I pursuant to § 1016.46(b) and the corresponding step of § 1016.47; and
- (2) Milk in inventory subtracted from Class I pursuant to § 1016.46(d) and the corresponding step of § 1016.47 which is in excess of the sum of:
 - (i) The quantity for which payment is computed pursuant to paragraph (c) of this section; and
 - (ii) The quantity subtracted from Class II pursuant to § 1016.46(c) and the corresponding step of § 1016.47 in the month preceding.

§ 1016.61 Computation of aggregate value used to determine uniform price.

For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for producer milk of 3.5 percent butterfat content as follows:

- (a) Combine into one total the individual values of milk of all handlers computed pursuant to § 1016.60;
- (b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the producer butterfat differential, and multiplying the result by the hundredweight of such producer milk;
- (c) Subtract the aggregate of the values of the applicable producer location adjustments pursuant to § 1016.65; and
- (d) Add an amount equal to one-half of the unobligated cash balance in the producer-equalization fund.

§ 1016.62 Computation of uniform price.

For each of the months of July through February, the market administrator shall compute the uniform price per hundredweight for producer milk of 3.5 percent butterfat content, as follows:

- (a) Divide the aggregate value computed pursuant to § 1016.61 by the total hundredweight of producer milk included in such computations; and
- (b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section.

§ 1016.63 Computation of uniform prices for base milk and excess milk.

For each of the months of March through June, the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk, each of 3.5 percent butterfat content, as follows:

- (a) From the reports submitted by handlers pursuant to § 1016.30 determine the aggregate classification of producer milk included in the computation of value pursuant to § 1016.61 and the total hundredweight of such milk that is base milk and that is excess milk;
- (b) Determine the value of excess milk by assigning such milk in series, beginning with Class III milk, to the hundredweight of milk classified pursuant to paragraph (a) of this section, multiplying the quantity so assigned by the respective class prices for milk containing 3.5 percent butterfat, and adding together the resulting amounts;
- (c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk. The resulting figure, rounded to the nearest cent, shall be the uniform price for excess milk;
- (d) Subtract the value of excess milk pursuant to paragraph (c) of this sec-

tion from the aggregate value of all milk obtained in § 1016.61; and

- (e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section, and subtract not less than 4 cents nor more than 5 cents from the price thus computed. The resulting figure shall be the uniform price for base milk.

§ 1016.64 Producer butterfat differential.

The uniform prices pursuant to §§ 1016.62 and 1016.63 shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I, Class II and Class III milk pursuant to § 1016.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resulting figure to the nearest one-tenth cent.

§ 1016.65 Producer location adjustments.

The uniform price pursuant to § 1016.62 and the uniform price for base milk pursuant to § 1016.63 shall be increased 10 cents for producer milk received at a pool plant in the Wisconsin Counties of Florence, Forest, Marinette, Oneida or Villas or in the State of Michigan.

§ 1016.66 Notification.

On or before the 14th day after the end of each month, the market administrator shall mail to each handler at his last known address a statement showing for such month:

- (a) The amount and value of his producer milk in each class;
- (b) The uniform prices pursuant to §§ 1016.62 or 1016.63 adjusted by the butterfat differential pursuant to § 1016.64 and the location adjustment pursuant to § 1016.65; and
- (c) The amount due such handler pursuant to § 1016.73 and the amounts to be paid by such handler pursuant to §§ 1016.72, 1016.74 and 1016.75.

PAYMENT FOR MILK

§ 1016.70 Time and method of payment.

- (a) Except as provided in paragraphs (b) and (c) of this section, on or before the 18th day after the end of each month each handler shall pay each producer for producer milk received from him during the month the uniform prices provided in § 1016.62 or § 1016.63 adjusted by the butterfat differential pursuant to § 1016.64 and the location adjustment pursuant to § 1016.65: *Provided*, That if by such date a handler has not received full payment pursuant to § 1016.73, he may reduce his total payments to all producers and cooperative associations uniformly by not more than the amount of reduction in payment from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments

next following receipt of the balance from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any claim on the part of the association, each handler shall pay to the cooperative association on or before the 16th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amount owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association on or before the 16th day of each month written information which shows for each such member-producer:

(i) The total pounds of milk received from him during the preceding month, including, for the months of March through June, the pounds of base and excess milk;

(ii) The total pounds of butterfat contained in such milk;

(iii) The number of days on which such milk was received; and

(iv) The amounts withheld by the handler in payment for supplies sold.

(2) The payment and submission of information pursuant to subparagraph (1) of this paragraph shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(3) A copy of each request and promise to reimburse pursuant to subparagraph (1) of this paragraph and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, shall be made by written notice to the market administrator and shall be subject to his determination.

(c) Each handler shall make payment to a cooperative association for milk received from the pool plant of such cooperative association on or before the 10th day after the end of each month in which it was received, at not less than the applicable class prices.

§ 1016.71 Producer-equalization fund.

The market administrator shall maintain a separate fund known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to §§ 1016.72 and 1016.83 (a) (1) or (b) (1) (including any adjustments thereto pursuant to § 1016.76) and out of which he shall make all payments pursuant to § 1016.73 (including any adjustments thereto pursuant to § 1016.76).

§ 1016.72 Payments to the producer-equalization fund.

On or before the 16th day after the end of each month, each handler whose value of milk is required to be computed pursuant to § 1016.60 shall pay to the market administrator any amount by which such value for such month is greater than the amount required to be paid by him pursuant to § 1016.70.

§ 1016.73 Payments out of the producer-equalization fund.

On or before the 17th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 1016.60 is less than the amount required to be paid by him pursuant to § 1016.70, less any unpaid obligations of such handler to the market administrator pursuant to § 1016.72: *Provided*, That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1016.74 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 16th day after the end of each month 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe with respect to:

(a) All receipts within the month of milk from producers, including milk of such handler's own production;

(b) Any other source milk allocated to Class I pursuant to § 1016.46 (b) and the corresponding step of § 1016.47; and

(c) The applicable amount specified in § 1016.83 (a) (2) or (b) (2).

§ 1016.75 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 1016.70 for milk received from each producer (excluding milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as the Secretary may prescribe, and on or before the 16th day after the end of each month shall pay such deduction to the market administrator. Such monies shall be used by the market administrator to verify weights, samples and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a pool plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler

shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 1016.70 as may be authorized by such producers, and pay such deductions on or before the 16th day after the end of the month to the cooperative association rendering such services of which such producers are members.

§ 1016.76 Errors in payment.

Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses adjustments to be made, for any reason, which result in monies due to the market administrator from such handler, to such handler from the market administrator, or to any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 1016.77 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1016.72 through 1016.76 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 1016.78 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or associations or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator

so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

APPLICATION OF PROVISION

§ 1016.80 Producer-handler exemption.

A producer-handler shall be exempt from all provisions of this part except §§ 1016.32, 1016.34 and 1016.35.

§ 1016.81 Exempt handler.

A handler who operates a fluid milk plant located outside the marketing area from which an average of less than 600 pounds of fluid milk products per day are disposed of during the month in the marketing area on routes shall be exempt from all provisions of this part except §§ 1016.33 through 1016.35.

§ 1016.82 Handlers subject to other Federal orders.

The provisions of this part shall not apply to a handler with respect to the operation of a pool plant during any month in which the milk at such plant would be subject to the classification, pricing and payment provisions of another marketing agreement or order issued pursuant to the Act and the disposition of fluid milk products in the other Federal marketing area exceeds that in the Northeastern Wisconsin marketing area: *Provided*, That the operator of a pool plant which is exempted from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

§ 1016.83 Handlers operating a nonpool distributing plant.

Each handler, other than a producer-handler or one exempt pursuant to §§ 1016.81 or 1016.82, who during the

month operates a Grade A milk nonpool plant from which fluid milk products are distributed on a route in the marketing area, shall pay to the market administrator as follows:

(a) If such handler so elects at the time of reporting pursuant to § 1016.30, his obligations shall be as follows:

(1) On or before the 16th day after the end of the month, for the producer-equalization fund, an amount equal to the difference between the value of the Class I milk disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the Class III price; and

(2) On or before the 16th day after the end of the month, as his pro rata share of the expense of administration, the rate specified in § 1016.74 with respect to Class I milk disposed of on routes in the marketing area.

(b) Unless such handler elects to have his obligations computed pursuant to paragraph (a) of this section, his obligations shall be as follows:

(1) On or before the 25th day after the end of the month, for the producer equalization fund the lesser of the amount computed pursuant to paragraph (a) (1) of this section, or any plus amount resulting from the following computation:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 1016.60 for Grade A milk received from dairy farmers at such plant for such month if such plant had been a pool plant;

(ii) Deduct the gross payments made by the handler to dairy farmers for Grade A milk received at such plant for such month. Gross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the date of the report required pursuant to § 1016.31, plus the value of any supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 16th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1016.74 had such plant been a pool plant.

DETERMINATION OF BASE

§ 1016.85 Base.

"Base" for each producer shall be determined by the market administrator and shall be the amount obtained by dividing the total pounds of producer milk received from such producer at all pool plants during the months of September through November immediately preceding by the number of days on which such milk is received from such producer: *Provided*, That for the purpose of calculating the base of a producer pursuant to this section, the number of days included in his producer milk deliveries shall be the number of days of production of producer milk and the deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any

of the months of March through June shall be considered producer milk received at a pool plant: *Provided further*, That if no milk is received from a producer at a pool plant during the month of September through November or if milk is received on less than 60 days during such months, the base of such producer shall be his average daily deliveries of producer milk for each of the months of March through June multiplied by 60 percent for the month of March, 55 percent for the month of April and by 50 percent for the months of May and June: *And provided further*, That any producer for whom a base has been established pursuant to this section based on deliveries of 60 or more days during the preceding months of September through November may, in lieu thereof, by notifying the market administrator prior to March 1, be accorded a base calculated pursuant to the immediately preceding proviso of this section.

§ 1016.86 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall be held in the name of the producer and may be transferred only at his option.

(b) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned and the transferor must notify the market administrator in writing on or before the last day of the month that such base is to be transferred, indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family.

(c) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be held jointly in the names of the producers, and during March, April, May and June, each producer having an interest in a jointly held base shall share the base during each delivery period in the same proportion as he shares in the milk deliveries in such delivery period: *Provided*, That if the producers have earned bases separately, one or more of which was earned on another farm, each producer may retain his individual base if application is made in writing to the market administrator postmarked not later than the last day of the first month during which the base is to apply.

(d) When two or more producers holding a joint base cease delivering milk from the same farm, the base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signature of all interested producers: *Provided*, That in the event producers do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month

during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers.

(e) Subject to the provisions set forth in paragraphs (a) and (b) of this section, a producer who discontinues shipping milk to a pool plant during September, October, or November may transfer to another producer credit for milk deliveries for base making purposes.

§ 1016.87 Announcement of established bases.

On or before February 15 of each year the market administrator shall notify each producer and the handler receiving milk from such producer of the base established by such producer.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1016.90 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1016.91 Suspension or termination.

The Secretary shall, whenever he finds that this part, or any provision of this part, obstructs or does not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this part on any such provision of this part.

§ 1016.92 Continuing obligation.

If upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1016.93 Liquidation.

(a) Under the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent.

(b) If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1016.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1016.101 Separability of provisions.

If any provision of this part, or the application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C., April 6, 1961, to be effective on and after May 1, 1961.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 61-3237; Filed, Apr. 11, 1961; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-325]

PART 294—CLASSIFICATION AND EXEMPTION OF AIR CARRIERS WHILE CONDUCTING CERTAIN OPERATIONS FOR MILITARY ESTABLISHMENT

Repeal of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of April 1961.

On July 28, 1960, the Board issued a notice of proposed rule making, EDR-16 (25 F.R. 7261), in which it proposed to repeal Part 294 of the Board's Economic Regulations (14 CFR Part 294). The termination of Part 294 would have the effect of withdrawing a blanket exemption heretofore available to all air carriers, allowing them to engage in air transportation for the Military Establishment under long-term contracts of a certain specified character. Comments of supplemental air carriers in response to the notice requested an evidentiary hearing, which the Board granted by Order E-15768 of September 14, 1960 (25 F.R. 8962). The hearing was held before Examiner Ralph L. Wiser on November 1 and 2, 1960. Pursuant to the Board's instructions, the examiner certified the record to the Board for tentative decision. Briefs were filed with the Board by various parties. On February 21, 1961, the Board issued a tentative decision, Order E-16417, in which it proposed to repeal Part 294 effective 30 days after publication of the final action herein. The Board stated that if no exceptions were filed, the tentative decision would be reissued in proper form as the Board's final rule-making action in this matter.

No exceptions to the tentative decision were filed. Accordingly, the Board has decided to repeal Part 294 on the grounds and findings stated in Order E-16417 which are incorporated herein by reference.¹

Accordingly, the Board hereby repeals Part 294 (14 CFR Part 294) effective May 11, 1961.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 416(b), 1001, 72 Stat. 771, 788; 49 U.S.C. 1386, 1481)

By the Civil Aeronautics Board.

[SEAL] JAMES L. DEEGAN,
Acting Secretary.

[F.R. Doc. 61-3264; Filed, Apr. 11, 1961; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8067 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

A. R. Fiorita Fruit Co. et al.

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 Direct buyers.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Anthony Rocca Fiorita, et al., doing business as A. R. Fiorita Fruit Co., St. Louis, Mo., Docket 8067, December 1, 1960]

In the Matter of Anthony Rocca Fiorita, Joseph Rocca Fiorita, and Frank Rocca Fiorita, Individually and as Copartners Doing Business as A. R. Fiorita Fruit Co.

Consent order requiring commission merchants in St. Louis, Mo., to cease receiving illegal brokerage on their own purchases of citrus fruit from Florida packers, such as a discount of 10 cents per 1½ bushel box or equivalent, or a lower price reflecting a commission.

The order to cease and desist is as follows:

It is ordered. That respondents Anthony Rocca Fiorita, Joseph Rocca Fiorita, and Frank Rocca Fiorita, individually and as copartners doing business as A. R. Fiorita Fruit Co., and their agents, representatives, and employees, directly or through any corporate, partnership, sole proprietorship, or other device, in connection with the purchase

¹ Order E-16417 may be inspected and copied at the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. Interested persons may obtain copies of the Order from the Board's Publications Section, Room 1021, until the supply is exhausted. Order E-16417 and this regulation will be printed in the Civil Aeronautics Board Reports, pursuant to section 204(d) of the Federal Aviation Act of 1958. This regulation will be published in the FEDERAL REGISTER.

of citrus fruit or other food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or other food products for respondents' own account, or where respondents are the agents, representatives, or other intermediaries acting for or in behalf, or are subject to the direct or indirect control, of any buyer.

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

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

Issued: December 1, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 61-3228; Filed, Apr. 11, 1961; 8:45 a.m.]

[Docket 7039 o.]

PART 13—PROHIBITED TRADE PRACTICES

Bankers Securities Corp.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices*: § 13.155-40 *Exaggerated as regular and customary*; § 13.155-45 *Fictitious marking*. Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary*; § 13.1810 *Fictitious marking*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Bankers Securities Corporation, Philadelphia, Pa., Docket 7039, December 1, 1960]

Order requiring the corporate operator of Snellenbergs, a Philadelphia retail department store, to cease advertising in newspapers fictitious prices for its rugs and carpets through use of the abbreviation "Reg." and the word "usually" followed by amounts falsely represented thereby as its regular selling prices.

The order to cease and desist is as follows:

It is ordered, That respondent, Bankers Securities Corporation, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of carpets, rugs, or other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Representing in any manner that certain amounts are the regular and usual retail prices of merchandise sold by any store operated or controlled by respondent when such

amounts are in excess of the prices at which such merchandise has been usually and regularly sold by that store at retail, in the recent regular course of its business.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondent, Bankers Securities Corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained herein.

Issued: December 1, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 61-3229; Filed, Apr. 11, 1961; 8:46 a.m.]

[Docket 7913 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Bob Wilson, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees*; § 13.71 *Financing*; § 13.85 *Government approval, action, connection or standards*: § 13.85-65 *States*; § 13.105 *Individual's special selection or situation*; § 13.205 *Scientific or other relevant facts*; § 13.260 *Terms and conditions*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Bob Wilson, Inc. (Washington, D.C.), et al., Docket 7913, November 30, 1960]

In the Matter of Bob Wilson, Inc., a Corporation, Trading as Dan Brown, and Monroe Lenoff, Individually and as an Officer of the Said Corporation, and Marvin H. Greenfield, Phillip Rubenstein, and Jack Kennedy, Individually

Consent order requiring used car dealers in Washington, D.C., to cease making false claims concerning down payments, financing rates and plans, monthly terms, guarantees on their used cars, etc., as in the order below indicated.

The order to cease and desist is as follows:

It is ordered, That respondents Bob Wilson, Inc., a corporation doing business under its own name or trading as Dan Brown, or under any other name, and its officers, and Monroe Lenoff, Marvin H. Greenfield, and Philip Rubenstein, individually, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of used automobiles in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Used automobiles will be delivered to purchasers upon the payment of one dollar or any other amount, or without a payment, unless after purchasers make such payment, or the sale is made

without a down payment, the automobile is in fact put into the purchasers' unrestricted possession;

2. No loans are necessary to make a purchase of a used automobile, for the purchase or delivery of which the purchaser must in fact obtain a loan;

3. They offer terms of \$14.00 per month or over a period of 48 months; or that they offer terms in any other amount per month or any other period of time, that is not in accordance with the facts;

4. They offer or make available bank rate financing; or misrepresenting in any manner the financing rate under which used automobiles are sold;

5. Used automobiles are guaranteed unless the terms and conditions of the guarantee and the manner in which the guarantor will perform are clearly set forth;

6. Used automobiles are approved for District of Columbia or Virginia inspection;

7. Special financing plans are offered for any grade of District of Columbia or Federal Government employees or that a special department or special financing plan is available for military personnel.

It is further ordered, That respondents Bob Wilson, Inc., a corporation, trading as Dan Brown, or under any other name, and its officers, and Monroe Lenoff, Marvin H. Greenfield, and Philip Rubenstein, individually, and respondents' agents, representatives and employees, directly or through any corporate or any other device, in connection with the offering for sale, sale or distribution of used automobiles in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Making any false, misleading or deceptive statement, directly or by implication, concerning the down payment, financing costs, rates, terms, plans respecting and methods of financing, or the guarantees or warranties offered with respect to such used automobiles.

It is further ordered, That the complaint, insofar as it relates to respondent John F. Kennedy, be, and the same hereby is, dismissed, and that the complaint be, and the same hereby is, dismissed as to respondent Monroe Lenoff as an officer of the corporate respondent.

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

It is ordered, That respondents Bob Wilson, Inc., a corporation, doing business under its own name or trading as Dan Brown, and Monroe Lenoff, Marvin H. Greenfield and Philip Rubenstein, individually, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 30, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 61-3230; Filed, Apr. 11, 1961; 8:46 a.m.]

[Docket 7851 c.o.]

PART 13—PROHIBITED TRADE PRACTICES**Gojer, Inc.**

Subpart—Discriminating in price under sec. 2, Clayton Act—Price Discrimination under 2(a): § 13.736 *Group buying organizations*; § 13.770 *Quantity rebates or discounts*; [Discriminating in price under sec. 2, Clayton Act]—Furnishing services or facilities for processing, handling, etc. under 2(e): § 13.842 *Missionary personnel*.¹

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Gojer, Inc., Akron, O., Docket 7851, December 1, 1960]

Consent order requiring the Akron, O., manufacturer of a hand cleaner known as "Go-Jo", other soap and cleaning products and dispensers therefor, to cease discriminating in price in violation of section 2(a) of the Clayton Act by such practices as allowing purchasers in its "Jobber" classification who bought from 35 to 74 cases a 5 percent discount off jobber prices and those who bought 75 cases or more a 10 percent discount; and by allowing "Warehouse Group" buyers a 7½ percent functional discount off jobber prices on their individual purchases made through the "Group" and a 20 percent discount on each order of 5,000 pounds or more made by the "Warehouse Group"; and to cease violating section 2(e) of the Clayton Act by furnishing certain purchasers, but not their competitors, the services of "missionary" personnel to accompany the favored purchaser's salesmen in the field and give them on-the-job training in the sale of respondent's products.

The order to cease and desist is as follows:

It is ordered, That respondent Gojer, Inc., a corporation, and its officers, employees, agents, and representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of any of its products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such products of like grade and quality:

1. By selling such products to any purchaser at net prices higher than the net prices charged any other purchaser competing in the resale or distribution of such products;

2. By selling such products to any purchaser at net prices higher than the net prices charged any other purchaser, where respondent, in the sale or distribution of such products, is in competition with any other seller.

It is further ordered, That respondent Gojer, Inc., a corporation, and its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of any of its products in commerce, as "commerce" is defined in the Clayton

Act, as amended, do forthwith cease and desist from: Furnishing, contracting to furnish, or contributing to the furnishing of services or facilities in connection with the handling, processing, sale or offering for sale of respondent's products to any purchaser from respondent of such products bought for resale, when such services or facilities are not accorded on proportionally equal terms to all other purchasers from respondent who resell such products in competition with such purchasers who receive such services or facilities.

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

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

Issued: December 1, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 61-3231; Filed, Apr. 11, 1961; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES**Chapter II—Securities and Exchange Commission****PART 201—RULES OF PRACTICE****PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933****PART 240—RULES AND REGULATIONS UNDER SECURITIES EXCHANGE ACT OF 1934****PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935****PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939****Miscellaneous Amendments**

The Securities and Exchange Commission has amended the applicable provisions of its rules of practice and related rules under the laws it administers, to extend the prohibition of the rules against disclosure by Commission employees of non-public information in the files of the Commission.

Heretofore, these rules prohibited officers and employees of the Commission, without specific authorization of the Commission, from making available to any person other than a member, officer or employee of the Commission, whether in response to a subpoena or otherwise, any information or document obtained during the course of any private investigation conducted by the Commission. The amendment extends

this prohibition to information in "any other non-public records of the Commission," whether obtained in an investigation or otherwise.

In addition to the amendments of its Rules of Practice, particularly Rule 26 (c) thereof, the Commission has so modified its Rule 122 under the Securities Act of 1933, Rule O-4 under the Securities Exchange Act of 1934, Rule 104(c) under the Public Utility Holding Company Act of 1935, and Rule O-6 under the Trust Indenture Act of 1939, all as set forth below. The action was taken pursuant to sections 19(a), 23(a), 20(a), and 319(a) of the respective laws. Inasmuch as the revisions of the rules relate only to agency management and personnel, the provisions of section 4 of the Administrative Procedure Act dealing with rule-revision procedure is not deemed applicable.

I. In § 201.26(c), the second sentence is amended by inserting the words "or any other non-public records of the Commission" immediately after the words "confidential information or documents". As so amended, the second sentence reads: "Officers and employees are hereby prohibited from making such confidential information or documents or any other non-public records of the Commission available to anyone other than a member, officer, or employee of the Commission, unless the Commission authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest."

II. In § 230.122, the second sentence is amended by inserting the words "or any other nonpublic records of the Commission" immediately after the words "confidential information or documents." As so amended, the second sentence reads: "Officers and employees are hereby prohibited from making such confidential information or documents or any other non-public records of the Commission available to anyone other than a member, officer, or employee of the Commission, unless the Commission authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest."

III. In § 240.0-4, the second sentence is amended by inserting the words "or any other non-public records of the Commission" immediately after the words "confidential information or documents". As so amended, the second sentence reads: "Officers and employees are hereby prohibited from making such confidential information or documents or any other non-public records of the Commission available to anyone other than a member, officer, or employee of the Commission, unless the Commission authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest."

IV. In § 250.104(c), the second sentence is amended by inserting the words "or any other non-public records of the Commission" immediately after the words "confidential information or documents". As so amended, the second sentence reads: "Officers and employees are

¹ New.

hereby prohibited from making such confidential information or documents or any other non-public records of the Commission available to anyone other than a member, officer, or employee of the Commission, unless the Commission authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest."

V. In § 260.0-6, the second sentence is amended by inserting the words "or any other non-public records of the Commission" immediately after the words "confidential information or documents". As so amended, the second sentence reads: "Officers and employees are hereby prohibited from making such confidential information or documents or any other non-public records of the Commission available to anyone other than a member, officer, or employee of the Commission, unless the Commission authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest."

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 5, 1961.

[F.R. Doc. 61-3268; Filed, Apr. 11, 1961; 8:51 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER G—INTERNATIONAL EDUCATIONAL EXCHANGE SERVICE

[Dept. Reg. 108.468]

PART 61—PAYMENTS TO AND ON BEHALF OF PARTICIPANTS IN THE INTERNATIONAL EDUCATIONAL EXCHANGE PROGRAM

Miscellaneous Amendments

Section 61.3 *Grants to foreign participants to observe, consult, or demonstrate special skills*, is amended, in part, as follows:

(c) *Per diem allowances*. Per diem allowance not to exceed \$20 in lieu of subsistence expenses while participating in the program in the United States, its territories or possessions and while traveling within or between the United States, its territories or possessions; *Provided, however*, That in certain cases a per diem of not to exceed \$25 may be authorized for participants whose status and position would require special treatment.

(d) *Allowance*. An allowance of not to exceed \$70 in lieu of per diem while traveling to and from the United States.

(e) *Tuition and related expenses*. Tuition and related expenses in connection with attendance at seminars and workshops, professional meetings, or other events in keeping with the purpose of the grant.

(f) *Books and educational materials allowance*. A reasonable allowance for books and educational materials.

(g) *Advance of funds*. Advance of funds including per diem.

2. In § 61.4 *Grants to foreign participants to lecture, teach, and engage in research or training*, paragraph (c) is amended to read as follows:

(c) *Per diem allowance*. Per diem allowance not to exceed \$15 in lieu of subsistence expenses while participating in the program in the United States, its territories or possessions and while traveling within or between the United States, its territories or possessions.

3. In § 61.5 *Grants to foreign participants to study*, paragraph (c) is amended to read as follows:

(c) *Per diem allowance*. (1) Per diem allowance not to exceed \$12 in lieu of subsistence expenses while traveling from point of entry in the United States, its territories or possessions, to orientation centers and educational institutions of affiliation, and thence to point of departure, and while participating in authorized field trips or conferences.

(2) Per diem allowance not to exceed \$8 while present and in attendance at an educational institution, facility or organization.

Dated: April 5, 1961.

For the Secretary of State.

HERMAN POLLACK,
Acting Assistant Secretary for
Administration.

[F.R. Doc. 61-3267; Filed, Apr. 11, 1961; 8:50 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In Part 200 the pertinent section heading in the table of contents is revoked as follows:

Sec.
200.76 [Revoked.]

In § 200.54 paragraphs (b) and (g) are amended and new paragraphs (h), (i), and (j) are added as follows:

§ 200.54 Assistant Commissioner for Field Operations and Deputy.

(b) To develop and recommend policies and establish operating plans and procedures for the insurance of home mortgages and property improvement loans.

(g) To issue or cancel contracts of insurance under Title I of the National Housing Act and transfer such contracts

and the rights and benefits accruing thereunder between lending institutions, and to supervise activities in connection with the Certified Agency Program and to designate, qualify and certify approved mortgagees as agents of the Federal Housing Administration to process mortgage insurance applications and issue commitments for insurance.

(h) To exercise the authority of the Commissioner under the regulations governing the insurance of loans under section 2 of Title I of the National Housing Act in any instance which is subject to the approval of the Commissioner.

(i) To reject or accept for insurance loans or advances of credit made under the provisions of section 2 of Title I of the National Housing Act that require the prior approval of the Federal Housing Commissioner.

(j) To institute precautionary measures with respect to any dealer or contractor operating under the provisions of section 2 of Title I of the National Housing Act.

Section 200.73 is amended by adding a new paragraph (d) as follows:

§ 200.73 Assistant Commissioner for Audit and Examination and Deputy.

(d) To direct and supervise surveys of Title I lending institutions to assure compliance with established policies and terms of insurance contracts.

Section 200.76 is revoked as follows:

§ 200.76 Assistant Commissioner for Title I and Deputy. [Revoked]

Section 200.77 is amended by adding paragraphs (r) and (s) as follows:

§ 200.77 Comptroller and Deputy.

(r) To develop and recommend policies, rules and procedures covering all phases of the settlement of Title I claims and the liquidation of defaulted Title I loans acquired in connection therewith.

(s) To exercise the authority of the Commissioner in any instance which is subject to the approval of the Commissioner in connection with the settlement of claims under section 2 of Title I of the National Housing Act and the liquidation of defaulted Title I loans acquired in connection therewith.

In § 200.85 paragraph (a) is amended to read as follows:

§ 200.85 Executive Board.

(a) *Members*. The committee called the Executive Board is comprised of the following members: Commissioner, Chairman; Deputy Commissioner (Administration); Deputy Commissioner (Operations); Vice Chairmen; General Counsel; Assistant Commissioner for Field Operations; Assistant Commissioner for Mortgages and Properties; Assistant Commissioner for Technical Standards; Assistant Commissioner for Programs; Assistant Commissioner for Audit and Examination; Assistant Commissioner for Administration; and Comptroller.

In § 200.89 paragraph (a) (1) is amended to read as follows:

§ 200.89 Substantial Compliance Committee.

(a) *Members.* (1) The Substantial Compliance Committee is comprised of the following members: Comptroller, Chairman; Assistant Commissioner for Administration; Assistant Commissioner for Programs; Assistant Commissioner for Field Operations; and the General Counsel, or their designees.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., April 6, 1961.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 61-3246; Filed, Apr. 11, 1961; 8:47 a.m.]

SUBCHAPTER D—MULTIFAMILY AND GROUP HOUSING INSURANCE

PART 235—MULTIFAMILY HOUSING FOR THE ELDERLY; ELIGIBILITY REQUIREMENTS OF MORTGAGE

SUBCHAPTER F—URBAN RENEWAL AND NEIGHBORHOOD CONSERVATION HOUSING INSURANCE

PART 268—MULTIFAMILY RELOCATION INSURANCE; ELIGIBILITY REQUIREMENT OF MORTGAGE

Miscellaneous Amendments

The following miscellaneous amendments have been made to this chapter: In § 235.4 paragraph (b) is amended to read as follows:

§ 235.4 Maximum mortgage amounts—rehabilitation projects.

* * * * *

(b) *Adjusted mortgage amount—rehabilitation projects.* A mortgage having a principal amount computed in compliance with the applicable provisions of this section, and which involves a project to be repaired or rehabilitated, shall be subject to the following additional limitations:

(1) *Property held in fee.* If the mortgagor is the fee simple owner of the project, the maximum mortgage amount shall not exceed 100 percent of the Commissioner's estimate of the cost of the proposed repairs or rehabilitation.

(2) *Property subject to existing mortgage.* If the mortgagor owns the project subject to an outstanding indebtedness, which is to be refinanced with part of the insured mortgage, the maximum mortgage amount shall not exceed:

(i) *Nonprofit mortgagor.* If the mortgagor is a nonprofit mortgagor, the Commissioner's estimate of the cost of the repair or rehabilitation plus such portion of the outstanding indebtedness as does not exceed the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation; or

(ii) *Profit mortgagor.* If the mortgagor is a profit mortgagor, the Com-

missioner's estimate of the cost of repair or rehabilitation plus such portion of the outstanding indebtedness as does not exceed 90% of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation.

(3) *Property to be acquired.* If the project is to be acquired by the mortgagor and the purchase price is to be financed with a part of the insured mortgage, the maximum mortgage amount shall not exceed:

(i) *Nonprofit mortgagor.* If the mortgagor is a nonprofit mortgagor, the Commissioner's estimate of the cost of the proposed repair or rehabilitation plus the actual purchase price of the land and improvements, but not in excess of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation; or

(ii) *Profit mortgagor.* If the mortgagor is a profit mortgagor:

(a) 90% of the Commissioner's estimate of the cost of the repair or rehabilitation, plus

(b) 90% of the actual purchase price of the land and improvements, or Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation, whichever is the lesser as provided in this (b).

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 231, 73 Stat. 665; 12 U.S.C. 1715v)

2. In § 268.10 paragraphs (b) and (c) are amended to read as follows:

§ 268.10 Adjusted mortgage amount—rehabilitation projects.

* * * * *

(b) *Property subject to existing mortgage.* If the mortgagor owns the project subject to an outstanding indebtedness, which is to be refinanced with part of the insured mortgage, the maximum mortgage amount shall not exceed:

(1) *Nonprofit mortgagor.* If the mortgagor is a nonprofit mortgagor, the Commissioner's estimate of the cost of the repair or rehabilitation plus such portion of the outstanding indebtedness as does not exceed the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation; or

(2) *Profit mortgagor.* If the mortgagor is a profit mortgagor, the Commissioner's estimate of the cost of repair or rehabilitation plus such portion of the outstanding indebtedness as does not exceed 90% of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation.

(c) *Property to be acquired.* If the project is to be acquired by the mortgagor and the purchase price is to be financed with a part of the insured mortgage, the maximum mortgage amount shall not exceed:

(1) *Nonprofit mortgagor.* If the mortgagor is a non-profit mortgagor, the Commissioner's estimate of the cost of the proposed repair or rehabilitation plus the actual purchase price of the land and improvements, but not in excess of

the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation; or

(2) *Profit mortgagor.* If the mortgagor is a profit mortgagor:

(i) 90% of the Commissioner's estimate of the cost of the repair or rehabilitation, plus

(ii) 90% of the actual price of the land and improvements, or the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation, whichever is the lesser as provided in this subdivision (ii).

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715f)

Issued at Washington, D.C., April 7, 1961.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 61-3245; Filed, Apr. 11, 1961; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 61-450]

PART 1—PRACTICE AND PROCEDURE

Processing of Applications

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of April 1961;

The Commission having under consideration § 1.546 of its rules concerning the processing of applications in the Safety and Special Radio Services; and

It appearing that the Commission has this date by separate order adopted an amendment to section 0.291(b) (7) of its Statement of Organization, Delegation of Authority, and Other Information, which extends a time limitation therein from 90 to 180 days; and

It further appearing that § 1.546(b) (2) should be amended to reflect such change in said Section 0.291(b) (7); and

It further appearing that authority for the amendment ordered herein is contained in sections 4(i), 5(d) (1), and 303(r) of the Communications Act of 1934, as amended; and

It further appearing that the public notice and effective date provisions of Section 4 of the Administrative Procedure Act are inapplicable to the amendment ordered herein because it involves internal organization and procedures;

It is ordered, That effective April 17, 1961; § 1.546(b) (2) of the Commission's rules of practice and procedure is amended to read as follows.

§ 1.546 How applications are processed.

* * * * *

(b) * * *

(2) Requests are made for waiver of, or exception to, a rule for a period in excess of 180 days, but not including certain categories of requests for waivers in excess of 180 days pertaining to ship

stations covered by section 0.291(b) (13) of the Commission's Statement of Organization, Delegations of Authority, and Other Information.

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

Released: April 7, 1961.

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

[F.R. Doc. 61-3254; Filed, Apr. 11, 1961;
8:49 a.m.]

[Docket No. 13901; FCC 61-446]

PART 3—RADIO BROADCAST SERVICES

PART 13—COMMERCIAL RADIO OPERATORS

Operator Requirements During CONELRAD Drills and Tests

1. On December 27, 1960, the Commission released a notice of proposed rule making (FCC 60-1527) in the above-entitled matter requesting comments from interested parties. Said Notice was duly published in the FEDERAL REGISTER (25 F.R. 13986, December 30, 1960) and the time for filing comments has elapsed. No comments have been received.

2. The proposal authorizes certain radio operators, below the grade of first-class radiotelephone, to perform the same functions in connection with CONELRAD Drills and tests as they are presently authorized to perform in connection with a CONELRAD Radio Alert. The rules adopted herein relieve a restriction with regard to certain operator requirements and therefore, under the provisions of section 4(c) of the Administrative Procedure Act, may be made effective less than 30 days following publications in the FEDERAL REGISTER. The early effective date will permit such operators to function during the CONELRAD Drill which is scheduled for April 28, 1961. Adoption of the proposed amendments will clearly serve the public interest, convenience, and necessity.

3. In view of the foregoing: *It is ordered*, Under the authority contained in sections 1, 4(i), and 303(r) of the Communications Act of 1934, as amended, that Parts 3 and 13 of the Commission's rules are amended, effective April 27, 1961, as set forth below.

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

Adopted: April 5, 1961.

Released: April 7, 1961.

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

1. That portion of § 3.93(b), which precedes subparagraph (1), is amended to read as follows:

No. 69—3

§ 3.93 Operator requirements.

(b) A station which is authorized for non-directional operation with power of 10 kilowatts or less may be operated by persons holding commercial radio operator license of any class when the equipment is so designed that the stability of the frequency is maintained by the transmitter itself within the limits of tolerance specified, and none of the operations, except those specified in subparagraphs (1) through (4) of this paragraph, necessary to be performed during the course of normal operation may cause off-frequency operation or result in any unauthorized radiation. (A person holding any class of radio operator license or permit who is authorized thereunder to perform limited operation of a standard broadcast station may, when a CONELRAD Radio Alert is called, or for the purpose of participation in a drill or test of the Emergency Broadcast System, make adjustments necessary to effect operation in accordance with a National Defense Emergency Authorization: *Provided*, That the station's full-time radiotelephone first-class operator shall have previously instructed such person in the adjustments to the transmitter which are necessary to accomplish operation in the Emergency Broadcast System.) Adjustments of transmitting equipment by such operators, except when under the immediate supervision of a radiotelephone first-class operator, shall be limited to the following:

2. Section 13.62(d) is amended to read as follows:

§ 13.62 Special privileges.

(d) When a CONELRAD Alert, or a drill, or test of the Emergency Broadcast System is called, a person holding any class of radio operator license or permit who is authorized thereunder to perform limited operation of a standard broadcast station may make any adjustments necessary to effect operation on an Emergency Broadcast System frequency in accordance with the station's National Defense Emergency Authorization: *Provided*, That the station's responsible first-class radiotelephone operator(s) shall have previously instructed such person in the adjustments to the transmitter which are necessary to accomplish operation in the Emergency Broadcast System.

[F.R. Doc. 61-3256; Filed, Apr. 11, 1961;
8:49 a.m.]

[FCC 61-453]

PART 10—PUBLIC SAFETY RADIO SERVICES

Frequency Coordination Requirement for Special Emergency Applicants

At a session before the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of April 1961;

It appearing that the Commission in its Report and Order in Docket No. 13475 (FCC 60-818), as a result of a notice of proposed rule making deter-

mined that Special Emergency applicants for a "split channel" frequency should be relieved from the burden of obtaining coordination clearance (i.e., consent) from co-channel Special Emergency Radio Service users; and

It further appearing that in a later Order (FCC 61-268), the Commission extended this relaxation for Special Emergency applicants seeking a "15 kc split channel" frequency by enabling such applicants to satisfy the necessary frequency coordination requirements without having to consider other Special Emergency licensees authorized to operate within ±30 kc of the requested frequency; and

It further appearing that one final step must be taken to place applicants for a "30 kc split channel" Special Emergency frequency on a par with applicants for the "15 kc split channels"; and

It further appearing that this equality can be realized by amendment of § 10.462 (f) (15) to provide that Special Emergency applicants for the 30 kc frequencies involved need only coordinate with users in other services; and

It further appearing that the amendment ordered herein merely extends the coordination procedures now applicable to "15 kc split channels" to "30 kc split channels"; that the Commission has no reason to believe that any party would submit adverse comments on these procedures if afforded an opportunity to do so; hence that notice and public procedure are unnecessary; and

It further appearing that since the amendment ordered imposes no new requirements but rather relieves an existing requirement, the amendment may be made effective less than thirty days after publication as provided in section 4(c) of the Administrative Procedures Act; and

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

It is ordered, That effective April 20, 1961, § 10.462(f) (15) is amended to read as follows:

§ 10.462 Frequencies available to the Special Emergency Radio Service.

(f) * * *

(15) Available for assignment: *Provided*, That prior to November 1, 1963, application is accompanied by a statement under oath that licensees of all stations, excluding Special Emergency stations, located within a radius of 75 miles of the proposed location and authorized to operate on a frequency 30 kc or less removed have concurred with such assignment or is accompanied by an acceptable engineering report indicating that harmful interference to the operation of such existing stations will not be caused.

Released: April 7, 1961.

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

[F.R. Doc. 61-3255; Filed, Apr. 11, 1961;
8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 902]

[Docket No. AO-293-A3]

MILK IN WASHINGTON, D.C., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Washington, D.C., on September 28 and 29, 1960, pursuant to notice thereof issued on September 6, 1960 (25 F.R. 8745).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on December 20, 1960 (25 F.R. 13720; F.R. Doc. 60-11931) and on February 10, 1961 (26 F.R. 1287; F.R. Doc. 61-1336), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decisions 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 definition of "handler" to cover a cooperative association with respect to farmers' milk delivered to pool plants in trucks owned, operated, or controlled by the association;
2. Permitting unlimited diversion of a producer's milk in certain circumstances;
3. Accounting for milk received from a nonpool plant to which producer milk is diverted from a pool plant;
4. Accounting for shrinkage;
5. The price level for Class I milk;
6. The price for milk used in the manufacture of butter and cheese;
7. Establishment of a base-excess plan; and
8. Miscellaneous provisions.

Proposals 9 and 10 in the notice of hearing were not supported by any testimony at the hearing and, accordingly, no findings or conclusions with respect to those proposals are contained herein.

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

1. *Cooperative association as handler on bulk tank milk.* The definition of handler should not be changed to make a cooperative association a handler on bulk tank milk "caused to be delivered" to other handlers' pool plants.

A proprietary handler proposed that a cooperative association should be the receiving handler with respect to bulk tank milk of a farmer member which the cooperative causes to be delivered to a pool plant of another handler in a tank truck owned, operated, or controlled by the association. This proposal was offered to reduce problems in accounting for such milk, particularly as to weights, butterfat tests, and recordkeeping.

In this market, most of the milk received at pool plants is delivered from farms in tank trucks. A large percentage of the producers are members of cooperative associations. In some cases member milk is delivered largely to the association's plant(s) while members of other associations deliver their milk directly to pool plants not owned or controlled by the association. There was no instance shown in which trucks are owned by a cooperative association or in which truckers are employees of, or under contract to, an association.

The truck drivers are licensed weighers and samplers under the regulations of the State in which they pick up the milk at the farm. Such drivers, who measure milk at the farm and take milk samples, are not under the authority or control of the cooperative association of which the farmer is a member. From time to time the association provides an employee to ride on the truck with the driver to check the measuring and sampling operation. The employee observes but does not have authority to command the driver. The same opportunity for surveillance is available also to the handler who purchases the milk from the association.

When milk is delivered to a plant in a tank truck, the driver leaves at the plant an individual weight ticket for each producer. Such weight shown on the ticket is a derived figure arrived at by converting the dip-stick measurement made at the farm to a figure in terms of pounds of milk. The driver also leaves samples at the plant which, in the case of one cooperative association, are later picked up by an employee of the association for transportation to a laboratory.

In view of the above circumstances, we find no basis in the record for placing on any cooperative association in the market greater responsibility than exists at present for the handling and accounting of bulk tank milk from the time it leaves the farm until delivered to a pool plant. The proposed change in the handler definition therefore should not be adopted.

2. *Diversions.* No change should be made in the periods during which milk of a producer may be diverted.

A handler proposed that a cooperative association should be allowed to divert a member producer's milk to a nonpool plant on each day of the month if 70 percent of the membership of the cooperative association are producers

whose milk is regularly delivered to pool plants. This proposal was intended to assure a steady supply of milk to his manufacturing plant at Frederick, Maryland. Cottage cheese, nonfat dry milk and condensed milk are produced at the plant and fluid cream is shipped therefrom to his Washington plant.

Since the pool plant provisions of the order were amended November 1, 1959, to add § 902.9(c), the Frederick plant has qualified as a pool plant pursuant to this provision. Under this provision the plant qualifies on the basis that it makes shipments of cream to a pool plant distributing in the market and all milk received at such plant from dairy farmers is from members of a cooperative association of which 70 percent or more of the members are qualified producers whose milk is regularly received at other pool plants qualified pursuant to § 902.9(a). The proposal to allow unlimited diversions was offered so that if in any month the plant failed to qualify as a pool plant it could continue, as a nonpool plant, to receive all the milk of the same producers.

The diversion provision in the order, contained in the definition of "producer", allows for unlimited diversion of producer milk to a nonpool plant during March through September, and on 8 days of any month during October through February.

The plant in question is located in an area of heavy milk production where many of the dairy farmers are producers under this order and have supplied the Washington market over a long period. The proponent handler claimed, however, that if the plant became a nonpool plant, maintenance of producer status for the farmers now supplying the plant would entail uneconomical hauling. For 22 days of each 30-day month during the October-March period each farmer's milk would need to be hauled to a pool plant to qualify the farmer as a producer.

The diversion of producer milk to nonpool plants by cooperative associations or pool plant operators is recognized as a means of promoting the orderly handling of reserve milk for the market. The proposal contemplates that the plant would be continuously served by the same group of dairy farmers during periods of nonpool status as have normally served it during pool status. The situation could develop, therefore, that the plant would be continuously in nonpool status but the dairy farmers supplying it nevertheless would continue in producer status.

The identification of dairy farmers with the market as producers who shall receive the uniform price has been based on delivery of their milk to a pool plant to an extent which establishes their association with the market as an essential part of its supply. The proposal would establish a different basis for qualifying producers in that such status

could be based on continuous delivery to a nonpool plant. It is apparent, also, that pool or nonpool status of the plant in question could depend upon the choice of the handler operating the plant. For these reasons the proposal does not give an appropriate basis for qualifying the dairy farmers delivering to the plant as producers.

The proposal was not addressed to a reconsideration of the basis on which the plant may or may not qualify as a pool plant. Furthermore, the evidence does not show difficulty exists in qualifying the plant under the current order provision. The problem of inadvertence in the receipt of milk which might disqualify the plant is a matter which can be controlled with ordinary business methods.

Proponents' exceptions contained a suggested modification of the producer definition which would specify further conditions for diversion to the plant in question in the event it fails to qualify as a pool plant. One of these conditions would be that any milk received at the plant from dairy farmers would be from members of a cooperative association as previously described or from farmers who qualify during the month as producers under another order. Neither this nor the suggested determination by the market administrator that certain farmers are regular shippers to the plant would provide a satisfactory basis for establishing such regular shippers as producers while the plant is a nonpool plant. Proponents' exceptions further raise the question of whether producer status of farmers shipping to the plant should be lost for an entire month because of a change in the plant's operations at some time during a month. So that producer status will not be lost for the month in such case, the definition of producer should be modified to allow these farmers to continue as producers to the end of the month if they were producers in the previous month shipping to the same plant which then was a pool plant.

3. *Classification of milk received from nonpool plants.* The application of compensatory payments should be modified in the case of other source milk received from a nonpool plant which receives milk from a pool plant.

A handler proposed that milk received at a pool plant from a nonpool plant be accounted for as producer milk to the extent that producer milk is diverted from a pool plant to the nonpool plant. Proponent operates a manufacturing plant (previously referred to) which currently qualifies as a pool plant under § 902.9(c).

The purpose of the proposal is to guarantee that if at any time the plant fails to qualify as a pool plant and yet receives milk of producers' diverted to it, cream derived from such producer milk and shipped to the city bottling plant will not be treated as other source milk subject to compensatory payments.

At a hearing held September 23, 1959, consideration was given to a basis on which this plant might qualify as a pool plant. Previously it had been a nonpool plant. At the time of the hearing its only supply was producer milk diverted

to it. About half of the butterfat from such milk was moving to the handler's pool plant in the form of cream. Since the amendment of November 1, 1959, the plant has qualified continuously as a pool plant on the basis previously described. It has received, besides producer milk, also milk from plants regulated under other orders.

If there is sufficient identification of the various types of receipts and dispositions at the nonpool plant from which milk is moved, as well as at the pool plant to which it is moved, the obligation of the handler operating the pool plant may be computed in a manner which reflects the order pricing of milk received at the nonpool plant. For this purpose a more specific assignment of receipts at the nonpool plant to appropriate use classifications is necessary.

For producer milk diverted to nonpool approved plants, or milk transferred thereto from pool plants in the form of products specified in § 902.41(a)(1), the order now provides a system of assignment in § 902.44(c). This provision assigns such receipts first to any Class I disposition from the nonpool plant into the marketing area. Remaining quantities of such receipts are assigned to the highest remaining uses at the nonpool plant after prior assignment of milk received from dairy farmers whom the market administrator determines constitute the regular source of supply for the plant.

The more specific assignment of milk transferred or diverted to a nonpool approved plant should provide that it will be assigned first to Class I route disposition in the marketing area by the nonpool plant. This would be before assignment of any other receipts at the nonpool plant. Secondly, such milk transferred or diverted to the nonpool approved plant would be assigned to Class I milk disposition of the nonpool plant made in the form of transfers to pool plants. Such transfers are classified under the allocation procedure in § 902.46(a)(3). The latter provision allocates at the transferee pool plant such milk as a receipt of "other source milk". Any remainder of the transfer and diversion to the nonpool plant would be assigned to the extent possible to other Class I use at the nonpool plant after prior assignment of milk from nonproducer dairy farmers whom the market administrator determines constitute the regular fluid milk supply of the nonpool plant. A nonpool plant may receive in the same month milk in the form of both transfers and diversions. In this case the milk transferred and milk diverted to the nonpool plant should share pro rata the classification to be arrived at under the system just described.

When milk is received at a pool plant from a nonpool approved plant not regulated under any order, the system of assignment just described will recognize the extent to which such milk already has been priced as Class I milk under this order. Compensatory payments should not apply on milk so priced in computing the obligation of the pool plant receiving such other source milk.

4. *Shrinkage.* No change should be made in the method of accounting for shrinkage.

Two handler proposals were made to change the method of accounting for shrinkage. One of these was designed to fit order changes contemplated in another proposal which would make a cooperative association a handler with respect to milk it causes to be delivered to pool plants in tank trucks. This proposal would (1) increase from 1.5 percent to 2 percent the allowable amount of producer milk shrinkage which may be classified as Class II milk; and (2) divide the 2 percent shrinkage allowance in the case of milk transferred between handlers to allow the receiving handler (plant operator or cooperative association) 0.5 percent and the processing handler the remaining 1.5 percent. A shrinkage proposal sponsored by other handlers would simply increase the total allowance from 1.5 percent to 2 percent.

In the decision issued May 1, 1959 (24 F.R. 3630) the Assistant Secretary recognized that small, unavoidable losses are experienced in the handling of milk and concluded that such losses should be accounted for under a Class II shrinkage allowance. A shrinkage allowance was adopted such that shrinkage of producer milk not exceeding 1.5 percent producer milk would be classified as Class II milk and any producer milk shrinkage in excess of that quantity would be classified as Class I milk. Since handlers may receive other source milk, the total shrinkage was prorated between the receipts of producer milk and other source milk. Under this system none of the shrinkage is assigned to milk received from other pool plants, since shrinkage of such milk is allowed to the transferor-handler. All shrinkage prorated to other source milk is Class II milk.

The average shrinkage at all milk bottling plants during the first year of order operation, was 1.71 percent. During the first 6 months of order operation, the average shrinkage was 2.27 percent and during the second 6 months, 1.49 percent. Although these figures do not include shrinkage at plants where milk is received but not processed, such receiving milk plants furnish only a small fraction of the milk supply for city distributing plants in this market. Most of the milk for the city distributing plants is received directly from farms.

Data presented in the record by proponent handlers to support a division of the total shrinkage allowance between (1) a cooperative association as a receiving handler of bulk tank milk and (2) the handler to whose plant such milk is delivered, were offered to show the amount of loss or difference in measurements which could occur between the quantity of milk measured at the farm and the quantity as measured at the plant. Since it has been concluded elsewhere in this decision that there is no basis for making a cooperative association a handler with respect to bulk tank milk, such corollary proposal to divide the shrinkage allowance between the first handler and second handler should not be adopted.

Denial of the proposal to make a cooperative association a handler on bulk tank milk would not preclude relief to handlers on the total shrinkage allowance if such relief were justified. The record does not show, however, that any increase in the shrinkage allowance is needed. For the most recent 6 months of record which include the months of highest seasonal level of production when milk handling is likely to involve a higher percentage of loss, average marketwide shrinkage for all bottling plants averaged 1.49 percent of receipts.

5. *Price for Class I milk.* No change should be made in the pricing formula for Class I milk, except to extend it in the present form through September 1962.

Official notice is taken of market data published by the market administrator for months subsequent to those for which data appear in the record.

Official notice is taken, also, of the decisions of the Assistant Secretary issued May 1, 1959, on milk in the Washington, D.C., marketing area (24 F.R. 3630) and on November 20, 1959, on milk in the Upper Chesapeake Bay marketing area (24 F.R. 9441).

A producer organization proposed that the present pricing mechanism be changed, first, by increasing the prices by 40 cents per hundredweight for each of the months of April through February, and secondly, by including March in the group of months with the higher seasonal price. This would raise the annual average of Class I prices about 43.8 cents. The producer organization also asked that the price adjustment mechanism based upon the average of the Federal order Class I prices in Philadelphia, New York and Chicago, be modified to eliminate any effect of those markets' supply-demand adjusters upon prices in this market.

There has been substantial variation in the monthly volumes of producer milk received at handlers' plants since the order was made effective July 1, 1959. A large part of this variation undoubtedly represents normal seasonal changes in production per cow. Production per farm varied from 1,001 pounds per day in November 1959, to 1,298 per day in May 1960. Production for the market also varied because there were substantial changes in the number of producers. From a figure of 2,109 in July 1959, the number increased steadily to 2,332 in December 1959 and then decreased to 2,125 in July 1960. Subsequent months show an increase in the number of producers, and in October 1960 the number was 2,351.

The volume of Class I sales likewise has varied considerably from month to month during the period since the order was established. The daily average sales, in each month ranged from a low of 1,540,000 pounds in July 1960, to 1,875,000 pounds in October 1959. Daily Class I sales, however, for September 1960 were at approximately the same level as a year before.

In July, August and October 1960, production for the market was higher in relation to Class I disposition than a year earlier, but in September 1960 the

supply-sales ratio was very close to that of September a year previous. Although a definite trend in the supply-sales relationship is not clear from the available data, the relatively higher level of supply in some recent months than a year previous raises the question of whether the supply is tending to expand at the present price level. In the decision of May 1, 1959, it was concluded: "It is apparent that there is, and has been, a somewhat larger than necessary supply * * *". Because of the similarity of conditions then and now, there is no basis in the local supply situation for a different conclusion as to price level.

The relationship of the Class I price to prices in other markets was a primary consideration in the decision issued May 1, 1959, for establishing the appropriate price level in the Washington market. Since the effective date of the Washington, D.C., order, Order No. 127 has also been issued for the Upper Chesapeake Bay marketing area, effective February 1, 1960. In issuing the latter order, the Department found that the Class I price should be the same as under the Washington order. The two markets draw milk supplies, in large part, from the same areas. Under Order No. 127, also, the Class I price was established for an initial period of 18 months.

The necessity to co-ordinate the local price level with prices in other principal markets also bears on the proposal to change the price adjustment mechanism based on average Class I prices in Chicago, Philadelphia and New York-New Jersey Federal orders. This proposal would eliminate the effect on the price for this market of supply-demand adjusters under the other orders. Proponents recommended, however, that no supply-demand adjustment based on statistics for this market be substituted in place of price adjustments resulting from the supply-demand adjustments in other markets as reflected in the three-market average. Proponent argued that adequate data for a local supply-demand adjustment are not yet available, but urged that such a supply-demand adjustment be reconsidered when adequate data are available.

This proposal is denied. Prices in such markets are a significant factor affecting the availability of supplies for this market and were so recognized in the relationship of this market to the other markets established in the decision of May 1, 1959. There has been no fundamental change in this situation and pending a possible new approach to price relationships among all such markets, the current Washington formula should serve to provide reasonable price coordination.

The change in the seasonal prices proposed by a producer association which would increase the price in March may not be accommodated unless the price in some other month is reduced; otherwise an unsupported increase in price level would result. Without some definite plan as to how the seasonal pricing may be improved while retaining the same annual price level, it is concluded that

the proposal to increase the price for March should be denied.

Because of the foregoing considerations it is concluded that the present Class I pricing mechanism should be retained in the Washington order through September 1962.

6. *Butter-cheese class price.* No change should be made in the price for milk used in the manufacture of butter or hard cheese.

A handler who operates a milk manufacturing plant asked for a special class price for milk used to manufacture butter and hard cheese. Proponent argued that loss could be avoided if the applicable class price were low enough to permit the sale of surplus cream for butter or cheese manufacture. The handler did not specify a formula for arriving at such class price, but indicated that the applicable price should be less than the present Class II price and competitive with prices paid by unregulated milk manufacturers. As a basis for arriving at such a competitive level of price, proponent offered data on prices for butter in New York City and prices on sales of cream outside this market.

No butter or hard cheese is manufactured by the proponent handler. His manufacturing plant produces principally cottage cheese, cream for use in cottage cheese and to supply the fluid market in Washington, and condensed skim milk for use in ice cream. No ice cream is made, however, in this plant. The entire operation results in an excess of butterfat in the form of cream. This generally has been sold to a cooperative association which uses it in its manufacturing plant. Although butter is among the products produced at the association's manufacturing plant, none of this butter is marketed. Instead it is stored for later use in the processing of ice cream mix. The association plant does not manufacture any hard cheese.

Only once was any of the excess butterfat sold to a plant other than that of the association. Except for this rather minor disposition to a butter manufacturer, none of the butterfat in producer milk finds its way into butter in commercial trade channels. Also, no producer milk is used for the manufacture of hard cheese. The loss the proponent handler may experience with respect to excess butterfat does not represent a condition generally affecting the handling of reserve milk in this market. The butterfat involved in the months of January 1960 through July 1960 represented 7.8 percent of the total butterfat in Class II producer milk during those months.

Any change in an order price, as requested, must be viewed in the light of whether (a) it would be an incentive to bring additional milk supplies under the marketwide pool even though such supplies are not needed; (b) the prevailing Class II price level permits the market to clear its reserve supply; and (c) the loss of which the handler complains is incurred largely because of the nature of his operations. In view of the present adequacy of supply, any lowering of the price for reserve milk in a manner which would tend to increase the supply is not justified. Except for the instance presented by the handler, there has been no

indication of any difficulty in disposing of reserve milk at the order prices. Although in proponent's operations butterfat is to a degree an excess product, it is part of the regular manufacturing operation of the plant where it is used in ice cream mix. The quantity of butterfat on which the handler complains of loss represents only a minor part of the use he makes of the milk from which such butterfat is obtained. The importance of a loss on butterfat to a handler must be considered in relation to whether the whole milk from which the butterfat is derived was reasonably priced.

It is concluded that the Class II price formula as presently constituted reasonably represents the value of Class II milk in this market. The disposition of butterfat for butter or cheese manufacture is the infrequent exception to the rule of disposition of reserve milk for the higher-valued Class II uses which are available in this market. Any relaxing of the price formula could result in greater problems in the handling of reserve milk.

7. *Base plan.* The order should provide for payment in certain months to each producer for base milk and excess milk depending on such producer's deliveries in a prior period.

A producer association which represents a large part of the supply for the market proposed that in the months of April, May and June producers be paid on "base" and "excess" milk. A base would be earned by each producer on his deliveries during the preceding period of July through December. The base would be computed by dividing the total pounds of the producer's deliveries during such period by the number of days on which he delivered, but not less than 154. Such a computation would thus make some allowance for accidents which might prevent a producer from making deliveries during the entire six-month period.

Prior to the establishment of a Federal order in this market, the proponent association operated a "take-out and pay-back" plan to foster more even seasonal production. Such a plan was not included in the order. Proponent requests that a base plan be adopted in the order at this time to encourage producers to retain their relatively good production pattern.

Deliveries per day per dairy during the July-December period 1959 varied from a low of 1,001 pounds per day in November to 1,096 pounds in August, or an average of 1,053 pounds. During April, May and June of 1960 deliveries per day per producer varied from 1,186 to 1,298, or an average of 1,225 pounds. These spring months represent the highest seasonal level of production. Deliveries per day per dairy in the April-June period averaged 116 percent of the rate of delivery during the previous July-December period.

While only moderate seasonal changes in production occur in this market, a base plan such as proposed would tend to maintain or improve the evenness of production and thus assist in assuring adequate market supplies at all times. The six-month base-earning period suggested provides full opportunity for each producer to earn a base. A producer

who enters the market as late as 31 days after the beginning of the base earning period may be accommodated by a provision that his base would be calculated by dividing his total deliveries during the July-December period by the number of days beginning with the first day of delivery and through December 31, but not less than 154 days.

Because this market and the Upper Chesapeake Bay market draw milk from the same supply areas, dairy farmers from time to time may shift from one market to the other. Ideally, base plans in both markets should be arranged so as to not materially inhibit the shifting of farmers in either direction. Bases for farmers who transfer to this market can be computed in a manner which neither favors nor inhibits such a shift. Such a farmer, if he is a producer whose milk is received under this order during the months of October, November and December, should be allotted a base computed from deliveries which include those made in the preceding months of July, August and September to any pool plant under Order No. 127. The requirement of receipt of his milk under this order for the October-December period is a reasonable measure of association with this market.

Provision should be made for bases to be assigned to farmers who become producers after the beginning of the base-earning period for the reason that the plant to which they deliver becomes a pool plant. In such instances, records made available to the market administrator showing deliveries during the July-December period, including deliveries prior to the time the farmer became a producer, should be used in computing the producer's base.

One of the problems of seasonality in the Washington market has been the result of the operation of a base plan in the Upper Chesapeake Bay market which has given dairy farmers seeking a fluid market an additional incentive to gravitate to the Washington market for the relatively higher return available to a new producer here in the summer months in the absence of a base plan. Adoption of the plan in this market will provide a better alignment of prices to producers throughout the year in the two markets.

Another provision should apply to producers who during the months of July, August and September would have been "dairy farmers for other markets" if they had delivered their milk to the same plant at which it is received each month during the following October through December. Any such producer should be assigned a base equal to the total of his deliveries during the July-December period to pool plants or to the nonpool plant of the handler, affiliate of the handler, or any person who controls or is controlled by the handler who receives his milk in the October-December period, divided by the number of days beginning with the first day of delivery and through December 31, but not less than 154 days.

To implement the distribution of returns to producers in accordance with the bases they have earned, the order

should provide for computation of a base price and an excess price in certain months. The excess price should be computed by assigning the total excess milk of all producers first to Class II producer milk, any remainder of excess milk to be assigned to Class I producer milk. The value of the excess milk should be computed according to such class assignments, and the excess price by dividing such value by the total hundredweight of excess milk. The remaining value of producer milk in each class should be assigned to base milk, and after the subtraction of not less than 4 cents nor more than 5 cents for reserve, the result should be divided by the total hundredweight of base milk to arrive at the uniform base price. Since the excess price ordinarily would represent a surplus milk value, producer location differentials should not apply to it. Location differentials should apply to the base price.

The base plan should become effective for payments beginning in April, 1962. Thus, producers will have full opportunity to be prepared for making base-earning deliveries beginning in July, 1961.

Rules should be provided for the transfer of a base, along with the farm, from one producer to another. To prevent manipulation in the earning of base contrary to the purpose of the plan, if a herd, land, buildings, or equipment are used jointly by more than one person for the production of milk on a farm or farms, only one base would be assigned. A producer operating more than one farm should be required to establish a separate base for each farm.

8. The table of skim milk values in the Class II milk price provision should be corrected by inserting, in proper sequence, a price bracket of \$0.086 to \$0.095 for nonfat dry milk. The corresponding skim milk value should be \$0.225. The skim milk values for the lower nonfat dry milk price brackets should decrease 7.5 cents for each bracket, consecutively.

An exceptor claimed that the table in the order provides skim milk values which are in error (\$0.075 too low in each instance) for those price brackets of nonfat dry milk designated by "\$0.096 to \$0.105" and higher prices. Exceptor claims these skim milk values are inconsistent with the decision of the Assistant Secretary issued May 1, 1959 (24 F.R. 3630), which preceded the issuance of the order.

The only proposal made on this record (September 28 and 29, 1960) with respect to this skim value table was that the skim milk values corresponding to prices of nonfat dry milk of \$0.096 per pound and higher should remain as now in the order, and that the skim milk values for lower nonfat dry milk prices should be changed in the manner which has been adopted in the recommended decision and also in this decision. The changes in the table adopted in this decision do not affect the current price for Class II milk, nor would the changes have affected the Class II price since the issuance of the order. During the entire period, the price level for nonfat dry milk

has been well above the prices included in the table brackets changed in this decision. The price increase requested in the previously mentioned exception is not supported by the evidence and should not be adopted.

The decision issued May 1, 1959, referred to in the exception, shows a table of specific skim milk values for prices of nonfat dry milk, omitting, however, a skim milk value for nonfat dry milk prices exceeding \$0.085 per pound but less than \$0.096 per pound. This table of values has been included in the order since it became fully effective July 1, 1959. The evidence of this record (September 28 and 29, 1960) supports changes only in the skim milk values corresponding to nonfat dry milk prices of \$0.095 or less.

Milk received from a "dairy farmer for other markets" is treated as other source milk. Along with revision of the allocation procedure required herein by other proposed amendments, it should be provided that milk from dairy farmers for other markets will be subtracted concurrently with any other source milk received in the form of products specified in § 902.41(a)(1) from nonpool plants not fully subject to the pricing provisions of another order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, 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 interested parties 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 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) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

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

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

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

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

Determination of representative period. The month of December 1960, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Washington, D.C., marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., April 6, 1961.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

Order¹ Amending the Order Regulating the Handling of Milk in the Washington, D.C., Marketing Area

§ 902.0 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

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.

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, as amended, regulating the handling of milk in the Washington, D.C., 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;

(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 Washington, D.C., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete § 902.15 and substitute the following:

§ 902.15 Producer.

"Producer" means (a) any dairy farmer, except a producer-handler or dairy farmer for other markets, who produces milk which is approved by a duly constituted health authority for fluid disposition and which is received at a pool plant or is diverted to a nonpool plant during any month(s) of March through September or on not more than 8 days (4 days in the case of every-other-day delivery) during any month(s) of October through February: *Provided*, That the milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location from which it was diverted: *And provided further*, That the criterion for determination of qualification under this paragraph for a dairy farmer delivering milk to a pool plant qualified under § 902.9(b) shall be the holding of a valid farm inspection permit issued by the applicable health authority having jurisdiction in the marketing area: *Provided also*, That the definition of producer pur-

suant to this paragraph shall not include any dairy farmer whose milk is diverted during the month on more than the number of days specified in this paragraph; or (b) any other dairy farmer who in the preceding month was a producer pursuant to paragraph (a) of this section whose milk was received at a pool plant which qualified pursuant to § 902.9(c) and whose milk for every day of delivery during the current month is diverted by a handler to the same plant which is a nonpool plant, or is physically received (not diverted) at a pool plant, or is diverted to other nonpool plants on not more than the number of days specified in paragraph (a) of this section.

2. Add a new § 902.19 as follows:

§ 902.19 Base and excess milk.

(a) "Base milk" means milk received at a pool plant from a producer during any of the months of April through June which is not in excess of such producer's daily base computed pursuant to § 902.63 multiplied by the number of days in such month on which such producer's milk was received at such pool plant: *Provided*, That with respect to any producer on every-other-day delivery, a day of nondelivery following a day on which delivery is made shall be considered as a day of delivery for purpose of this paragraph.

(b) "Excess milk" means milk received at a pool plant from a producer during any of the months of April through June which is in excess of base milk received from such producer during such month.

§ 902.22 [Amendment]

3. In § 902.22 delete the word "and" at the end of § 902.22(j) (2), change the period at the end of § 902.22(k) to a semicolon and add the word "and", and add a new paragraph as follows:

(1) On or before February 20 of each year (beginning in 1962), notify:

- (1) Each cooperative association of the daily base established by each producer member of such association; and
- (2) Each nonmember producer of the daily base established by such producer.

§ 902.44 [Amendment]

4. In § 902.44 delete paragraph (c) and substitute the following:

(c) As Class I milk if transferred in the form of any product designated as Class I milk pursuant to § 902.41(a) (1) to a nonpool approved plant or if in producer milk diverted to such nonpool approved plant, unless otherwise classified pursuant to subparagraphs (1) through (4) of this paragraph, in which case all milk diverted and transferred to the nonpool plant shall share pro rata in such classification:

(1) As Class I milk to the extent of such nonpool plant's disposition of skim milk and butterfat, respectively, as Class I milk on routes in the marketing area;

(2) Any remaining quantities of skim milk and butterfat as Class I milk equal to the extent of assignment to Class I pursuant to § 902.46 (a) (3) and (b) of transfers from the nonpool plant to pool plants; and

(3) Any further remaining quantities of skim milk and butterfat as Class I

milk to the extent of remaining Class I utilization in the nonpool plant after prior assignment of receipts at such nonpool plant from nonproducer dairy farmers whom the market administrator determines constitute its regular source of fluid milk supply to such Class I utilization.

(4) Any further remaining quantities of skim milk and butterfat may be assigned to Class II milk.

§ 902.46 [Amendment]

5. In § 902.46(a) (3) insert just before the final semicolon the following words "or in other source milk received from dairy farmers for other markets".

§ 902.50 [Amendment]

6. In § 902.50 delete paragraph (a) and substitute the following:

(a) *Class I price.* During the period January 1961 and subsequent months through and including September 1962 the price for Class I milk shall be \$5.55 for the months of July through February and \$5.10 for the months of March through June: *Provided*, That such price in any month shall be adjusted to reflect the deviation of the average of the Federal order Class I prices for the Philadelphia, New York-New Jersey and Chicago markets for such month from such average price in the corresponding month of 1958, as follows:

3-market average deviation from corresponding month of 1958 (cents), plus or minus:	Washington price or minus adjustment (cents), plus
0-15	0
15.1-35	20
35.1-55	40
55.1-75	60
75.1-95	80

7. In § 902.50(b) delete subparagraph (2) and substitute the following:

(2) *Skim milk.* The average 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 reported for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture shall determine the skim values as follows:

Average price per pound of nonfat dry milk-spray and roller process:	Skim value
\$0.065 or below	\$0.00
\$0.066 to \$0.075	.075
\$0.076 to \$0.085	.15
\$0.086 to \$0.095	.225
\$0.096 to \$0.105	.30
\$0.106 to \$0.115	.375
\$0.116 to \$0.125	.45
\$0.126 to \$0.135	.525
\$0.136 to \$0.145	.60
\$0.146 to \$0.155	.675
\$0.156 to \$0.165	.75
\$0.166 to \$0.175	.825
\$0.176 to \$0.185	.90
\$0.186 to \$0.195	.975

§ 902.62 [Amendment]

8. In § 902.62 delete paragraph (b) and substitute the following:

(b) Each pool handler who received at his pool plant other source milk which is allocated pursuant to § 902.46 (a) (3) and (b) shall make payment on the

quantity so allocated to Class I milk which is in excess of the quantities of skim milk and butterfat, respectively, assigned to Class I milk pursuant to § 902.44(c) (2) in milk and milk products received from nonpool plants, at the difference between the Class I price and the Class II price applicable at the location of the nearest nonpool plants (as determined by the application of the location differential schedule set forth in § 902.52) from which an equivalent amount of such other source milk was received; and

9. Insert new sections numbered §§ 902.63 and 902.64 as follows:

§ 902.63 Computation of base for each producer.

For each of the months of April through June of each year beginning in 1962 the market administrator shall compute a base for each producer as follows, subject to the rules set forth in § 902.64:

(a) Except as provided in paragraphs (b), (c) and (d) of this section divide the total pounds of milk received by all pool handler(s) from such producer during the months of July through December of the preceding year by the number of days beginning with the first day of receipt and through December 31, but not less than 154 days;

(b) The base of any producer whose milk during the preceding July-December period was received at a plant which became a pool plant after the beginning of such base-earning period shall be computed by dividing the total pounds of milk received from such dairy farmer at the plant, and at pool plants as producer milk, both during such July-December period, by the number of days beginning with the first day of such receipt and through December 31, but not less than 154;

(c) The base of any producer who was a producer during all the months of October, November and December of the preceding year, and during any of the just preceding months of July, August and September qualified under the Upper Chesapeake Bay Federal milk Order No. 127 as a "producer" as defined in that order, shall be computed by dividing the total pounds of milk received from such farmer during all of such months (July through December, inclusive) at pool plants under both orders by the number of days beginning with the first day of receipt and through December 31, but not less than 154; and

(d) The base of any producer who is not described in paragraphs (b) and (c) of this section but whose milk was received by a handler as producer milk during the months of October, November and December of the preceding year at a pool plant at which receipt of his milk in the just preceding months of July, August, and September would have qualified or did qualify him as a "dairy farmer for other markets", shall be computed by dividing the total pounds of milk received from such producer at pool plants during such months of July through December and verified receipts at the nonpool plant of the handler, affiliate of the handler, or any person

who controls or is controlled by the handler, during such months of July through September, inclusive, by the number of days beginning with the first day of receipt and through December 31, but not less than 154.

§ 902.64 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base computed pursuant to § 902.63 may be transferred in its entirety upon written notice to the market administrator on or before the last day of the month of transfer, but only if a producer sells, leases or otherwise conveys his herd to another producer and it is established to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this part;

(b) If a producer operates more than one farm, each delivering milk to a pool plant, he shall establish a separate base with respect to producer milk delivered from each such farm; and

(c) Only one base shall be allotted with respect to milk produced by one or more persons where the herd, land, buildings, and equipment used are jointly owned or operated: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon the receipt of an application signed by all joint holders or their heirs, or assigns.

10. In § 902.71 delete the language preceding paragraph (a) and substitute the following:

§ 902.71 Computation of the uniform price.

For each month prior to April 1962, and thereafter for each of the months of July through March, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f.o.b. market as follows:

11. Insert a new section numbered § 902.72 as follows:

§ 902.72 Computation of uniform prices for base milk and excess milk.

For each of the months of April through June, beginning with April 1962, the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, f.o.b. market, shall be as follows:

(a) Compute the aggregate value of excess milk for all handlers who made reports prescribed in § 902.30(a), and who are not in default of payments pursuant to § 902.84 for the preceding month as follows: (1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price, (2) multiply the remaining hundredweight quantity of excess milk by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and round to the nearest cent.

The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat content received from producers;

(c) Subtract the total value of excess milk, determined by multiplying the uniform price obtained in paragraph (b) of this section by the hundredweight of excess milk, from the total value of producer milk for the month as determined according to the calculations set forth in § 902.71(a) through (d);

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk for handlers included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content f.o.b. market.

§ 902.80 [Amendment]

12. In § 902.80 delete paragraph (a) and substitute the following:

(a) Except as provided in paragraph (b) of this section each pool handler on or before the 15th day after the end of each month shall make payment to each producer for milk which was received from such producer during the month at not less than the uniform price computed pursuant to § 902.71 for each month prior to April 1962 and thereafter for the months of July through March, and at not less than the price for base milk computed pursuant to § 902.72(e) with respect to base milk received from such producer, and not less than the excess price determined pursuant to § 902.72(b) for excess milk received from such producer for the months of April through June (beginning in 1962) subject to the following adjustments: (1) The butterfat differential computed pursuant to § 902.81, (2) less the location differential computed pursuant to § 902.82, and (3) less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 902.85 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

13. Delete § 902.82 and substitute the following:

§ 902.82 Location differential to producers.

In making payments to producers or to a cooperative association pursuant to § 902.80 (a) and (b) except with respect to excess milk, a handler shall deduct with respect to all such milk received at pool plants located 75 miles by shortest highway distance from the zero milestone in the District of Columbia, as determined by the market administrator, 12 cents per hundredweight plus 1.5 cents for each 10-mile additional distance, or

fraction thereof, which such plant is located from such milestone.

[F.R. Doc. 61-3238; Filed, Apr. 11, 1961; 8:47 a.m.]

Agricultural Research Service

[7 CFR Part 319]

FOREIGN QUARANTINE NOTICES

Importation of Certain Nursery Stock, Plants and Seeds

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 1, 5, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 162), is considering the amendment of §§ 319.37-2, 319.37-2a, and 319.37-4 of the regulations relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37-2, 319.37-2a, 319.37-4) to read, respectively, as follows:

§ 319.37-2 Restricted plant material enterable without individual permits.

Restricted plant material (except *Aglaonema*, and seeds of *Vicia* spp. and *Lens* spp.) which is imported for food, analytical, medicinal, or manufacturing purposes, and seed specified in § 319.37-4(a) may be entered without further permit other than the authorization contained in this section but subject to the conditions and requirements outlined in §§ 319.37-7, 319.37-8, 319.37-9, 319.37-11, 319.37-15, 319.37-16, 319.37-17, and 319.37-20: *Provided*, That the inspector may waive the inspection provided for in § 319.37-8 for any shipment when in his judgment such inspection is unnecessary.

§ 319.37-2a Administrative instructions exempting certain restricted articles from some of the requirements of the nursery stock, plant, and seed quarantine regulations.

The following articles are hereby exempted from the requirements of the regulations specified in paragraphs (a) to (d) of this section:

(a) Restricted plant material (except *Aglaonema*, and seeds of *Vicia* spp. and *Lens* spp.) for food, analytical, medicinal, or manufacturing purposes, enterable under § 319.37-2, is hereby exempted from the notice of arrival requirements of § 319.37-11.

(b) All seeds of field crops, vegetables, and annual, biennial and perennial flowers which are essentially herbaceous in character (except seeds of *Lathyrus* spp., *Lens* spp., okra (*Hibiscus esculentus*), and *Vicia* spp.), enterable under § 319.37-4, are hereby exempted from the notice of arrival requirements of § 319.37-11 when the inspector at any port shall find and shall so inform the importers concerned that equivalent information is obtainable from ships' manifests or other sources and that the notice of arrival requirements are being waived.

(c) All grains and cereals from Canada which are restricted plant material

enterable under § 319.37-2 are hereby exempted from the provisions of §§ 319.37-7, 319.37-8, 319.37-9, 319.37-11, 319.37-15, and 319.37-16, relating respectively to costs and charges, inspection, treatment, notice of arrival, freedom from soil, and approved packing materials.

(d) All seeds of *Lathyrus* spp., *Lens* spp., and *Vicia* spp., enterable under § 319.37-4, are hereby exempted from the treatment requirements of § 319.37-9 under the following conditions:

(1) Seeds of *Lathyrus* spp. and *Vicia* spp. are exempted from the treatment requirements of § 319.37-9 when they are (i) certified by the Canada Department of Agriculture as of Canadian origin, or (ii) are shipments from Canada of non-Canadian origin but are certified by the Canada Department of Agriculture as having been fumigated, or (iii) are uncertified shipments from Canada; or are from any other country in North, Central, or South America, or islands adjacent thereto, whether certified or uncertified; and examination of the seeds by an inspector shows them to be free from injurious plant pests other than stored products insects of general distribution.

(2) Seeds of *Lens* spp. are exempted from the treatment requirements of § 319.37-9 when they are (i) certified by the Canada Department of Agriculture as of Canadian origin; or (ii) are shipments from Canada of non-Canadian origin (except those from South American countries) but are certified by the Canada Department of Agriculture as having been fumigated; or (iii) are uncertified shipments from Canada; or are from any other country in North or Central America, or islands adjacent thereto, whether certified or uncertified; and examination of the seeds by an inspector shows them to be free from injurious plant pests other than stored products insects of general distribution.

§ 319.37-4 Seeds.

(a) *Seeds importable without individual permits.* Seeds of field crops, vegetables, and annual, biennial, and perennial flowers which are essentially herbaceous in character, except seeds of *Lathyrus* spp., *Lens* spp., okra (*Hibiscus esculentus*), and *Vicia* spp., may be imported into the United States without further permit other than the authorization contained in this paragraph but subject to the conditions and requirements of § 319.37-2.

(b) *Seeds importable under permit.* All seeds (including seeds of *Lens* spp. from other than South American countries, and seeds of *Lathyrus* spp., okra (*Hibiscus esculentus*) and *Vicia* spp.) not under paragraph (a) of this section, not prohibited entry in § 319.37 or any other quarantine, and not restricted in any other quarantine, and which are free from pulp of a character which will support living larvae of fruit flies or other injurious insects, other than stored-product insects of general distribution, may be imported into the United States with a permit. Such seeds may be imported subject to the requirements

of § 319.37-7 through § 319.37-17, and § 319.37-20, through ports that have special inspection facilities and are named in the permit issued for the seeds. In the case of seeds of such fruits as are approved for importation without treatment under the provisions of §§ 319.56, 319.56-1 et seq., the requirements as to freedom from pulp shall not apply when such seeds are imported, under the requirements of this section, for propagation.

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

These amendments would authorize, with certain exceptions, the importation into the United States, under permit and through any port named in the permit, of seed of all species of *Vicia*, *Lathyrus*, and *Lens*, upon compliance with designated safeguards. They would relax restrictions now in effect.

Vetch seed (*Vicia* spp.) and *Lathyrus* spp. seed have been under plant quarantine import permit requirements since August 1, 1936. Shortly after these requirements were imposed the importation of vetch seed in commercial quantities at Pacific Coast ports was prohibited in order to conform Federal import requirements to State regulations governing the domestic movement of the seed. At ports other than those on the Pacific Coast, vetch seed is allowed entry after methyl bromide fumigation. Similar treatment is required for *Lathyrus* spp. seed, which is allowed entry at all ports, including Pacific Coast ports, that have special inspection facilities.

In addition to vetch seed, seed of another species of *Vicia* (broadbeans, *Vicia faba*), frequently imported for food purposes, has likewise been refused entry in commercial quantities at Pacific Coast ports. Such seed has been enterable at other ports after methyl bromide fumigation, with a few conditional exemptions from the fumigation requirement. These amendments would extend the permissive entry requirements heretofore limited to broadbean seed imported at non-Pacific Coast ports to seed of all species of *Vicia* and *Lathyrus* imported at any port named in the permit issued for the seed and to seed of *Lens* spp. from countries other than those in South America.

Lens spp. seed from all South American countries will continue in a prohibited status under § 319.37(b) because of a form of the rust disease, *Uromyces fabae*, that exists in certain areas of South America. It has been determined that seed of *Vicia* spp., *Lathyrus* spp., and *Lens* spp. can be safely admitted under the stated provisions.

The original State regulations on which the above-mentioned 1936 action was based have been relaxed.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of April 1961.

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

[F.R. Doc. 61-3262; Filed, Apr. 11, 1961; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-NY-156]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS
Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 58 extends from Augusta, Maine, to the United States/Canadian border east of Bangor, Maine. The Federal Aviation Agency is considering revoking Red 58. A Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959, through June 30, 1960, shows a maximum of six aircraft movements on Red 58. Therefore, it appears that the retention of this airway is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Red 58 and its associated control areas from Augusta to the United States/Canadian border. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with Red 58. Any proposals to discontinue one or more of these aids would be processed in accordance with current Agency procedures which include an opportunity for comment for those who would be affected by such action. Concurrently with this action, § 601.4258 relating to reporting points associated with Red 58 would also be revoked.

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

eration. The proposal contained in this notice may be changed in the light of comments received.

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

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 5, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-3224; Filed, Apr. 11, 1961;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14037; FCC 61-470]

STATIONS 20 KC APART

Elimination of Interference Ratio

1. Notice is hereby given of proposed rule making in the above-captioned matter.

2. The Commission's rules governing engineering standards of allocation for standard broadcast stations currently provide that objectionable interference is deemed to exist between stations 20 kc apart in the spectrum when the intensity of the undesired signal is thirty or more times the intensity of the desired signal. Further, it is provided that stations will not be licensed on frequencies 20 kc apart in such proximity to each other that the 2 mv/m groundwave signal intensity contour of one station would overlap the 25 mv/m groundwave signal intensity contour of the other.

3. The Commission requires that applications for construction permits for new or changed standard broadcast facilities show the objectionable interference to be expected from or received by the requested operation and to demonstrate, by maps depicting the pertinent contours, that the proposed operation will comply with Commission requirements concerning the 2 mv/m and 25 mv/m overlap.

4. Practice has shown that, in those instances where interference has been indicated between stations operating 20 kc apart, the extent of interference is so slight as not to warrant denial of an application where no 2 mv/m and 25 mv/m overlap is involved. Accordingly, and in view of the engineering work required to supply such information, the Commission has determined that it will seek comments concerning the desirability of deleting from our rules the 30:1 ratio pertaining to interference between stations 20 kc apart and relying upon the 2 mv/m and 25 mv/m overlap provision of the rules to prevent degradation of

standard broadcast service in the licensing of new stations. A procedure similar to that proposed has been successfully utilized over a period of years with regard to stations operating on frequencies 30 kc apart.

5. Accordingly, comments are invited as to the desirability of amending § 3.182(w) of our rules as noted above.

6. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested persons may file comments on or before May 15, 1961; and reply comments on or before May 25, 1961. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

8. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: April 5, 1961.

Released: April 7, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-3257; Filed, Apr. 11, 1961;
8:49 a.m.]

[47 CFR Part 3]

[Docket No. 14038 (RM-238); FCC 61-472]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

Blythe, Calif.

1. Notice is hereby given of proposed rule making in the above-captioned matter.

2. The Commission has before it for consideration the petition for rule making filed February 17, 1961 by Blythe Telecasting Company requesting that UHF Channel 34— be assigned to Blythe, California as a "drop-in".

3. It appearing that no other changes in the Table of Assignments would be required to effectuate the proposed action, that it would comply with the Commission's rules, and that petitioner proposes to apply for the frequency if it is so allocated, the Commission invites comments on a proposal to amend § 3.606 of its rules, Table of Assignments, Television Broadcast Stations, by adding an entry as follows:

City	Channel No.
Blythe, Calif.-----	34—

4. The proposed change is subject to objection by the Government of the United Mexican States and the Commission has initiated steps to ascertain the views of that Government.

5. Authority for adoption of the amendment proposed herein is contained in sections 4 (i) and (j), 303 and 307(b)

of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested persons may file comments on or before May 5, 1961, and reply comments on or before May 15, 1961. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

7. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: April 5, 1961.

Released: April 7, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-3258; Filed, Apr. 11, 1961;
8:49 a.m.]

[47 CFR Part 9]

[Docket No. 14027; FCC 61-451]

AVIATION SERVICES

Transmission of Radio Signals from Aircraft to Activate Lights

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

2. It is proposed to amend Part 9 of the Commission's rules, as shown below to provide for the VHF transmission of keyed RF signals from aircraft to activate lights at unattended airports. This proposal parallels recommendations contained in the Radio Technical Commission for Aeronautics (RTCA), SC-56, Report, "Activation of Airport Lights by Radio Transmissions From Aircraft".

3. The ability to activate airport lights from aircraft desiring to use normally unattended airports would eliminate the need for lighting such airports continuously during the hours of darkness or for making special arrangements for the manual control of lights.

4. Specifically, it is proposed to amend Part 9 to authorize, on the condition that no harmful interference is caused to voice communications, (1) the use of the airport utility frequencies by all aircraft for the activation of airport lights, and (2) the use of the aeronautical advisory frequency 122.8 Mc by private aircraft for the activation of airport lights. Two major considerations governing selection of these frequencies are that (1) they are currently available to and widely implemented in aircraft and (2) their additional use for the airport light activation function is not expected to result in harmful interference to presently authorized communication services.

5. The previously mentioned RTCA Report included recommendations that the light activation signal be a series of dashes of RF energy produced by pressing and releasing the microphone button of the aircraft VHF transmitter in accordance with an assigned code.

[47 CFR Part 10]

[Docket No. 14028, RM-157; FCC 61-452]

POLICE MOBILE RADIO UNITS

Automatic Relay of Communications From Subminiature Mobile Equipment to Base Stations

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

2. The Associated Police Communications Officers, Inc. (APCO), East Lansing, Michigan, has filed a petition for amendment of Part 10 of the Commission's rules, Public Safety Radio Services, to provide for the use of police mobile units as "mobile repeater stations." As proposed, a mobile unit in a police vehicle could be used to relay automatically police communications from an officer, using sub-miniature equipment while away from the vehicle, to the base station and vice versa, i.e., from the base station to the officer via the mobile unit. Police frequencies of 37 Mc and above are proposed for the automatic relay operations due to the large number of mobile units which are authorized to operate in the so-called "low band"; i.e., 37-46 Mc. In addition, petitioner recommends that the safeguards set forth in subparagraphs (1) and (3) of § 10.254(a) relating to normal mobile relay operations be made inapplicable to the proposed "mobile repeater" operations. This, it is stated, stems from the fact that, normally, the absence of the officer from his car is of short duration. Thus, exemption from the coded signal requirement is unlikely to result in the activation of the car transmitter by undesired signals. Furthermore, in view of the emergency police needs in instances in this type, to have an automatic time limit on the car's relay function could lessen the inherent safety value of the system.

3. In support of this proposal, the petitioner states:

Frequently police officers in the course of their patrols or in answer to emergency calls, find it necessary to leave their cars. This requirement not infrequently places such officers in a position of danger without available facilities for direct and prompt communication with other police officers or with police headquarters * * *. In order to meet the emergency needs of the police officer for communications when he is not actually in a patrol car increased reliance is being placed upon the use of sub-miniature equipment, i.e., equipment that can be carried in the pocket of an officer's uniform. Such equipment has now been developed to the point at which it is practical for police officers to have small radio receiving and transmitting equipment with them when they are on foot or away from their patrol cars. However, the range of this equipment—particularly the transmitting equipment—is relatively limited. The transmitting equipment can at best be expected to cover about five miles, and this limitation becomes especially serious when the policeman is distant from other police facilities * * *. In light of current technical knowledge it is possible, however, for the radio equipment in the police patrol car to be used as repeater equipment which

will receive the communications from the police officer while he is away from his car and in turn relay it over the facilities normally used for communications between the car and headquarters or other mobile units. Through the use in this manner of the mobile equipment in the patrol car, the officer can be in contact with police headquarters even when it is necessary for him to leave his car for investigative or other purposes * * *. The mobile equipment in the patrol car would not be operated as a mobile repeater until the officer throws a switch upon leaving the car. It would be disabled upon his return to the car.

4. The Commission has given careful consideration to the petition and is persuaded that the objectives of the proposal have merit. Enabling the officer to advise headquarters of his immediate situation while away from his car may substantially increase his safety.

5. In every proposal involving a new usage of public safety frequencies, the benefits to be realized must be balanced against the impact which will be produced on the limited available frequencies. The petitioner's proposal would require two additional frequencies: one would be used at low power by the pocket set for relaying to the base station; the other for relay transmissions from the base station to the officer would be used at a power up to ten watts.

6. The usage of the additional low power frequency has the advantage of permitting duplication in relatively closely spaced areas without mutual interference potentialities. A licensee requesting assignment of a frequency for this purpose in addition to his regular base-mobile complement would not have to make the special showing of need required of applicants for more than two frequencies. While it is recognized that it would be advantageous for the base station to reach the officer, it appears that this could be accomplished in most instances without a relay. Further, it would seem that the major objective has been met when the police officer has notified headquarters of his immediate situation. Further, the second additional frequency required to relay back to the officer would, because of the greater power and more efficient radiating system, have considerable interfering capabilities. Also, a large scale use of base-mobile frequencies in this manner could seriously reduce the availability of such frequencies for normal usage. Furthermore, there is the difficulty that each time the base station transmits, all car equipment in the system which had been switched to the relay function would repeat the transmission, whether or not the communications were directed to a pocket set. Since this in many cases would unnecessarily tie up a channel, and, as pointed out above, would not greatly increase the safety value of such relay systems, the Commission is not proposing herein that part of the petition which would provide for the automatic relaying of communications from base stations via vehicle equipment to pocket sets.

7. In view of the foregoing, the rule change proposed herein is designed to

6. The proposed amendment is issued under the authority of sections 303 (b), (c), (g) and (r) of the Communications Act of 1934, as amended.

7. 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, may file with the Commission on or before May 15, 1961, written data, views, or arguments setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Rebuttal comments may be filed within ten days from the last day for filing of original comments. The Commission will consider all such comments prior to taking final action in this matter, provided that, notwithstanding the provisions of § 1.213 of the rules, the Commission's consideration will not be limited solely to the comments filed in this proceeding.

8. In accordance with the provision of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: April 5, 1961.

Released: April 7, 1961.

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

1. Paragraph (g) of § 9.312 is amended to read as follows:

§ 9.312 Frequencies available.

* * * * *
(g) 121.60, 121.65, 121.70, 121.75, 121.80, 121.85, 121.90, and 121.95 megacycles: Airport utility frequencies. The frequency 121.60 Mc may be used by aircraft radio stations for airport utility communications on the condition that no harmful interference is caused to search and rescue operations in the locale involved. In addition to their use for airport utility communications, these frequencies may be used for the control of airport lights by the transmission of brief keyed RF signals from aircraft on the condition that no harmful interference is caused to authorized voice communications.

2. Paragraph (e) of § 9.331 is amended to read as follows:

§ 9.331 Frequencies available.

* * * * *
(e) 122.8 megacycles, 6A3 emission: Private aircraft stations to aeronautical advisory stations and between private aircraft stations while in flight. Permissible communications are defined in § 9.1004. In addition, brief keyed RF signals may be transmitted for the control of airport lights from private aircraft on the condition that no harmful interference is caused to authorized voice communications.

[F.R. Doc. 61-3259; Filed, Apr. 11, 1961; 8:49 a.m.]

PROPOSED RULE MAKING

provide for the more important part of the proposed mode of operation and at the same time not to contribute materially to the present frequency shortage situation. In doing so, the Commission, rather than to amend § 10.254(a) as requested, prefers to add a new paragraph (e) to this section. In this way, the present paragraph (a) will continue to govern normal mobile relay operations and the proposed new paragraph (e) would set forth the conditions under which mobile units may be used for automatic relaying.

8. The proposed rule amendment, which is set forth below is issued pursuant to the authority 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 amendment 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 June 1, 1961, a written statement or brief setting forth his comments. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views, or arguments. 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, not-

withstanding the provisions of § 1.213 of the rules, the Commission will not be limited solely to the comments filed in this proceeding.

10. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, the original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: April 5, 1961.

Released: April 7, 1961.

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

It is proposed to amend Part 10 of the Commission's rules, Public Safety Radio Services, as follows: Amend § 10.254 by adding a new paragraph (e), to read as follows:

§ 10.254 Station limitations.

* * * * *

(e) Subject to the condition that harmful interference is not caused to normal base-mobile operations of other licensees, units of a police mobile station operating above 37 Mc may be used to relay automatically mobile service communications from police mobile equipment, which is authorized to the same licensee and the input power of which does not exceed 3 watts, to associated base stations.

[F.R. Doc. 61-3260; Filed, Apr. 11, 1961;
8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[455.44]

CERTAIN FOOTWEAR

Tariff Classification

The Bureau of Customs published a notice in the FEDERAL REGISTER dated January 27, 1961 (26 F.R. 852), that there was under review the tariff classification of certain footwear having soles with the characteristics and appearance of the soles commonly found on tennis shoes, basketball shoes, "Ked-type" shoes and so-called sneakers, where the soles of the footwear are in chief value of material other than india rubber, leather, or wood.

In a letter of April 7, 1960, addressed to the collector of customs, New York, New York, the Bureau ruled that footwear having uppers of the kind described in paragraph 1530(e), Tariff Act of 1930, as modified and amended, and soles such as those commonly found on tennis shoes, basketball shoes, "Ked-type" shoes, and so-called sneakers, when the soles although not in chief value of india rubber have the same appearance and general characteristics, such as the resiliency, flexibility, and skid-resistance of the soles referred to, is classifiable as:

Footwear having uppers composed wholly or in chief value of wool, cotton, ramie, animal hair, fiber, rayon or other synthetic textile, silk, or substitutes for any of the foregoing with soles wholly or in chief value of substitutes for rubber, under paragraph 1530(e), supra, dutiable at the reduced rate of 20 percent ad valorem (full rate 35 percent ad valorem) based on the American selling price when the elements of section 402a(g) are present, except as provided for hereafter.

In this view, a sole not in chief value of india rubber but which has the general characteristics of the resilient, flexible, skid-resistant, rubber soles of footwear such as tennis shoes, basketball shoes, "Ked-type" shoes, and so-called sneakers, is a sole wholly or in chief value of "substitutes for rubber" within the meaning of Treasury Decision 46158. This view is taken irrespective of the material (other than india rubber, leather or wood) of which the sole is wholly or in chief value, unless it shall be established that such material was used in its own right and for its own characteristics and not in place of india (natural) rubber. The statement of principles outlined in the second paragraph of T.D. 54885(9) is modified accordingly.

Insofar as this decision results in the assessment of a greater amount of duty on certain footwear having uppers composed wholly or in chief value of wool, cotton, ramie, animal hair, fiber, rayon or other synthetic textile, silk, or substitutes for any of the foregoing, with soles

having the general characteristics of the resilient, flexible, skid-resistant, rubber soles of footwear such as tennis shoes, basketball shoes, "Ked-type" shoes, and so-called sneakers, under paragraph 1530(e), Tariff Act of 1930, as modified and amended, than would have been assessable under the established and uniform practice, it shall be applied to such or similar merchandise only when entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of this decision in the Weekly Treasury Decisions.

[SEAL]

PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 61-3274; Filed, Apr. 11, 1961;
8:51 a.m.]

[T.D. 55362]

CERTAIN RUBBER-SOLED FOOTWEAR ON AMERICAN SELLING PRICE BASIS

Appraisement

APRIL 7, 1961.

By a notice published in the FEDERAL REGISTER for Friday, January 27, 1961 (26 F.R. 852), under the heading "Certain Rubber Soled Footwear Appraisement; American Selling Price Basis", the Bureau of Customs announced that a question was pending as to the applicability of American selling price to rubber-soled footwear with uppers wholly or in chief value of various materials including rayon and toyo cloth, such footwear being of a type classifiable under paragraph 1530(e) of the tariff act. The Bureau has considered the pertinent data, views, and arguments which have been received and has decided the question as follows.

In determining the applicability of American selling price to rubber-soled footwear, including footwear with soles in chief value of substitutes for rubber, of a type classifiable under paragraph 1530(e) of the tariff act, a difference in the materials of which the uppers are composed shall not in itself prevent a determination that imported footwear is "like or similar" to domestic footwear.

In making a determination as to the similarity of imported and domestic footwear of the type described above, appraisers shall consider commercial interchangeability, adaptability to substantially the same uses, and competitiveness from the standpoint of customer acceptance. The following factors shall be among those taken into account:

- (1) The appearance of the footwear;
- (2) The durability of the footwear;
- (3) The degree, if any, to which the footwear is deteriorated by being subjected to moisture as, for example, perspiration or rain;
- (4) The workmanship and finish of the footwear.

It is stressed that factors other than those mentioned above may be taken

into account in determining similarity and that a difference between imported and domestic footwear with respect to one factor shall not necessarily establish lack of similarity. Emphasis shall be placed on whether the imported and domestic footwear are substantially similar.

This decision shall be effective with respect to all footwear of the type described above which is exported to the United States on or after the date this decision is published in the FEDERAL REGISTER.

[SEAL]

PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 61-3275; Filed, Apr. 11, 1961;
8:51 a.m.]

DEPARTMENT OF STATE

International Cooperation Administration

DEPUTY DIRECTOR FOR OPERATIONS

Delegation of Authority

By virtue of the authority vested in me by section 7 of Redelegation of Authority No. 85-10A of February 2, 1961, and to the extent consistent with law, I hereby delegate to the Deputy Director for Operations of the International Cooperation Administration all the functions now or hereafter conferred upon the Director of the International Cooperation Administration by Redelegation of Authority No. 85-10A, and the functions or authorities of making, rendering, executing, amending, or terminating waivers, approvals, authorizations, determinations, certifications, findings or agreement, concurrences or clearance, as the case may be, now or hereafter conferred upon the Director by or under regulations, manual orders, policy directives, notices and other directives or issuances, including circular messages of the Director, or of the International Cooperation Administration, and all functions or authorities delegated or assigned to, or otherwise conferred upon me as Director of the International Cooperation Administration or as head of an agency by law or regulation. Reference herein to Redelegation of Authority shall be deemed to be reference to such Redelegation as amended from time to time.

Nothing herein shall be construed to derogate from the authority of the Director, in his discretion, at any time to exercise any of the functions herein delegated to the Deputy Director for Operations, or to amend or supplement this Delegation of Authority, or to derogate from other delegations or assignments heretofore or hereafter made.

The above authorities shall not be delegated, nor shall they be exercised by an individual serving as Deputy Director for Operations in an Acting capacity.

This delegation of authority shall be effective immediately, and shall continue in full force and effect until such time as it is rescinded by me.

HENRY R. LABOUISSÉ,
Director.

MARCH 30, 1961.

[F.R. Doc. 61-3234; Filed, Apr. 11, 1961;
8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary COMMISSIONER OF PATENTS Delegation of Authority

1. Pursuant to the authority vested in the Secretary of Commerce by section 2 of Reorganization Plan No. 5 of 1950 and Executive Order 10930 (26 F.R. 2583) the Commissioner of Patents is hereby authorized to perform the functions prescribed by Executive Order 10096 as amended by Executive Order 10930 heretofore performed by the Government Patents Board and the Chairman thereof.

2. The Commissioner of Patents is further authorized to arrange, as he deems appropriate, for the performance of these designated functions.

3. To the extent consonant with law, all personnel, records and funds of the Government Patents Board are hereby transferred to the Patent Office.

Dated: March 24, 1961.

EDWARD GUEDEMAN,
Acting Secretary of Commerce.

[F.R. Doc. 61-3334; Filed, Apr. 11, 1961;
8:52 a.m.]

DEPARTMENT OF JUSTICE

Office of the Attorney General [Order 242-61]

PRESIDENT'S COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY Assignment of Functions

By virtue of the authority vested in me by Executive Order No. 10925 of March 6, 1961, and as Attorney General of the United States, I hereby order as follows:

1. Pursuant to section 307 of Executive Order No. 10925, I hereby designate John L. Seigenthaler, Assistant to the Attorney General, as the Principal Compliance Officer of the Department of Justice, and authorize him to designate, from time to time, such Deputy Compliance Officers as he may deem to be necessary and appropriate to carry out the provisions of that order.

2. I hereby assign to the Principal Compliance Officer the responsibility for conducting studies of departmental contracting practices and for recommending to me any proposed orders, procedures, or other measures relating to the contracting activities of this Department which will assure maximum effectiveness

in carrying out the intent and purpose of part III of Executive Order No. 10925.

3. The Principal Compliance Officer shall promptly prepare for my consideration recommendations concerning any actions that the President's Committee on Equal Employment Opportunity might initiate to assure the prompt eradication of all vestiges of racial, religious, or other unfair discrimination from our Government.

4. The functions assigned to John L. Seigenthaler by this order shall be in addition to the functions assigned to him by Order No. 239-61 of March 17, 1961.

5. The first sentence of paragraph 3 (a) of Order No. 239-61 of March 17, 1961, is hereby amended by deleting "Order No. 155-55" and inserting in lieu thereof "Order No. 105-55".

6. This order shall become effective upon the effective date of Executive Order No. 10925 of March 6, 1961.

ROBERT F. KENNEDY,
Attorney General.

APRIL 6, 1961.

[F.R. Doc. 61-3247; Filed, Apr. 11, 1961;
8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management IDAHO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

APRIL 4, 1961.

Notice of an application, Idaho 010828, for withdrawal and reservation of lands was published as Federal Register Document No. 59-8893 on Page 8555 of the issue for October 22, 1959. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on April 14, 1961, relieved of the segregative effect of the above-mentioned application.

The lands involved in this termination are:

BOISE MERIDIAN, IDAHO

- T. 11 S., R. 15 E.,
Sec. 7; Lots 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 18; Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 19; Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 30; Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 31; Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$.
- T. 12 S., R. 15 E.,
Sec. 6; Lots 5, 6, 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 7; Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 18; Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 19; Lot 1, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 20; N $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 21; NW $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 13 S., R. 15 E.,
Sec. 4; E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 9; NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 10; N $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 11; E $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 14; NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
W $\frac{1}{2}$ SW $\frac{1}{4}$.
- T. 12 S., R. 16 E.,
Sec. 1; N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 2; SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 3; S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$.

- T. 12 S., R. 17 E.,
Sec. 2; SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 4; SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 5; S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 6; Lot 7, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 9; N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 10; S $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 15; NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 21; NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 28; N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 29; N $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 31; Lot 4.
- T. 13 S., R. 17 E.,
Sec. 6; Lots 4, 5;
Sec. 7; Lots 1, 2, 3, 4;
Sec. 18; Lots 1, 2, 3.

The areas described aggregate 6,060.97 acres in Twin Falls County, Idaho.

JOE T. FALLINI,
State Supervisor.

[F.R. Doc. 61-3232; Filed, Apr. 11, 1961;
8:46 a.m.]

Office of the Secretary [Order 2853]

DIRECTOR, GEOLOGICAL SURVEY

Delegation of Authority to Negotiate One or More Contracts for Profes- sional Services

SECTION 1. *Delegation.* The Director, Geological Survey, is authorized subject to the provisions of section 2 of this order, to exercise the authority delegated by the Administrator of General Services to the Secretary of the Interior (24 F.R. 1921) to negotiate, without advertising, under section 302(c) (4) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252 et seq.), one or more contracts for professional services relating to the studies of seismic-wave propagation path and regional traveltimes in the California-Nevada region, a part of the Vela Uniform program to improve the ability to detect underground nuclear explosions and to distinguish them from natural seismic disturbances.

Sec. 2. *Exercise of authority.* The authority delegated by section 1 of this order shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures and controls prescribed by the General Services Administration and the Department of the Interior. The authority delegated by this order does not include authority to make advance payments under section 305 of the act.

Sec. 3. *Redelegation.* The Director, Geological Survey, may, in writing, redelegate or authorize written redelegation of the authority granted in section 1 of this order, not to exceed \$25,000 for any one contract, to a subordinate official or employee. The redelegation of this authority shall be published in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

APRIL 5, 1961.

[F.R. Doc. 61-3233; Filed, Apr. 11, 1961;
8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 10920]

NONPRIORITY MAIL RATE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on May 3, 1961, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., April 7, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-3263; Filed, Apr. 11, 1961; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 61-449]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY, AND OTHER INFORMATION

Matters Delegated

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of April 1961;

The Commission having under consideration authority delegated to the Chief of its Safety and Special Radio Services Bureau in section 0.291(b)(7) of its Statement of Organization, Delegations of Authority, and Other Information; and

It appearing that operational experience under the said existing delegation of authority indicates that the public interest would be served by extending the present time limitation therein from 90 to 180 days; and

It further appearing that the present reference in said section 0.291(b)(7) to § 2.103 of the Commission's rules should be changed to § 2.102 to reflect a numbering redesignation which was made effective February 1, 1961 by a Commission order adopted December 21, 1960 (25 F.R. 13976); and

It further appearing that authority for the amendment ordered herein is contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended; and

It further appearing that the public notice and effective date provisions of section 4 of the Administrative Procedure Act are inapplicable to the amendment ordered herein because it involves internal organization and authority;

It is ordered, That effective April 17, 1961, section 0.291(b)(7) of the Commission's Statement of Organization, Delegations of Authority, and Other Information is amended to read as follows.

SEC. 0.291 *Matters delegated.* * * *
(b) * * *

(7) Petitions or requests seeking waiver of or exception to any rule, regulation or requirement, and to act upon petitions or requests relating to the assignment of frequencies to the various safety and special radio services but requiring action under § 2.102 of the rules, when he finds that the operation for which permission is sought (i) is of a nonrecurring nature and does not warrant rule making proceedings with a view to establishing it on a regular basis, (ii) will not exceed 180 days, and (iii) will cause no harmful interference to any service operating in accordance with the Table of Frequency Allocations. This delegation does not apply to requests for renewals of any authority to operate granted hereunder: *Provided, however,* That none of the foregoing limitations shall apply to petitions or requests for waiver of or exception to any requirement set forth in §§ 12.27, 12.44, 12.81, 12.90 and 12.111, the latter section only to the extent that it applies to types of emission, of the Commission's rules governing the amateur radio service.

Released: April 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-3252; Filed, Apr. 11, 1961; 8:48 a.m.]

[Docket Nos. 13926, 13927; FCC 61M-606]

VALUE RADIO CORP. (WOSH) AND HOWARD MILLER ENTERPRISES AND CONSULTANTS, INC. (WGEZ)

Order Following Pre-Hearing Conference

In re applications of Value Radio Corporation (WOSH), Oshkosh, Wisconsin, Docket No. 13926, File No. BP-13268; Howard Miller Enterprises and Consultants, Inc. (WGEZ), Beloit, Wisconsin, Docket No. 13927, File No. BP-13576; for construction permits.

On the basis of agreements reached at a pre-hearing conference held on April 5, 1961, in the above-entitled proceeding: *It is ordered,* This 5th day of April 1961, that the following procedural steps will govern future course of hearing:

Exchange date: May 15, 1961.
Engineering Conference: May 31, 1961.
Further Pre-Hearing Conference: June 6, 1961.

Freeze date: June 14, 1961.
Hearing: June 19, 1961.

Released: April 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-3253; Filed, Apr. 11, 1961; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-186]

CURATORS OF UNIVERSITY OF MISSOURI

Notice of Application for Utilization Facility License

Please take notice that the Curators of the University of Missouri, Columbia, Missouri, under section 104c of the Atomic Energy Act of 1954, have submitted an application for a license to construct and operate a heterogeneous light water cooled and moderated pressurized tank research reactor at initial power levels up to 5,000 kilowatts (thermal) and ultimate power levels up to 10,000 kilowatts (thermal) on the campus of the University of Missouri at Columbia, Missouri. A copy of the application is available for public inspection in the AEC Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 5th day of April 1961.

For the Atomic Energy Commission.

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

[F.R. Doc. 61-3223; Filed, Apr. 11, 1961; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-18338, etc.]

COASTAL TRANSMISSION CORP. ET AL.

Order Fixing Date for Oral Argument

APRIL 6, 1961.

Coastal Transmission Corporation, Docket No. G-18338; Houston Texas Gas and Oil Corporation, Docket No. G-18615; Shell Oil Company, Docket No. G-18805; The Sparta Oil Company, Docket No. G-19964; Southern Natural Gas Company, Docket No. CP60-92.

On March 1, 1961, the Presiding Examiner issued a decision in the above captioned proceedings. Exceptions thereto were filed and several of the parties requested an opportunity to present oral argument before the Commission in support of their exceptions.

The Commission finds: It is appropriate in carrying out the provisions of the Natural Gas Act that oral argument be had before the Commission in these matters as hereinafter ordered and provided.

The Commission orders:

(A) Oral argument shall be had before the Commission on April 27, 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., concerning the matters involved and the issues presented by the above-mentioned exceptions to the Presiding Examiner's decision herein.

(B) Those parties to this proceeding who intend to participate in the oral

argument shall notify the Secretary of the Commission on or before April 18, 1961, of such intention and of the time required for presentation of their argument.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-3225; Filed, Apr. 11, 1961;
8:45 a.m.]

[Docket No. E-6991]

COMMUNITY PUBLIC SERVICE CO.

Notice of Application

APRIL 5, 1961.

Take notice that on March 27, 1961, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Community Public Service Company ("Applicant"), a corporation organized under the laws of the State of Delaware and domesticated in the States of New Mexico and Texas, with its principal place of business at Fort Worth, Texas, seeking an order authorizing the issuance of \$5,000,000 principal amount of First Mortgage Bonds, Series F, -- percent, due 1991. The aforesaid First Mortgage Bonds will be issued as a new series of 30-year bonds under Applicant's Mortgage and Deed of Trust dated as of November 1, 1944, and Supplemental Indentures thereto and a new Sixth Supplemental Indenture thereto, to be dated June 1, 1961. According to the application, the interest rate to be borne by the New Bonds and the price to be paid to Applicant will be determined by competitive bidding. Said bonds will be issued on or after June 14, 1961. Applicant states that the purpose of the issuance and sale of the aforesaid First Mortgage Bonds is to reimburse Applicant's treasury for expenditures heretofore made for construction, extensions, and improvements of facilities and to refund promissory notes evidencing bank loans created to obtain part of the funds needed for such construction program.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 28th day of April 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. 61-3226; Filed, Apr. 11, 1961;
8:45 a.m.]

[Docket Nos. G-19493, etc.]

SKELLY OIL CO. ET AL.

Notice of Applications and Date of Hearing

APRIL 5, 1961.

Skelly Oil Company, Docket No. G-19493; James I. Shearer, Docket No.

G-19494; Schafer Oil Corporation, Operator, et al., Docket No. G-19693; L. O. McMillan, Docket No. G-19783; J. M. Huber Corporation, Docket No. G-19813; Hanlon Oil Company, Docket No. G-20159; West Virginia Production Company, Docket No. G-20162; G. H. Vaughn, Jr., and Jack G. Vaughn, Operators, et al., Docket No. CI60-29; Mull Drilling Company, Inc., Docket No. CI60-284; Rocksdale Oil & Gas Company, Docket No. CI60-304; Bobby M. Burns, Docket No. CI60-90; Alex T. Hunt, Docket No. CI61-207; Pan American Petroleum Corporation, Docket No. CI61-882.

Take notice that each of the above Applicants seeks permission and approval to abandon natural gas service, pursuant to section 7(b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the respective applications herein, which are on file with the Commission and open to public inspection.

The respective Applicants seek permission and approval to abandon service as indicated below:

Docket Nos.; Field and Location; Purchaser; and Docket in Which Sale Was Authorized

G-19493; Morales, Wharton and Jackson Counties, Tex.; Tennessee Gas Transmission Co.; G-10570.
G-19494; Acreage in Calhoun County, W. Va.; Hope Natural Gas Co.; G-5620.
G-19693; Northeast Elmore, Garvin County, Okla.; Lone Star Gas Co.; G-10851.
G-19783; Feidt Lease, Grayson County, Tex.; Lone Star Gas Co.; G-2571.
G-19813; Acreage in Hutchinson County, Tex.; The Shamrock Oil and Gas Corp.; G-13865.
G-20159; Grant District, Ritchie County, W. Va.; Hope Natural Gas Co.; G-5480.
G-20162; Center District, Gilmer County, W. Va.; Hope Natural Gas Co.; G-5415.
CI60-29; Spartan, San Patricio County, Tex.; Tennessee Gas Transmission Co.; G-6564.
CI60-284; Acreage in Harper County, Kans.; Cities Service Gas Co.; G-12603.
CI60-304; Center District, Calhoun County, W. Va.; Hope Natural Gas Co.; G-5463.
CI61-90; West Calboose, San Patricio County, Tex.; Tennessee Gas Transmission Co.; G-3936.¹
CI61-207; Monroe, Union Parish, La.; United Carbon Co.; G-6436.
CI61-882; Driscoll, Bienville Parish, La.; Arkansas Louisiana Gas Co.; G-4620.

Each of the above Applicants, except in Docket No. G-19693, state that the volume of gas now available for delivery under the related gas sales contract has been depleted or has declined to a point where it is no longer economically feasible to continue the heretofore authorized sale.

Applicant in Docket No. G-19693 states that the Amanda Lease located in the Northeast Elmo Field, Garvin County, Oklahoma, has become a part of a unit in which Warren Petroleum Company is taking the gas. Lone Star Gas Company and Applicant cancelled the related sales contract by instrument date March 25, 1958. Applicant will sell the

¹ Bobby Burns acquired the subject acreage through Melba Production Co. from The Easter-Wood Production Co. which was authorized to render said service in Docket No. G-3936.

subject gas to Warren under a percentage type contract.

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 sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 11, 1961, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, that the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 25, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-3227; Filed, Apr. 11, 1961;
8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2144]

AMERICAN METER CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 6, 1961.

In the matter of application of the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f) (2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

American Meter Co., File 7-2144.

Upon receipt of a request, on or before April 24, 1961, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request

[File No. 70-3949]

NATIONAL FUEL GAS CO. ET AL.

Notice of Filing of Declaration Regarding the Issue, Sale, Redemption and Retirement of Holding Company and Subsidiary Company Securities

APRIL 4, 1961.

In the matter of National Fuel Gas Company, Iroquois Gas Corporation, United Natural Gas Company, Pennsylvania Gas Company; File No. 70-3949.

Notice is hereby given that National Fuel Gas Company ("National"), New York, New York, a registered holding company, and its public-utility subsidiary companies, Iroquois Gas Corporation ("Iroquois"), United Natural Gas Company ("United"), and Pennsylvania Gas Company ("Pennsylvania"), have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), regarding the issue, sale, redemption and retirement of securities, and have designated sections 6(a), 7, 9(a), 10, 12(b), and 12(f) of the Act, and Rules 42, 43, 45, and 50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration for a statement of the transactions therein proposed, which are summarized as follows:

National proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the Act, \$27,000,000 principal amount of its -- percent Sinking Fund Debentures due May 1, 1986 ("new debentures"). The interest rate on the new debentures (which shall be a multiple of 1/2 of 1 percent and the price (exclusive of accrued interest) to be paid the company (which shall be not less than the principal amount nor more than 102 3/4 percent thereof) will be fixed by the competitive bidding. The new debentures will be issued under the provisions of an Indenture, dated May 1, 1961, to Irving Trust Company, Trustee. National will use the net proceeds from the sale of the new debentures to redeem \$15,000,000 principal amount of its outstanding 5 1/2 percent debentures due 1982; to prepay \$6,000,000 face amount of notes due July 1, 1961, to The Chase Manhattan Bank; and to advance \$6,000,000 to Iroquois and United.

The subsidiaries proposes to refinance \$15,000,000 face amount of 5 1/2 percent long-term notes held by National.

To effectuate the foregoing intrasystem transactions, National has entered into credit agreements, dated March 20, 1961, with Iroquois, United and Pennsylvania providing for the issue by such subsidiaries and acquisition by National of two series of unsecured notes. The proceeds from the sale of the first series (Series A) would be used to finance in part the 1961 construction requirements of such subsidiaries, and the proceeds from the sale of the second series (Series B) would be used to refinance outstanding 5 1/2 percent notes issued for construction purposes to National in 1957, when the latter company sold to the pub-

lic its 5 1/2 debentures now scheduled for redemption.

The following table shows the face amount of notes to be sold.

	Construction Notes, Series A	Refinancing Notes, Series B	Total
Iroquois.....	\$4,400,000	\$9,950,000	\$14,350,000
United.....	1,000,000	2,100,000	3,700,000
Pennsylvania.....	-----	2,950,000	2,950,000
Total.....	6,000,000	15,000,000	21,000,000

The Series A notes will be issued and sold to National, in varying face amounts and maturities from time to time during 1961. The final maturity of those issued by Iroquois will be October 1, 1985, and of those issued by United will be October 1, 1984. The Series B notes, in varying face amounts and maturities will be issued forthwith to National in exchange for like face amounts of the outstanding 5 1/2 percent notes of the subsidiary companies. The final maturity of those issued by Iroquois and Pennsylvania will be October 1, 1984, and of those of United will be October 1, 1985. The notes of both series will bear interest at the coupon rate of National's new debentures, and will be prepayable at any time in whole or in part without premium.

In addition to the above described transactions by the subsidiary companies, Pennsylvania estimates that during 1961 it will be permitted to issue, under the exemption afforded by section 6(b) of the Act, \$1,072,000 face amount of short-term notes. It seeks authority to issue and sell, during 1961, short-term notes (nine months or less maturities) to Banks in the additional face amount of \$378,000. The proceeds from the notes will be applied to the payment of the cost of its 1961 construction program.

The joint application-declaration states that no Commission, other than this Commission, has jurisdiction over the transactions by National; that the Public Service Commission of New York has jurisdiction over the transactions by Iroquois; that the Pennsylvania Public Utility Commission has jurisdiction over the transactions by United and Pennsylvania, and that the orders of the respective State commissions will be made a part of the record by amendment to the joint application-declaration.

The estimated fees and expenses to be paid by National in connection with the proposed sale of debentures aggregate \$87,000, including \$29,700 Federal stamp tax, \$20,800 printing and engraving expense, \$6,800 counsel fees, \$2,500 auditor's fees, and \$5,500 charges of Ebasco Services, Incorporated. The fee of counsel for the underwriters, to be paid by the successful bidder, is estimated at \$8,500.

The estimated fees and expenses in connection with the intrasystem transactions aggregate \$7,355, consisting of filing fees, counsel fees and expenses, and miscellaneous expenses, and are allocated as follows: National \$1,700, Iroquois \$3,635, United \$1,010, and Pennsylvania \$1,010.

should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-3269; Filed, Apr. 11, 1961; 8:51 a.m.]

[File Nos. 7-2145, 7-2146]

CHOCK FULL O'NUTS CORP. AND INDIANA GENERAL CORP.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 6, 1961.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f) (2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Chock Full O'Nuts Corp., File 7-2145.
Indiana General Corp., File 7-2146.

Upon receipt of a request, on or before April 24, 1961, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-3270; Filed, Apr. 11, 1961; 8:51 a.m.]

Notice is hereby further given that any interested person may, not later than April 19, 1961, request the Commission in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the Commission may grant and permit to become effective the joint application-declaration, as filed or as it may be amended, as provided by Rule 23 promulgated under the Act; or the Commission may grant exemption from its general rules and regulations pursuant to Rules 20(a) and 100 thereof, or take such other action as it deems appropriate.

By the Commission,

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-3271; Filed, Apr. 11, 1961;
8:51 a.m.]

[File No. 1-2398]

REPUBLIC OF COSTA RICA

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

APRIL 6, 1961.

In the matter of the Republic of Costa Rica, 7 percent Gold Bonds of 1926, due November 1, 1951.

The New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: Only \$95,500 principal amount remained outstanding at termination of a recent exchange offer.

Upon receipt of a request, on or before April 24, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information

contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-3272; Filed, Apr. 11, 1961;
8:51 a.m.]

[File No. 7-2143]

SOUTHERN NATURAL GAS CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 6, 1961.

In the matter of application of the Philadelphia-Baltimore Stock Exchange, for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f) (2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Southern Natural Gas Co., File 7-2143.

Upon receipt of a request, on or before April 24, 1961, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-3273; Filed, Apr. 11, 1961;
8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 371]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 7, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209,

and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 340 (Sub No. 13), filed October 9, 1959. Applicant: QUERNER TRUCK LINE, INC., 1131 Austin Street, San Antonio, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from St. Louis, Mo., Cleveland, Ohio, Coad City, Chicago and Mendota, Ill., to Houston, Tex., (2) *wallpaper*, from Hammond, Ind., to Houston, Tex., and (3) *storage battery boxes, and covers*, from Melrose Park, Ill., to Houston, Tex. Applicant is authorized to conduct operations in Illinois, Indiana, Missouri, Ohio, Oklahoma, and Texas.

HEARING: June 14, 1961, at the Midland Hotel, Chicago, Ill., on a consolidated record with No. MC-C-3078, Querner Truck Lines, Inc., before Examiner A. Lane Cricher.

No. MC 6031 (Sub No. 34), filed February 27, 1961. Applicant: BARRY TRANSFER & STORAGE COMPANY, a corporation, 433 North Jefferson Street, Milwaukee 2, Wis. Applicant's attorney: William C. Dineen, 710 North Plankinton Avenue, Milwaukee 3, Wis. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum building materials*, from the plant site of Seaman-Andwall Corp., Ixonia, Wis., to points in Illinois, Indiana, Michigan, Ohio, Missouri, and Minnesota, and (2) *Pallets and rejected shipments*, from said destination points to said origin point.

NOTE: Applicant states it presently holds Permits in Docket No. MC 6031; however, the Commission has instituted a proceeding for the purpose of investigating whether the applicant's operations are those of a common carrier. An Examiner's Report in Docket No. MC 6031 (Sub No. 31) recommending conversion has been issued, but no final determination has been made by the Commission.

HEARING: June 9, 1961, at the Hotel Schroeder, Milwaukee, Wis., before Examiner Maurice S. Bush.

No. MC 27970 (Sub No. 38), filed March 20, 1961. Applicant: CHICAGO EXPRESS, INC., Third and Adams Streets, Kearny, N.J. Applicant's attorney: David G. Macdonald, Commonwealth Building, 1625-K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, bullion, livestock, household

goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Cockeysville, Md., as an off-route point in connection with applicant's authorized regular route operations to and from Baltimore, Md.

HEARING: April 21, 1961, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 30844 (Sub No. 47), filed March 13, 1961. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Groceries, and empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified, between points in Iowa, on the one hand, and on the other, points in Alabama, Louisiana, Mississippi, and Tennessee.

HEARING: May 15, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Maurice S. Bush.

No. MC 30884 (Sub No. 8) (CORRECTION), filed March 2, 1961, published issue of March 22, 1961, corrected by letter, April 1, 1961, republished as corrected this issue. Applicant: JACK COOPER TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City 29, Mo. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles, (except trailers), and parts and show paraphernalia, when accompanying such vehicles, by drive-away, or truckaway service, (1) in initial movements, from the plant site of Chevrolet, Division of General Motors Corporation at Kansas City, Mo., to points in Nevada, and (2) in secondary movements, from Denver, Colo., to points in Arizona and Nevada.*

Note: Applicant states that the proposed operations in Item (2) above are restricted to shipments which have had a prior movement by rail and under contract with Chevrolet, Division of General Motors Corporation.

HEARING: Remains as assigned, May 16, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner John L. York.

No. MC 31600 (Sub No. 495), filed March 10, 1961. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: H. C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gluconic acid, in bulk, in stainless steel tank vehicles; from Groton, Conn., to Minneapolis, Minn., and Milwaukee, Wis., and rejected shipments, on return.*

HEARING: May 29, 1961, at 346 Broadway, New York, N.Y., before Examiner Parks M. Low.

No. MC 31600 (Sub No. 496), filed March 17, 1961. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: H. C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toluene, in bulk, in tank vehicles, from Rensselaer, N.Y., to the International Boundary line between the United States and Canada at Champlain, N.Y., destined to points in Quebec, and (2) Aviation fuel, in bulk, in tank vehicles, from Sewaren, N.J., to Burlington, Vt., and (3) refused and rejected shipments of (1) and (2) above, on return.*

HEARING: May 29, 1961, at 346 Broadway, New York, N.Y., before Examiner Parks M. Low.

No. MC 32562 (Sub No. 17) (CORRECTION), filed March 6, 1961, published issue of March 29, 1961, corrected by letter March 31, 1961, republished as corrected this issue. Applicant: POINT EXPRESS, INC., 3535 Seventh Avenue, Charleston, W. Va. Applicant's attorney: John C. White, 400 Union Building, Charleston, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Webster Springs, and Cleveland, W. Va., over West Virginia Highway 20, serving all intermediate points; (2) between Webster Springs, and Valley Head, W. Va., over West Virginia Highway 15, serving all intermediate points; (3) between Richwood, W. Va., and the West Virginia-Virginia State line over West Virginia Highway 29, serving all intermediate points and the off-route points of Circleville, Franklin and Sugar Grove, Pendleton County, W. Va., and (4) between Lewisburg, and Valley Head, W. Va., over U.S. Highway 219, serving all intermediate points, and the off-route points of Huttonsville, and Mill Creek, and those in the Counties of Pocahontas, and Greenbrier, located north of U.S. Highway 60.*

HEARING: Remains as assigned, May 31, at the U.S. Court House, Charleston, W. Va., before Joint Board No. 118, or if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 34977 (Sub No. 9), filed March 15, 1961. Applicant: ROBERTA VOLPE, doing business as D. VOLPE, 1226 South Carlisle Street, Philadelphia, Pa. Applicant's attorney: Morris J. Winokur, Suite 1920, Two Penn Center Plaza, Pennsylvania Boulevard at 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal pipe, from the plant site of Wheeling Corrugating Company, Southampton, Bucks County, Pa., (1) to points in New York, and points in Windham, New London, Tolland Counties, Conn. (Service is not proposed, and is excepted to New York City, and points in*

Chemung, Tioga, Broome, Delaware, Schoharie, Schenectady, Albany, Rensselaer, Greene, Columbia, Ulster, Dutchess, Sullivan, Orange, Putnam, Westchester, Nassau, Suffolk Counties, N.Y.), (2) *returned (re-shipped) shipments, on return.*

HEARING: May 26, 1961, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Parks M. Low.

No. MC 46005 (Sub No. 14), filed March 22, 1961. Applicant: DOBEAR TRUCKING CORP., 335 Allen Street, Elizabeth, N.J., Applicant's attorney: S. Harrison Kahn, 1110-14 Investment Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products, from Elizabeth, N.J., to Philadelphia, Pa.; and (2) empty containers or other such incidental facilities (not specified) used in transporting the above-specified commodities, from Philadelphia, Pa., to Elizabeth, N.J.*

HEARING: May 31, 1961, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Isadore Freidson.

No. MC 48807 (Sub No. 2), filed March 27, 1961. Applicant: NEAL STONEHILL, doing business as STONEHILL EXPRESS CO., 2214 Gould Court, Cleveland 13, Ohio. Applicant's representative: J. J. Kuhner, Society National Bank Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber products and such accessories as are dealt in by manufacturers of rubber goods, from Medina, Ohio, to Decatur, Moline, Peoria, Quincy, Rock Island, and Springfield, Ill., and points in Iowa, and those in that part of Nebraska on and east of Nebraska Highway 14, and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified above, on return.*

HEARING: May 22, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner David Waters.

No. MC 52869 (Sub No. 61), filed March 13, 1961. Applicant: NORTHERN TANK LINE, a corporation, 511 Pleasant Street, Miles City, Mont. Applicant's attorney: Robert N. Burchmore, 2106 Field Building, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas, in pressurized vehicles, from points in Wyoming, to points in Montana, North Dakota, and South Dakota, and contaminated or refused shipments of liquefied petroleum gas, on return.*

HEARING: June 22, 1961, at the Yellowstone County Court House, Billings, Mont., before Examiner Maurice S. Bush.

No. MC 55236 (Sub No. 51), filed March 31, 1961. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, in bulk, in tank vehicles,*

from Villa Park, Ill., and points within five miles thereof (except points within the Chicago Commercial Zone), to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin, and *damaged and rejected shipments*, on return.

HEARING: May 3, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 55847 (Sub No. 7) (REPUBLICATION), filed September 26, 1960, published in the FEDERAL REGISTER, issue of November 23, 1960. Applicant: BURLIS FOOD DISTRIBUTORS, INC., Milford, Del. Applicant's attorney: V. Baker Smith, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. As originally filed and published in the FEDERAL REGISTER, issue of November 23, 1960, applicant sought authority between the sites of warehouses, retail stores and supply points of the American Stores Co., located in Maryland and Delaware, to specified points in Virginia and Maryland. The Report and Recommended Order, served March 6, 1961, which became effective March 27, 1961, by Joint Board No. 278, composed of the Honorable Norman B. Bayliss of Delaware, the Honorable Joseph S. A. Girardina of Maryland, and the Honorable J. C. Masten of Virginia,

NOTE: State of Delaware waived action in this proceeding.

finds that applicant is fit, willing, and able properly to perform service, in interstate or foreign commerce as a *contract carrier* by motor vehicle, under a continuing contract with The American Stores Co., of *such merchandise as is dealt in by wholesale, retail, chain grocery stores and food business houses*, and in connection therewith, *equipment, materials, and supplies used in the conduct of such business* as a contract carrier by motor vehicle, in interstate or foreign commerce (1) between the sites of the warehouses, retail stores, and supply points of said shipper at Baltimore, Aberdeen, Havre de Grace, Perryville, Northeast, Elkton, Port Deposit, Rising Sun, Md., and Newark, Del., and (2) between the sites of The American Stores Co., retail stores at Aberdeen, Havre de Grace, Perryville, Northeast, Elkton, Port Deposit, Rising Sun, Md., and Newark, Del., on the one hand, and, on the other, the sites of said shipper's warehouses, retail stores, and supply points within the territory bounded by a line beginning at New Castle, Del., and extending along the west shore of Delaware Bay and the Atlantic Ocean to Cape Charles, Va., thence north along the east shore of Chesapeake Bay to Stevensville, Md., thence continuing along said shore to and along Elk River to the entrance of the Chesapeake and Delaware Canal, thence in an easterly direction along the south shore of said canal through Chesapeake City, Md., to the Maryland-Delaware State line, thence north along the said State line to a point one mile northeast of Elkton, Md., and thence east to New Castle, Del., the point of beginning, over irregular routes. Any person or persons who may have been prejudiced by the amendment,

which in effect, broadened the scope of the application, may, within 30 days from the date of this republication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 61505 (Sub No. 23), filed March 2, 1961. Applicant: G. R. MYERS MOTOR TRANSPORTATION, INC., 500 Beech Row, Barberton, Ohio. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrought iron, copper, and brass pipe*, insulated or not insulated, metal jacketed, and the following *materials, parts and supplies*, when used or useful in the installation of steel boilers: *Asphalt, caulking compounds, roofing paper* (including felt paper, saturated or not saturated), *iron pipe fittings, sheets or wire iron, asbestos fibres, and copper sheeting*, between Barberton, Ohio, on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, Rhode Island, and Vermont.

HEARING: June 13, 1961, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner A. Lane Cricher.

No. MC 63562 (Sub No. 39), filed March 1, 1961. Applicant: NORTHERN PACIFIC TRANSPORT COMPANY, a corporation, 176 East Fifth Street, St. Paul, Minn. Applicant's attorney: H. K. Bradford, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except Class A and B explosives, household goods as defined by the Commission), and (2) *petroleum and petroleum products* in bulk, in tank vehicles, between Gardiner, Mont. and points in Yellowstone National Park located in Montana-Wyoming and Idaho.

HEARING: June 20, 1961, at the Yellowstone County Court House, Billings, Mont., before Joint Board No. 269, or, if the Joint Board waives its right to participate, before Examiner Maurice S. Bush.

No. MC 64932 (Sub No. 295), filed April 4, 1961. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from Villa Park, Ill., and points within five miles thereof (except those within the Chicago Commercial Zone), to points in Indiana, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin.

HEARING: May 3, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 68183 (Sub No. 17) (CORRECTION), filed March 10, 1961, published in the FEDERAL REGISTER issue of March 29, 1961, and republished as corrected this issue. Applicant: YANKEE LINES, INC., 1400 Archwood Avenue, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts

Avenue NW., Washington 6, D.C. Previous publication erroneously gave applicant's docket number as No. MC 69183 (Sub No. 17). The correct docket number is No. MC 68183 (Sub No. 17), as shown above.

No. MC 83539 (Sub No. 79), filed March 27, 1961. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 NW. Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, rods, casing, and tubing*, from the site of Powell Port Facilities, Inc., near Kansas City, Kans., to points in Montana, Nebraska, North Dakota, and South Dakota.

HEARING: May 23, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner John L. York.

No. MC 95540 (Sub No. 327), filed March 31, 1960. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, P.O. Box 785, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Fainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between points in California on the one hand, and, on the other, points in Wisconsin, Minnesota, North Dakota, Iowa, and Omaha, Neb.

HEARING: June 12, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Maurice S. Bush.

No. MC 95813 (Sub No. 10), filed November 28, 1960. Applicant: T. LEROY KOSER, doing business as KOSER TRUCKING, R.D. 1, Dillsburg, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Firebrick, fire clay, flues, liners, high-temperature bonding mortar, and other materials or accessories* used in the relining of furnaces in buildings; or used in the relining of furnaces in steel mills, from Baltimore, Md., to Akron, New York, and points in New York within 75 miles thereof, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: May 25, 1961, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Isadore Freidson.

No. MC 103378 (Sub No. 201), filed April 3, 1961. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products (including petroleum gas and nitrogen solution)*; from points in Bradford County, Fla., to points in Florida and Georgia.

HEARING: May 11, 1961, at the Florida Railroad Commission, Tallahassee, Fla., before Joint Board No. 64 or,

if the Joint Board waives its right to participate, before Examiner Charles B. Heineman.

No. MC 104004 (Sub No. 160), filed March 31, 1961. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); serving Cockeysville, Md., as an off-route point in connection with applicant's presently authorized regular routes from and to Baltimore, Md.

HEARING: April 21, 1961, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Calow.

No. MC 106400 (Sub No. 35), filed March 24, 1961. Applicant: KAW TRANSPORT COMPANY, a corporation, 701 North Sterling Street, Sugar Creek, Mo. Applicant's attorney: Henry M. Shughart, 914 Commerce Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Sugar Creek, Mo., to points in Iowa, and *damaged or rejected shipments*, of the above-specified commodities, on return.

HEARING: May 24, 1961, at the Old Federal Office Building, Room 401, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 137, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 106965 (Sub No. 158), filed February 17, 1961. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, a corporation, 1825 Jefferson Place, NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone*, in bulk, in self-unloading tank or hopper vehicles, from York, Pa., and places within ten miles of York to Baltimore, Md.

HEARING: May 24, 1961, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Examiner Isadore Freidson.

No. MC 106997 (Sub No. 3), filed March 28, 1961. Applicant: ARTHUR PIERSON, 119 Water Street, Newton, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Slag aggregates, slag iron and iron*, in bulk, in bags, in dump vehicles, from Boonton and Franklin, N.J., to points in Connecticut, New York and points in Pennsylvania east of the Susquehanna River.

NOTE: Under continuing contract with Sonnert Development Co., Inc., Livingston, N.J.

HEARING: May 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 107107 (Sub No. 167), filed March 15, 1961. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food, food products, food materials, food ingredients, food preservatives, food coloring*; (2) *containers, container seals and tops* (for the commodities named in (1) above), (3) *advertising, promotional, and display materials, premiums and dispensers* (when shipped with the commodities named in (1) above), from Philadelphia, Pa., to Savannah, Ga., and points in Florida.

HEARING: May 22, 1961, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Parks M. Low.

No. MC 107500 (Sub No. 56), filed February 6, 1961. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Applicant's attorney: R. J. Schreiber, 547 West Jackson Boulevard, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk other than cement, commodities requiring special equipment, and those injurious or contaminating to other lading), between Billings and Hardin, Mont., and the Site of Yellowtail Dam, Mont.

NOTE: Applicant states that the Chicago, Burlington and Quincy Railroad Company owns and holds all of applicant's capital stock.

HEARING: June 19, 1961, at the Yellowstone County Court House, Billings, Mont., before Joint Board No. 82, or, if the Joint Board waives its right to participate, before Examiner Maurice S. Bush.

No. MC 107513 (Sub No. 4), filed March 10, 1961. Applicant: STAR CARRIERS, INC., Blue Ball, East Earl, Pa. Applicant's attorney: Morris J. Winokur, Two Penn Center Plaza, Suite 1920, Pennsylvania Boulevard at 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, in bulk, (1) from Viola and Laurel, Del., to points in Maryland and to points in Accomack and Northampton Counties, Va.; (2) from Centreville, Md., to points in Delaware; and (3) from points in Lancaster County, Pa., to points in Mercer, Monmouth, Ocean, Burlington, Camden, Gloucester, Atlantic, Salem, Cumberland, and Cape May Counties, N.J.; and

sand, in bulk from points in Cecil County Md., to points in Berks and Lebanon Counties, Pa.

HEARING: May 26, 1961, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Parks M. Low.

No. MC 107740 (Sub No. 3), filed March 7, 1961. Applicant: HAROLD PAUL LAWRENCE, doing business as LAWRENCE FURNITURE DELIVERY SERVICE, 367 East Tasculum Street, Philadelphia 34, Pa. Applicant's attorney: Robert H. Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, household and office equipment, fixtures and appliances, all uncrated*, from Philadelphia, Pa. to points in New Jersey, Delaware, and points in Maryland, east of the Susquehanna River and the Chesapeake Bay, and only *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: May 25, 1961, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia 2, Pa., before Examiner Parks M. Low.

No. MC 108446 (Sub No. 26), filed March 24, 1961. Applicant: FISCHBACH TRUCKING CO., a corporation, 921 Sherman Street, Akron, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities, or merchandise as is manufactured, processed, or dealt in by rubber or rubber products manufacturers, and equipment, materials, and supplies* used in connection therewith, between the site of the B. F. Goodrich Company plant located in Green Camp Township on Green Camp Pike Road, Marion County, Ohio, on the one hand, and, on the other, Chicago Heights, Ill., and points in the Chicago, Ill., Commercial Zone, as defined by the Commission, Clarksville, Tenn., West Helena, Ark., points in Massachusetts, Connecticut, New Jersey, Rhode Island, and points in that portion of New York on and east of a line extending in a southerly direction along the St. Lawrence River to Alexandria Bay, N.Y., thence along New York Highway 12 to Binghamton, N.Y., and thence along U.S. Highway 11 to the New York-Pennsylvania State line, and points in Pennsylvania on and east of a line running along U.S. Highway 111, from the Maryland-Pennsylvania State line to Harrisburg, Pa., thence along U.S. Highway 11 to the New York-Pennsylvania State line.

HEARING: May 22, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner David Waters.

No. MC 109337 (Sub No. 3), filed November 20, 1959. Applicant: WATSON BROS. VAN LINES AND HEAVY HAULING CO., a corporation, 1324 Leavenworth Street, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Missiles, space vehicles, space satellites, launching, guidance, monitoring, or control units, parts or components thereof, including Classes A and B explosives*, requiring special equipment for transportation on carrier-owned, shipper-owned, or Government-owned trailers. (b) *Equipment, components, materials, supplies, or parts of such missiles, space vehicles, space satellites, launching, guidance, monitoring, or control units, when such articles are incidental to and are transported in connection with missiles, space vehicles, space satellites, launching, guidance, monitoring, or control units, or parts, or components thereof, on carrier-owned, shipper-owned, or Government-owned trailers.* (c) *Shipper-owned or Government-owned trailers, empty, in return movement, when such trailers have been used in the outbound transportation of articles described in (a) and (b) above. Between all points in the United States, including Alaska and Washington, D.C. Applicant is authorized to conduct operations in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, Wisconsin, and Wyoming.*

HEARING: May 24, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine. Applicant has requested hearings at other points in addition to Washington, D.C. This request will be considered by the presiding Examiner at the Washington hearing which is to be limited to applicant's presentation. The matter of hearings for protestants will be determined at a later date.

No. MC 110284 (Sub No. 15), filed March 24, 1961. Applicant: H. W. MILLER TRUCKING COMPANY, P.O. Box 115, West Durham Station, Durham, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer materials; from Hopewell, Va., to points in Rockingham, Lee, Guilford, Alamance, Caswell, Orange, Durham, Chatham, Person, Granville, Davie, Yadkin, Wake, Forsyth, Stokes, Surry, Iredell, Davidson, Lincoln, Cleveland, Rowan, Harnett, Warren, Franklin, Halifax, and Catawba Counties, N.C., and (2) prefabricated and precut buildings, complete, knocked down or in sections, and all component parts necessary to the construction erection, or completion of such buildings; between Durham, N.C. and points in Virginia, Maryland, and the District of Columbia*

NOTE: Applicant holds contract authority in MC 118864 and Sub 1 thereunder, dual operations may be involved.

HEARING: May 17, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 111045 (Sub No. 11), filed March 29, 1961. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa,

Fla. Applicant's attorney: Edward G. Villalon, 1111 E Street NW., Perpetual Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Neutral citrus brandy, in bulk, in tank vehicles, from points in Florida, to points in Iowa, Texas, Connecticut, Massachusetts, Rhode Island, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, North Carolina, Georgia, Alabama, South Carolina, Mississippi, Vermont, Maine, Louisiana, Arkansas, and the District of Columbia.*

HEARING: May 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 111812 (Sub No. 125), filed March 29, 1961. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing house products, and commodities used by packing houses, as described by the Commission in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, 766, from Fremont, Nebr., and Austin, Minn., to points in New York west of a line beginning at Oswego and extending along New York Highway 57 to Syracuse, thence along U.S. Highway 11 to the New York-Pennsylvania State line, and points in Pennsylvania west of U.S. Highway 15.*

HEARING: May 19, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 112173 (Sub No. 19), filed March 13, 1961. Applicant: BOYD E. RICHNER, INC., P.O. Box 1488, Durango, Colo. Applicant's attorney: Peter J. Crouse, Equitable Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash, in bulk, in tank vehicles; from points in Sweetwater County, Wyo., to points in Summit and Lake Counties, Colo., and rejected shipments, on return.*

NOTE: Common control may be involved.

HEARING: April 28, 1961, at the New Customs House, Denver, Colo., before Joint Board No. 50, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 112497 (Sub No. 174) (AMENDMENT), filed February 13, 1961, published issue of March 1, 1961, amended April 4, 1961, and republished as amended this issue. Applicant: HEARIN TANK LINES, INC., P.O. Box 3096, Istrouma Branch, 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic plastic materials, in bulk, in tank vehicles, from Mobile, Ala., to points in*

Arkansas, Louisiana, Mississippi, Tennessee, and Texas.

NOTE: This amendment adds the State of Tennessee as a destination point.

HEARING: Reassigned to May 15, 1961, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner James A. McKiel.

No. MC 112497 (Sub No. 176), filed March 30, 1961. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, in bulk, from Norco, La., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, and rejected shipments of the above-specified commodities, on return.*

HEARING: May 23, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 112582 (Sub No. 14), filed March 30, 1961. Applicant: T. M. ZIMMERMAN COMPANY, a corporation, 227 West Commerce Street, Chambersburg, Pa. Applicant's attorney: John M. Musselman, State Street Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats and offals, hanging and non-hanging, requiring refrigeration in transit, from points in Antrim Township, Franklin County, Pa., to Baltimore, Md., Buffalo and Syracuse, N.Y., Kearny, N.J., and Georgetown, Del., and empty containers or other such incidental facilities (not specified) used in transporting the above-specified commodities, on return.*

HEARING: May 19, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 112766 (Sub No. 1), filed February 14, 1961. Applicant: JOHN F. COYNE, doing business as COYNE TRUCKING CO., Scotland Lane, New Castle, Pa. Applicant's attorney: Marshall G. Matheny, 654 First National Bank Building, New Castle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbers goods (bath tubs, receptors, shower bath, lavatories, lavatory pedestals, sink backs, sinks, crated, drain boards), cast iron, enameled (sinks and wash tubs combined, bidets, stalls, urinal, in one piece, fountains, drinking, basins (bowls) lavatory, lavatories, legs or pedestals, lavatory, tanks, water closet, stalls, urinal, K.D., urinals, gutters, urinal, bowls or hoppers, water closet), china or earthenware; from New Castle, Pa., to Chicago, Ill., and points in Ohio and Indiana.*

NOTE: Applicant states it will operate in conjunction with Certificate No. MC 112766, which operating authority authorizes transportation of "earthenware and clay products from New Castle, Pa., to Chicago, Ill., and points in Ohio and Indiana", same origin and destination areas set forth in this application for additional authority but which pending application includes specific cast

iron, enameled, and china plumbers goods not permitted to be transported in existing Certificate MC 112766.

HEARING: June 7, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner A. Lane Cricher.

No. MC 113524 (Sub No. 22), filed March 29, 1961. Applicant: JAMES F. BLACK, doing business as, PARKVILLE TRUCKING COMPANY, 3818 Pulaski Highway, Baltimore, Md. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green salted hides, pelts and skins*, between points in Delaware, Maryland, New Jersey, Pennsylvania, and Virginia, on the one hand, and, on the other, Ashland and Louisville, Ky., St. Louis, Mo., and points in Connecticut, Illinois, Indiana, Massachusetts, Michigan, New York, Ohio, Rhode Island, and West Virginia.

HEARING: May 19, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 113974 (Sub No. 7), filed March 9, 1961. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, Pa. Applicant's attorneys: George, Greek, King & McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Pittsburgh, Pa., and points in Pennsylvania, Ohio, and West Virginia within 75 miles of Pittsburgh, to points in Maine, New Hampshire, and Vermont.

HEARING: June 8, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner A. Lane Cricher.

No. MC 114115 (Sub No. 3), filed March 14, 1961. Applicant: TRUCK-AWAY SERVICE, INC., 1099 Oakwood, Detroit 17, Mich. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, from Akron, Ohio, to Covington, Louisville, and Newport, Ky., points in the New Jersey portion of the Philadelphia, Pa., and New York, N.Y., Commercial Zones, as defined by the Commission, and to points in Illinois, Indiana, Michigan, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia; and (2) *empty containers or other such incidental facilities* (not specified) used in transporting salt, from the above-specified destination points to Akron, Ohio.

HEARING: June 22, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner A. Lane Cricher.

No. MC 114239 (Sub No. 3), filed March 24, 1961. Applicant: GENNIE FARRIS, doing business as FARRIS TRUCK LINE, Faucett, Mo. Applicant's attorney: Carl V. Kretsinger, Suite 1014-18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, (dry) in bulk, and in bags, from

the site of W. R. Grace & Co. plant, located at or near Woodstock, Tenn. (approximately six (6) miles northeast of Memphis on or near U.S. Highway 51), and from the W. R. Grace & Co. warehouse in Memphis, Tenn., to points in Missouri, Kansas, Nebraska, South Dakota, Iowa, Minnesota, Colorado, Arizona, California, Washington, Montana, Oregon, North Dakota, Texas, New Mexico, Wyoming, Idaho, Nevada, Utah, Oklahoma, Wisconsin, Indiana, Michigan, and Illinois, and *rejected and damaged shipments of urea*, and *pallets*, on return.

NOTE: Applicant proposes to operate under individual contract with W. R. Grace & Co.

HEARING: May 3, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner Donald R. Sutherland.

No. MC 114965 (Sub No. 16), filed February 1, 1961. Applicant: CYRUS TRUCK LINE, INC., P.O. Box 327, Iola, Kans. Applicant's attorney: Charles H. Apt, Allen County State Bank Building, Iola, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals* (except paints, resins, varnishes and laquers), in bulk, in tank vehicles, (1) from points in the Kansas City, Kans.-Kansas City, Mo. Commercial Zone, as defined by the Commission, to points in Kansas, Missouri, Oklahoma, Arkansas, Iowa, Colorado, Illinois, Nebraska; (2) from refining points in Kansas and Oklahoma; Newton, Iowa; El Dorado, Ark., to points in the Kansas City, Kans.-Kansas City, Mo. Commercial Zone, as defined by the Commission, (3) from all aircraft installations, manufacturing, overhauling and maintenance facilities, both civilian and military and all government missile sites in Kansas, Missouri, Oklahoma, Arkansas, Iowa, Colorado, Illinois, Nebraska, to points in the Kansas City, Kans.-Kansas City, Mo. Commercial Zone, as defined by the Commission.

HEARING: May 2, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner Donald R. Sutherland.

No. MC 115242 (Sub No. 4), filed February 20, 1961. Applicant: DONALD MOORE, 603 Buchanan Street, Prairie du Chien, Wis. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis. and Belleville, Ill., to Dubuque, Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

HEARING: June 6, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 111, or, if the Joint Board waives its right to participate, before Examiner Maurice S. Bush.

No. MC 116077 (Sub No. 99), filed March 21, 1961. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 1535 Esperson Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Chemicals*, in bulk, from Norco, La., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, and *rejected shipments* of the above-specified commodities, on return.

HEARING: May 23, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 116446 (Sub No. 1) (AMENDMENT), filed November 16, 1960, published FEDERAL REGISTER, issue December 14, 1960. Applicant: HAROLD SCHUGEL, doing business as HAROLD SCHUGEL MILLING SUPPLIES, 301 North Water Street, New Ulm, Minn. Applicant's attorney: Richard M. Bosard, 1160 Northwestern Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, between Belmond, Fort Dodge, Sheldon, Le Mars, New Hampton, and Alden, Iowa, on the one hand, and, on the other, New Ulm and Willmar, Minn.

NOTE: The purpose of this republication is to substitute the above between movement, for the "from" and "to" route description as previously published.

CONTINUED HEARING: June 14, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Joint Board No. 146, or, if the Joint Board waives its right to participate, before Examiner Maurice S. Bush.

No. MC 116858 (Sub No. 3), filed March 24, 1961. Applicant: J. & M. LEASING CORP., 646 East 12th Street, New York, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is distributed by a premium stamp redemption center in the redemption of premium stamps*, from points in Nassau and Suffolk Counties, N.Y., to Metuchen, N.J., and New York, N.Y.

NOTE: Applicant states proposed operations will be limited under contract with Sperry & Hutchinson Co.

HEARING: May 17, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 117760 (Sub No. 3), filed February 13, 1961. Applicant: FLOYD A. SCHEIB, doing business as FLOYD A. SCHEIB TRUCKING COMPANY, R.D. No. 2, Hegins, Pa. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, in bulk (not in bags or containers) from Ludlowville, N.Y., to points in Maryland and Pennsylvania. (2) *Anthracite coal*, in bulk (not in bags or containers) from points in Northumberland County, Pa., to points in New York, and *empty containers or other such incidental facilities*, used in transporting the above described commodities, in (1) and (2) above, on return.

HEARING: May 25, 1961, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Isadore Freidson.

No. MC 118554 (Sub No. 4), filed March 27, 1961. Applicant: EDWIN E. CLARKE, doing business as CLARKE BULK TRANSFER, 300 West Elm Street, Norristown, Pa. Applicant's attorney: William J. Wilcox, Sixth Floor, Commonwealth Building, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins or plastics in the form of pellets or pulverized*, in bulk, in tank or hopper type vehicles, from Lower Pottsgrove Township, Montgomery County, Pa., to points in Connecticut, Delaware, Indiana, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, and Wisconsin.

HEARING: May 31, 1961, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner Isadore Freidson.

No. MC 119722 (Sub No. 2), filed February 27, 1961. Applicant: M. A. SHARF, 721 North Broadway, Watertown, S. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Watertown, S. Dak., to points in Minnesota and North Dakota.

HEARING: June 14, 1961, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Joint Board No. 143, or, if the Joint Board waives its right to participate, before Examiner Maurice S. Bush.

No. MC 119762 (Sub No. 1), filed March 20, 1961. Applicant: JAMES O. KIMBERLAIN, 509 Three Mile Road, Racine, Wis. Applicant's attorney: Paul Pike Pullen, 3529 West Vliet Street, Milwaukee 8, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fermented malt beverages*, from Chicago, Ill., to Kenosha, Wis., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: June 7, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 17, or, if the Joint Board waives its right to participate, before Examiner Maurice S. Bush.

No. MC 119873 (Sub No. 1), filed February 23, 1961. Applicant: FRANZIA AND FRANZIA, INC., 57 East Donner Avenue, Monessen, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals* (other than when moving in containers), from Fort Wayne, Kokomo, Lafayette, and South Bend, Ind.; and Toledo and Dayton, Ohio, to Monongahela, Pa., under a continuing contract with Monongahela Iron and Metal Co.

HEARING: June 7, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner A. Lane Cricher.

No. MC 123190 (Sub No. 28), filed March 15, 1961. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, vegetable, fish and sea animal oils, products and blends thereof*, in bulk, in tank vehicles, having prior or subsequent movement by water, between Toledo, Ohio, on the one hand, and, on the other, Marion, Ohio, Decatur and Indianapolis, Ind., and Gibson City, Ill.

HEARING: June 23, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner A. Lane Cricher.

No. MC 123279 (REPLICATION—AMENDMENT AND CLARIFICATION), filed December 13, 1960, published in the FEDERAL REGISTER, issue of December 21, 1960, amended January 25, 1961, republished as amended and clarified, this issue. Applicant: THE BERRODIN TRANSPORT, INC., 2430 South Main Street, Akron 19, Ohio. Applicant's representative: John R. Meeks, 607 Copley Road, Akron 20, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic vinyl films*; from Fremont, Ohio, to New York, N.Y., Newark, N.J., Philadelphia, Pa., and Chicago, Ill., and (2) *materials used to brace and support shipments*; from New York, N.Y., Newark, N.J., Philadelphia, Pa., and Chicago, Ill., to Fremont, Ohio. (3) *Materials used in the mixing of rubber stocks, and empty skids*; from Wabash, Ind., to Fremont, Ohio, and (4) *compounded rubber*, on skids; from Fremont, Ohio, to Wabash, Ind. (5) *Plastic rubber, plastic and rubber products, and supplies and machinery* used in the manufacture of such commodities; between Fremont, Ohio, on the one hand, and, on the other, Milwaukee, Wis., and points in Massachusetts, New Jersey, New York, and Pennsylvania.

NOTE: The amendment excludes from the original application, to the extent that such commodities were included, all commodities in bulk, in tank vehicles, and all commodities which by reason of size and weight, require the use of special equipment to load, transport or unload. The subject application was filed in accordance with the operations contained in an Order of division 1, dated August 2, 1960, entered in the proceeding MC 66906 (Sub No. 4), a conversion proceeding instituted under section 212(c) of the Act in the filing of the instant application reflects applicant's election of the option to convert its Permit No. MC 66906 (Sub No. 5), not embraced in the presently referred to conversion proceeding, to common carrier authority. If the authority sought in this application is granted, applicant is willing that the corresponding Permit be cancelled.

HEARING: June 12, 1961, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner A. Lane Cricher.

No. MC 123421 (Sub No. 1), filed March 16, 1961. Applicant: GLENDYL W. STONE, doing business as STONE TRUCKING COMPANY, Box 206, Dale, Ind. Applicant's attorney: Harry J.

Harman, 1110-1112 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products and jointing materials*, from Owensboro, Ky., to points in Indiana, Kentucky, Tennessee, Georgia, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Texas, Illinois, and Michigan, and (2) *rejected shipments, materials and supplies* necessary in the conduct of the operation of the manufacture of clay products, on return.

NOTE: Applicant has contract carrier authority under MC 109723 and Subs thereunder. A proceeding has been instituted under MC 109723 (Sub No. 7) to determine whether applicant's status is that of a common or contract carrier. Dual operations may be involved.

HEARING: June 19, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner A. Lane Cricher.

No. MC 123464, filed February 24, 1961. Applicant: RALPH A. VEON, INC., P.O. Box 268, Darlington, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nepheline syenite*, in bulk, in dump trucks, from the port of entry on the International Boundary line between the United States and Canada at Niagara Falls, N.Y., to points in Jefferson Clarion, McKean, and Forest Counties, Pa.

HEARING: June 6, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner A. Lane Cricher.

No. MC 123475 (Sub No. 1), filed March 13, 1961. Applicant: LIGHTNING TRANSPORTATION CO., INC., P.O. Box 333, U.S. Highway 50, West, Salem, Ill. Applicant's attorney: Walter F. Jones, Jr., 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in tank vehicles, from Lawrenceville and Hoodville, Ill., to (1) points in that portion of Indiana located on and south of U.S. Highway 36 and on and west of Indiana Highway 37, and, (2) to points in that portion of Kentucky located in the territory bounded on the north by the Ohio River and on the east by Kentucky Highway 69 as it reaches from the Ohio River to Hartford, Ky., and thence over U.S. Highway 231 to its junction with U.S. Highway 62, and on the south by U.S. Highway 62 to Eddyville, Ky. and thence to the Ohio River by Kentucky Highway 93, and bounded on the west by the Illinois-Kentucky State line.

HEARING: June 20, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 1, or, if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 123483 (Sub No. 1), filed March 9, 1961. Applicant: THOMAS N. WINTLE, doing business as WINTLE DELIVERY SERVICE, 45 East Lincoln Street, Columbus 15, Ohio. Applicant's representative: Earl J. Thomas, 5844-5850 North High Street, Worthington, Ohio. Authority sought to operate as

a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products—packing house products and dairy products*, as defined in Groups A, B and C of Appendix I *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in refrigerated vehicles; from Columbus, Ohio, to points in Athens, Coshocton, Delaware, Fairfield, Fayette, Franklin, Guernsey, Hocking, Jackson, Knox, Licking, Madison, Marion, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Richland, Ross, Union, Vinton, and Washington Counties, Ohio, and *rejected shipments*, on return.

HEARING: June 21, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 123492, filed March 8, 1961. Applicant: HARRY PERLSTEIN, doing business as BONDED MESSENGER SERVICE, 1446 North Jefferson Street, Milwaukee, Wis. Applicant's attorney: A. L. Tilton, 845 North 11th Street, Milwaukee 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Air freight* of assorted sizes and weights, from Mitchell Field, Milwaukee, Wis. to O'Hare Field and Midway Airport, Chicago, Ill.; from Mitchell Field, Milwaukee over U.S. Highway 41 to the Wisconsin-Illinois State line, thence over Tri-State Highway 94 and Interstate Highway 294 (Tolway) to O'Hare Field and Midway Airport.

HEARING: June 6, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 13, of, if the Joint Board waives its right to participate, before Examiner Maurice S. Bush.

No. MC 123497, filed March 10, 1961. Applicant: GERALD S. ANDERSON AND M. IRVING ANDERSON, a Partnership, doing business as ANDERSON BROTHERS, Siren, Wis. Applicant's representative: John J. Keller, 201 W. Wisconsin Avenue, Neenah, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, wooden poles, wooden posts*, treated with wood preservative or untreated, and *containers of wood preservatives not exceeding 5% by weight of shipments of wood products*, from points in Burnett County, Wis., to points in Indiana, Iowa, Illinois, Michigan, Minnesota, Nebraska, North Dakota, and South Dakota, and (2) *Saw logs, poles and posts*, not peeled or treated or otherwise processed, and *rejected and returned merchandise*, on return.

HEARING: June 7, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Maurice S. Bush.

No. MC 123499, filed March 13, 1961. Applicant: LOWELL L. TREFFERT, P.O. Box 123, Franksville, Wis. Applicant's attorney: William C. Dineen, 746 Empire Building, 710 North Plankinton Avenue, Milwaukee 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in contain-

ers, (1) from South Bend, Ind., Chicago, Ill., and St. Louis, Mo., to points in Racine and Kenosha Counties, Wis.; and (2) *empty malt beverage containers*, from the above-specified destination points to their respective origin points.

NOTE: Applicant states he presently holds a permit in Docket No. MC 117387, authorizing the transportation of malt beverages in containers, from South Bend, Ind., and St. Louis, Mo., to Racine, Wis., and from South Bend, Ind., to Kenosha, Wis. Applicant further states he hereby consents to the concurrent cancellation of said permit upon the issuance of the certificate herein applied for.

HEARING: June 9, 1961, at the Hotel Schroeder, Milwaukee, Wis., before Examiner Maurice S. Bush.

No. MC 123508, filed March 16, 1961. Applicant: WESTERBERG TRUCKING, INC., 522 W. Commercial Avenue, Lowell, Ind. Applicant's attorney: William J. Guenther, 1212 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel stone*, in dump trucks, from Thornton, Manteno, and the plant site of Leheigh Stone Co. (approximately seven (7) miles west of Kankakee), and the site of Material Service Division, Chicago, Ill., to points in Lake, Porter, Jasper, Newton Counties, Ind.

HEARING: June 20, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21, or, if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 123509 EX, filed March 16, 1961. Applicant: A & R TRUCKING CO., 32 Agawam Road North, Yonkers, N.Y. Applicant's attorney: Ronald F. Kilmartin, 25 West 45th Street, New York 36, N.Y. APPLICATION FOR EXEMPTION, UNDER SECTION 204(a) (4a), PART II OF THE INTERSTATE COMMERCE ACT. The operation involves the transportation as a *contract carrier*, by motor vehicle, over regular routes, in the New York, N.Y., Commercial Zone, of *General commodities*, for the account of the Hasco Electric Co., 32 Grove Street, New Rochelle, N.Y., and Pam Clock, Inc., at 432 Main Street, New Rochelle, N.Y. The transportation here at issue involves the movement of the commodities as follows: South on Main Street one-half mile, thence west on Kings Highway one-quarter mile to the Pelham Manor line, thence southwest on Stanford Boulevard to depot on South Ninth Avenue, Mt. Vernon, N.Y. Delivery is then made to various points within New York City, N.Y.

NOTE: Applicant states it operates entirely within the Commercial Zone of the greater New York, N.Y., metropolitan area with the exception of the route shown above which is a total road distance of approximately one mile beyond the Commercial Zone.

HEARING: June 5, 1961, at 346 Broadway, New York, N.Y., before Examiner Parks M. Low.

No. MC 123518, filed March 21, 1961. Applicant: SAMUEL FORTUNATO, 410 West 19th Street, New York 11, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *con-*

tract carrier, by motor vehicle, over irregular routes, transporting: *Such commodities, as are dealt in by manufacturers of toilet preparations*, from import piers, located in the New York, N.Y., Commercial Zone as defined by the Commission, to Totowa, N.J. RESTRICTIONS: (a) The proposed operations are to be performed under a continuing contract with Yardley & Co., Ltd., of Totowa, N.J.; and (b) the above commodities are to be restricted to shipments having a prior movement by water carrier.

HEARING: June 5, 1961, at 346 Broadway, New York, N.Y., before Examiner Parks M. Low.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 305) (CLARIFYING AMENDMENT), filed March 9, 1961, published in the FEDERAL REGISTER issue of March 22, 1961, amended April 7, 1961, and republished as amended this issue. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between East Brunswick, N.J., and Monroe, N.J., as follows: (1) from junction New Jersey Highway 18 and Old Bridge Turnpike, East Brunswick, over Old Bridge Turnpike (New Jersey Highway 527) and city streets, through South River, N.J., to junction Main Street and Cranberry Road, East Brunswick, thence over Cranberry Road to New Jersey Highway 18, East Brunswick; (2) from junction New Jersey Highway 18 and Cranberry Road, East Brunswick, N.J., over Cranberry Road to Summerhill Road, thence over Summerhill Road to junction Middlesex County Highway 5-R-1, Spotswood, N.J.; and (3) from Spotswood, N.J., over unnumbered highway (Spotswood Englishtown Road 5-R-4) to New Jersey County Highway 522 in Monroe Township, N.J., returning over the same routes, and serving all intermediate points.

HEARING: Remains as assigned May 2, 1961, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 3647 (Sub No. 308), filed March 28, 1961. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip, special operations, beginning and ending at one stop in Paramus, N.J., at Bergen Mall (Highway 4 and Forest Avenue), and extending to Yonkers Raceway, Yonkers, N.Y., and Roosevelt Raceway, Westbury, N.Y.

NOTE: Applicant has authority to operate from Paterson, N.J., to Yonkers Raceway, Yonkers, N.Y., and Roosevelt Raceway, West-

bury, Long Island, and return, under Certificates issued in Docket No. MC 3647 Subs 189 and 235. Applicant seeks permission to consolidate the rights from Paterson in those certificates with that presently sought.

HEARING: May 26, 1961, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark 2, N.J., before Joint Board No. 3.

No. MC 29854 (Sub No. 24), filed March 24, 1961. Applicant: THE HUDSON BUS TRANSPORTATION CO., INC., 437 Tonnele Avenue, Jersey City, N.J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) in one-way or round-trip charter operations beginning at points in Nassau and Suffolk Counties, N.Y., and extending to points in the United States, excluding Hawaii, and (2) in special operations, in round-trip sightseeing or pleasure tours beginning and ending at points in Nassau and Suffolk Counties, N.Y., and extending to points in the United States, excluding Hawaii.

HEARING: May 31, 1961, at 346 Broadway, New York, N.Y., before Examiner Parks M. Low.

No. MC 119233 (Sub No. 1), filed March 17, 1961. Applicant: LAKE LINES, INC., 117 West Second Street, P.O. Box 744, Erie, Pa. Applicant's attorney: David H. Lund, 606 Marine Bank Building, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express freight, mail, and newspapers*; along and between points within Erie County, Pa., on Pennsylvania Highway 5 and U.S. Highway 20, bounded by the Ohio-Pennsylvania State line and the New York-Pennsylvania State line.

NOTE: Applicant states the proposed operation will be for the purpose of interlining said passengers and their baggage, express freight, mail, and newspapers from and to other interstate carriers.

HEARING: May 26, 1961, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 65, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 120554 (Sub No. 1), filed March 24, 1961. Applicant: NICK ENCAPERA, doing business as CALIFORNIA BUS SERVICE, 1152 Wood Street, California, Pa. Applicant's attorney: Ernest S. Burch, P.O. Box 361, Six North Third Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in Fayette County, Pa., and extending to points in Ohio, West Virginia, Virginia, Maryland, and the District of Columbia (which are within 150 miles of said Fayette County, Pa.).

NOTE: Applicant conducts passenger operations under the second proviso of section 206(a) (1) by virtue of a Form BMC 75 Statement filed and assigned Docket Number MC 120554.

HEARING: May 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 123432, filed February 13, 1961. Applicant: WAUKESHA TRANSIT LINES, INC., 901 Niagara Street, Waukesha, Wis. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter service, beginning and ending at points in Waukesha County, Wis., and extending to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Kentucky.

HEARING: June 8, 1961, at the Hotel Schroeder, Milwaukee, Wis., before Examiner Maurice S. Bush.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIER OF PROPERTY

No. MC 12749, filed March 15, 1961. Applicant: THOMAS J. PORTER, NORMAN H. WOOTON AND PAUL J. ADAMS, JR., a Partnership, doing business as TRANZ-LINE SERVICE BROKERS, 5721 Century Avenue, Pittsburgh 7, Pa. Applicant's attorney: Edward M. Larkin, 1221 Grant Building, Pittsburgh 19, Pa. Authority sought to operate as a *Broker (BMC 4)*, at Pittsburgh, Pa., in arranging for transportation in interstate or foreign commerce by motor vehicle of: *General commodities*, including *household goods and office furniture in use as defined by the Commission (but excluding commodities of unusual value, Classes A and B explosives, commodities in bulk and those requiring special equipment)*; between points in Allegheny, Armstrong, Beaver, Blair, Butler, Clearfield, Cambria, Fayette, Greene, Indiana, Lawrence, Westmoreland, Washington, Bedford, Somerset, Mercer, Venango, Jefferson, and Clarion Counties, Pa., Belmont, Columbiana, Mahoning, Jefferson, and Monroe Counties, Ohio, Brooke, Hancock, Marshall, Wetzel, and Ohio Counties, W. Va., on the one hand, and, on the other, points in the United States excepting and excluding Alaska and Hawaii.

NOTE: Applicant states it will not impose any quantity limitations, such as truckload lots, but proposes to arrange for the transportation of the named commodities in any quantity whether truckload or less truckload lots.

HEARING: June 9, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner A. Lane Cricher.

MOTOR CARRIERS OF PASSENGERS

No. MC 12747, filed February 27, 1961. Applicant: SEYMOUR S. MARKS, doing business as MARKS TRAVEL SERVICE, 1629 Beacon Street, Brookline, Mass. For a license (BMC 5) authorizing operations as a *broker* at Brookline, Mass., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *Passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups, from Boston, Mass., and points within 30 miles thereof, to Monticello, N.Y., and points within 35 miles thereof.

HEARING: June 8, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 231, or, if the Joint Board waives its right to participate, before Examiner Parks M. Low.

No. MC 12748, filed March 10, 1961. Applicant: GARBBER'S TRAVEL SERVICE, INC., 1406 Beacon Street, Brookline, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. For a license (BMC 5) authorizing operations as a *broker* at Brookline, Mass., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups, between points in the United States and ports of entry located on the International Boundary line between the United States and Canada.

HEARING: June 7, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 231, or, if the Joint Board waives its right to participate, before Examiner Parks M. Low.

No. MC 12750, filed March 20, 1961. Applicant: THE MILLENBURG TOURS, INCORPORATED, 1100 Wicklow Road, Baltimore 29, Md. Authority sought to operate as a *broker (BMC 5)*, at Baltimore, Md., in arranging for the transportation in interstate or foreign commerce by motor vehicle of *passengers and their baggage*, in sightseeing tours, beginning and ending at Baltimore, Md., and extending to points in Maryland, Delaware, Pennsylvania, New York, New Jersey, Virginia, West Virginia, and the District of Columbia.

HEARING: May 23, 1961, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 66562 (Sub No. 1778), filed January 23, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, from Sioux City, Iowa, to Sioux City, Iowa (loop); on present certificated authority under MC 66562 Sub No. 1620, south from Sioux City, Iowa over U.S. Highway 77-73 to South Sioux City, Nebr., thence on authority requested in this application, west from South Sioux City, Nebr., over U.S. Highway 20 to junction Nebraska Highway 15, thence west and north over Nebraska Highway 15 to junction Nebraska Highway 12, thence west over Nebraska Highway 12 to junction U.S. Highway 81, thence south over U.S. Highway 81 to junction Nebraska Highway 84, thence west over Nebraska

Highway 84 to junction Nebraska Highway 98, thence south over Nebraska Highway 98 to junction U.S. Highway 20, thence east over U.S. Highway 20 to junction Nebraska Highway 15, and thence south over Nebraska Highway 15 to Wayne, Nebr., thence on present certificated authority under MC 66562 Sub No. 1620, south and east over Nebraska Highways 35, 16, and 51 to junction Nebraska Highway 51 and U.S. Highway 77-73, thence on authority requested in this application, north over U.S. Highway 77-73 to Dakota City, Nebr., thence on present certificated authority under MC 66562 Sub No. 1620, north over U.S. Highway 77-73 to Sioux City, Iowa, serving the intermediate points of Coleridge, Hartington, Wausa, Randolph, Laurel, and Walthill, Nebr., and the off-route points of Allen, Crofton, Bloomfield, and Osmond, Nebr. RESTRICTIONS: (1) The service to be performed shall be limited to that which is auxiliary to, or supplemental of, express service. (2) Shipments transported shall be limited to those moving on through bills of lading or express receipts. (3) Such further conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operation to service which is auxiliary to, or supplemental of, express service from and to the points as shown above.

NOTE: Applicant states the points of South Sioux City, Wayne, and Dakota City, Nebr. are served on its present certificated authority under MC 66562 Sub No. 1620.

No. MC 66562 (Sub No. 1794), filed March 29, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Aberdeen, Wash. and Centralia, Wash.; from Aberdeen over U.S. Highway 101 to Raymond, Wash., thence over Washington Highway 12 to Chehalis, Wash., thence over U.S. Highway 99 to Centralia, and return over the same route, serving the intermediate point of Raymond, Wash. RESTRICTIONS: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

NOTE: Applicant states it proposes to re-route its present over-the-road truck service between Aberdeen and Centralia, Wash., to operate via Raymond and serve the same as an intermediate point.

No. MC 66562 (Sub No. 1795), filed March 29, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*,

by motor vehicle, over a regular route, transporting: *General commodities*, moving in express service, between Auburn, Ind., and Fort Wayne, Ind., as follows: from Auburn over Indiana Highway 8 to junction Indiana Highway 1, thence south over Indiana Highway 1 to junction unnumbered County Highway at Leo, Ind., thence over unnumbered County Highway to Grabill, Ind., thence return over said unnumbered County Highway to junction Indiana Highway 1, thence over Indiana Highway 1 to junction U.S. Highway 27, and return over the same route, serving the intermediate points of Spencerville and Grabill, Ind. RESTRICTIONS: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

NOTE: Applicant states that interchange with rail and air express service will be made at Fort Wayne, Ind.

No. MC 66562 (Sub No. 1797), filed March 29, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between New York, N.Y. and New Rochelle, N.Y.; from New York, over U.S. Highway 1A to junction with New York Highway 164, thence over New York Highway 164 to junction with Interstate Highway 95, thence over Interstate Highway 95 to New Rochelle, and return over the same route, serving no intermediate points. RESTRICTIONS: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 66562 (Sub No. 1798), filed March 29, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Pasco, Wash., and Ephrata, Wash.; from Pasco over U.S. Highway 395 to junction with Washington Highway 11-G, thence over Washington Highway 11-G to Ephrata, and return over the same route, serving the intermediate point of Moses Lake, Wash., and the intermediate or off-route point of Othello, Wash. RESTRICTIONS: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to

the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 66562 (Sub No. 1801), filed March 31, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, (1) between Philadelphia, Pa. and Dover, Del.; from Philadelphia over city streets and Industrial Highway to Chester, Pa., thence over Pennsylvania Highway 291 to junction U.S. Highway 13, thence south over U.S. Highway 13 to Claymont, Del., thence over Alternate U.S. Highway 13 (Governor Printz Boulevard) to Wilmington, Del., thence south over U.S. Highway 13 to Dover, Del., and return over the same route, serving no intermediate points; and (2) between Washington, D.C. and Dover, Del.; from Washington over city streets to U.S. Highway 301, thence over U.S. Highway 301 over Bay Bridge to junction with Maryland Highway 300, thence over Maryland Highway 300 to junction Delaware Highway 44, thence easterly over Delaware Highway 44 to junction Delaware Highway 8, thence over Delaware Highway 8 to Dover, Del., and return over the same route, serving no intermediate points. RESTRICTIONS: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

No. MC 66562 (Sub No. 1803), filed April 4, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Garden, City, N.Y. and Riverhead, N.Y.; (1) from Garden City over Nassau County Trunk Highway 4 to junction Nassau County Trunk Highway 25, thence over Nassau County Trunk Highway 25 to junction New York Highway 25, thence over New York Highway 25 to junction Secondary New York Highway 58, thence over Secondary New York Highway 58 to Riverhead, N.Y., and return over the same route, serving no intermediate points; and (2) from Garden City over Nassau County Trunk Highway 4 to junction unnumbered highway, thence over that unnumbered highway to junction Deer Park Avenue, thence over Deer Park Avenue to junction Brentwood Road, thence over Brentwood Road to Brentwood, N.Y., thence over unnumbered highway to junction New York Highway 111, thence over New York Highway 111 to junction Nesconset Road, thence over Nesconset Road to junction New York Highway 25, thence over New York Highway 25 to junction Secondary New York Highway 58, thence over Secondary New York Highway 58 to River-

head, N.Y., and return over the same route, serving the intermediate point of Brentwood, N.Y. RESTRICTIONS: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 111170 (Sub No. 68), filed March 30, 1961. Applicant: WHEELING PIPE LINE, INC., P.O. Box 270, El Dorado, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soy bean oil*, in bulk, in tank vehicles, from Stuttgart, Ark., to Clarendon and Helena, Ark.

No. MC 113779 (Sub No. 139), filed January 27, 1961. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 La Porte Expressway, Houston 17, Tex. Applicant's attorney: Dale Woodall (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty shipper-owned Anti-Knock compound semi-trailer tank vehicles*; between Dowling, Tex., on the one hand, and, on the other, Carney's Point, N.J.

NOTE: The proposed involves the movement of empty shipper-owned equipment in both directions. The northbound movement is in order to have the equipment cleaned at Carney's Point and the southbound movement is for the purpose of returning the vehicles to the point of use. Rule in *Mutrie* 83 M.C.C. 123, does not appear to apply.

No. MC 114106 (Sub No. 28), filed March 28, 1961. Applicant: MAYBELLE TRANSPORT COMPANY, a corporation, P.O. Box 573, Lexington, N.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, blends of corn syrup, and liquid sugar*, in bulk, in tank vehicles, from Tabor City, N.C., to points in Tennessee on and east of a line extending along U.S. Highway 11W from Bristol, Tenn.-Va., to Knoxville, Tenn., thence along U.S. Highway 11, to Chattanooga, Tenn., points in Virginia on and south of U.S. Highway 60, and points in South Carolina, and Georgia.

No. MC 119914 (Sub No. 1), filed March 24, 1961. Applicant: MINNESOTA-WISCONSIN TRUCK LINES, INCORPORATED, 2280 Hampden Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Catawba, Wis. and Phillips, Wis.; from junction U.S. Highway 8 and Wisconsin Highway 111 near Catawba, over Wisconsin Highway 111 to junction Wisconsin Highway 111 and Wisconsin Highway 13 near Phillips, Wis., and return over the same route,

serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's presently authorized regular-route operations.

No. MC 123446 (Sub No. 10), filed March 16, 1961. Applicant: BAKERY PRODUCTS DELIVERY, INC., 404 West Putnam Avenue, Greenwich, Conn. Applicant's attorney: Reubin Kaminsky, Suite 223, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products*, fresh, except frozen and unleavened bakery products, from Port Chester, N.Y., to Framingham, Mass.; and (2) *empty containers or other such incidental facilities* (not specified) used in transporting bakery products, and *stale, damaged, refused, and nonsalable shipments* of the above-described commodities, from Framingham, Mass., to Port Chester, N.Y.

MOTOR CARRIER OF PASSENGERS

No. MC 26451 (Sub No. 13), filed March 27, 1961. Applicant: INTERMOUNTAIN TRANSPORTATION COMPANY, a Corporation, 7-9 Main Street, Anaconda, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail and newspapers* in the same vehicle with passengers, between Shelby, Mont. and Cutback, Mont.; from Shelby over U.S. Highway 2 to Cutback, and return over the same route, serving all intermediate points.

NOTICE OF FILING OF PETITION

No. MC 108859. Petitioner: CLAIRMONT TRANSFER CO., a Corporation, Escanaba, Mich. Formerly No. MC 2377. LENCY JOSEPH CLAIRMONT, doing business as LENCY CLAIRMONT TRANSFER, Escanaba, Mich. Petitioner's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. In *Clairmont Common Carrier Application*, 7 M.C.C. 76, decided May 4, 1938, the application was granted in part. A certificate was issued on August 16, 1938, authorizing applicant to transport commodities generally, except liquids in bulk, livestock, explosives, inflammables, and articles of unusual value or size, between Chicago, Ill., and Isabella, Mich., over specified regular routes, serving all intermediate points in Michigan and Milwaukee and Green Bay, Wis. Petitioner contends that it construed its commodity description to exclude inflammables in bulk but not so as to exclude inflammables in containers, and that it transported such commodities. Under date of November 21, 1960, applicant filed (1) Petition of applicant, dated November 19, 1960, for waiver of Rule 1.101(e) of the General Rules of Practice, and for acceptance of late-tendered petition for filing; and (2) Late-tendered petition of applicant, dated November 19, 1960, for reopening and reconsideration of the "grandfather" proceeding of predecessor in interest in No. MC-2377, and for modification of certificate, or, in the alternative, for oral hearing. An Order of the Commission dated February 13, 1961, provides

that Rule 1.101(e) of the General Rules of Practice be waived and that the petition in (2) above be assigned for hearing and that notice of this action be published in the FEDERAL REGISTER.

HEARING: June 5, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 162, or, if the Joint Board waives its right to participate, before Examiner Maurice S. Bush.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 123555, filed April 4, 1961. Applicant: PENN STAGES, INC., 12th and Cumberland Streets, Allentown, Pa. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, and *express, mail, and newspapers*, and *baggage of passengers* in the same vehicle with passengers, between Allentown, Pa., and Philadelphia, Pa.; (1) from Philadelphia over U.S. Highway 309 to Center Valley, Pa., thence over Pennsylvania Highway 12 to Bethlehem, Pa., thence over city streets to Allentown, and return over the same route; (also from Allentown over unnumbered highway to Lanark, Pa., thence over U.S. Highway 309 to junction Pennsylvania Highway 12, and return over the same route; also over Pennsylvania Highway 152 from U.S. Highway 309 to unnumbered highway at Edge Hill, Pa., thence over unnumbered highway to Fort Washington, Pa., thence over unnumbered highway to U.S. Highway 309, north of Spring House, Pa., and return over the same route; also from junction Pennsylvania Highway 152 south of Glenside, Pa., over unnumbered highway to Glenside, Pa., thence over unnumbered highway to junction Pennsylvania Highway 152 at Edge Hill, Pa., and return over the same route); serving the principle points of Bethlehem, Coopersburg, Quakertown, Sellersville, and Ambler; and (2) from Philadelphia over Pennsylvania Highway 43 to Valley Forge Interchange of Pennsylvania Turnpike, thence over Pennsylvania Turnpike to Allentown Interchange, thence over U.S. Highway 22 to junction Pennsylvania Highway 145, thence over Pennsylvania Highway 145 to Allentown, and return over the same route; (also from Quakertown Interchange of Pennsylvania Turnpike over Pennsylvania Highway 663 to junction U.S. Highway 309, Quakertown, Pa., and return over the same route; also from Lansdale Interchange of Pennsylvania Turnpike over Pennsylvania Highway 63 to junction U.S. Highway 309, and return over the same route; also from junction Pennsylvania Turnpike Northeast Extension over Pennsylvania Turnpike to Fort Washington Interchange, and return over the same route); serving all intermediate points.

NOTE: Applicant states it is owned by American Transportation Enterprises, Inc. Common control may be involved.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

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

MOTOR CARRIERS OF PROPERTY

No. MC-F 7826 (UNITED SHIP-PING CO.—CONTROL—ADVANCE EXPRESS, INC.), published in the April 5, 1961 issue of the FEDERAL REGISTER on page 2841. Supplement filed March 31, 1961, to show joinder of FRED B. WINES, 2601 Broadway Road, Minneapolis 13, Minn., as person in control of UNITED SHIPPING CO.

No. MC-F 7831. Authority sought for purchase by MOTOR FREIGHT EXPRESS, 540-550 East King Street, York, Pa., of the operating rights and property of DAILY MOTOR EXPRESS, INC., Penn and Pitt Streets, Carlisle, Pa., and for acquisition by THE BALTIMORE TRANSFER COMPANY, Monument and Dean Street, Baltimore 5, Md., MERCHANTS TERMINAL CORPORATION, 501 North Kresson Street, Baltimore 24, Md., HOFFBERGER BROTHERS FUND, INC., 215 North Calvert Street, Baltimore 2, Md., SAMUEL H. HOFFBERGER, 215 North Calvert Street, Baltimore 2, Md., and JACOB H. HOFFBERGER, 501 North Kresson Street, Baltimore 24, Md., of control of such rights and property through the purchase. Applicants' attorney: Robert H. Griswold, McNees, Wallace & Nurick, Commerce Building, Harrisburg, Pa. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods, and commodities in bulk, as a *common carrier* over regular routes between Harrisburg, Pa., and Newville, Pa., between Carlisle, Pa., and Mt. Holly Springs, Pa., serving all intermediate points, *general commodities*, with the above exceptions, over irregular routes between Carlisle and Carlisle Springs, Pa., and certain points in Pennsylvania, including Biglerville, Pa., between Baltimore, Md., on the one hand, and, on the other, points in Cumberland, Adams, and York Counties, Pa., also, serving certain specified off-route points in Pennsylvania in connection with carrier's authorized service at Harrisburg, restricted against single-line service between points in the aforesaid territory, on the one hand, and, on the other, Baltimore, Md. Vendee is authorized to operate as a *common carrier* in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7832. Authority sought for purchase by AUCLAIR TRANSPORTATION, INC., 41 McGregor Street, Manchester, N.H., of a portion of the operating rights of WELLS MOTOR TRANSPORTATION, INC., 2 Central Court, Derry, N.H., and for acquisition by HENRY J. PARISEAU, 51 Mercier Street, Manchester, N.H., and ALFRED

L. SICOTTE, Plummer Road, Bedford, N.H., of control of such rights through the purchase. Applicants' attorney: Kenneth B. Williams, 111 State Street, Boston 9, Mass. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Manchester, N.H., and Pittsfield, N.H., serving all intermediate points and off-route points within 15 miles of Pittsfield. Vendee is authorized to operate as a *common carrier* in New Hampshire, Massachusetts, New York, New Jersey, Maine, Vermont, Rhode Island, and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7833. Authority sought for merger by CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., of the operating rights and property of NEW YORK CONSOLIDATED FREIGHTWAYS CORPORATION, 175 Linfield Drive, Menlo Park, Calif., and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., 175 Linfield Drive, Menlo Park, Calif., of control of such rights and property through the transaction. Applicants' attorney and representative respectively: J. G. Dail, Jr., Turney, Major, Markham & Sherfy, 2001 Massachusetts Avenue NW., Washington 6, D.C., and E. T. Liipfert, Vice Pres. & Gen. Counsel, Consolidated Freightways, Inc., 175 Linfield Drive, Menlo Park, Calif. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Boston, Mass., and Chicago, Ill., serving certain intermediate and off-route points, between Boston, Mass., and Springfield, Mass., serving the intermediate point of Waltham, Mass., between Albany, N.Y., and Batavia and Buffalo, N.Y., serving certain intermediate and off-route points, between Schenectady, N.Y., and Westfield, N.Y., serving certain intermediate and off-route points, between Buffalo, N.Y., and Olean, N.Y., serving no intermediate points, between Buffalo, N.Y., and Rochester, N.Y., serving certain intermediate points, between Niagara Falls, N.Y., and Youngstown, N.Y., serving no intermediate points, between Rochester, N.Y., and Oswego, N.Y., serving no intermediate points, between Oswego, N.Y., and Newburgh and New York, N.Y., serving all intermediate points within the New York Commercial Zone, as defined in *New York, N.Y., Commercial Zone*, 1 M.C.C. 665, all intermediate points in New Jersey within 25 miles of New York, N.Y., all intermediate points between Oswego and Syracuse, N.Y., the intermediate points of Cortland, Binghamton, Monticello, and Port Jervis, N.Y., and the off-route points located within the New York, N.Y., Commercial Zone, those in New Jersey within 25 miles of New York, N.Y., and those in Nassau and Suffolk Counties, N.Y., between Monticello, N.Y., and New York, N.Y., serving no intermediate points, between New York, N.Y., and Glens Falls,

N.Y., serving certain intermediate points, between Boston, Mass., and Peekskill, N.Y., serving certain intermediate and off-route points, between Boston, Mass., and St. Louis, Mo., serving intermediate points within ten miles of Pittsburgh, Pa., and intermediate points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Indiana, and Illinois, certain off-route points in Massachusetts, Rhode Island, Pennsylvania, and intermediate and off-route points in the Cincinnati, Ohio, Commercial Zone as defined by the Commission, between Jersey City, N.J., and Philadelphia, Pa., serving the intermediate point of Trenton, N.J., and intermediate and off-route points in the Philadelphia, Pa., Commercial Zone, as defined by the Commission, between Philadelphia, Pa., and St. Louis, Mo., serving certain intermediate points in Pennsylvania, Delaware, Maryland, West Virginia, Ohio, and Indiana, and certain off-route points in Pennsylvania, New Jersey, Delaware, Ohio, Indiana, and Illinois, between Philadelphia, Pa., and Harrisburg, Pa., serving no intermediate points, between Philadelphia, Pa., and Chicago, Ill., serving certain intermediate and off-route points, between Fort Wayne, Ind., and Elkhart, Ind., serving no intermediate points, between Pittsburgh, Pa., and Washington, Pa., serving no intermediate points, between Mercer, Pa., and Erie, Pa., serving no intermediate points, between New Castle, Pa., and Cleveland, Ohio, serving certain intermediate and off-route points, between Canton, Ohio, and Cleveland, Ohio, serving the intermediate point of Akron, Ohio, between Baltimore, Md., and Binghamton, N.Y., serving certain intermediate points in Pennsylvania, between Harrisburg, Pa., and Rochester, N.Y., serving certain intermediate points in Pennsylvania, between Indianapolis, Ind., and junction U.S. Highways 41 and 6 south of Hammond, Ind., serving the intermediate point of Lafayette, Ind., between Youngstown, Ohio, and Chicago, Ill., serving certain intermediate points in Indiana, between Cincinnati, Ohio, and Springfield, Ill., serving the intermediate point of Decatur, Ill., between Indianapolis, Ind., and Peoria, Ill., serving no intermediate points, between Louisville, Ky., and Seymour, Ind., serving no intermediate points, between Louisville, Ky., and Shoals, Ind., serving no intermediate points, between Evansville, Ind., and Vincennes, Ind., serving no intermediate points, between Cincinnati, Ohio, and Cleveland, Ohio, serving certain intermediate points, between Cincinnati, Ohio, and Toledo, Ohio, serving certain intermediate points, between Cincinnati, Ohio, and Dayton, Ohio, serving certain intermediate points, between Syracuse, N.Y., and Auburn, N.Y., serving no intermediate points, between Cleveland, Ohio, and Norwalk, Ohio, serving no intermediate points, between Chicago, Ill., and St. Louis, Mo., serving no intermediate points, between New Haven, Conn., and Springfield, Mass., serving the intermediate point of Hartford, Conn., *general commodities*, excepting, among others, household goods, but not

excepting commodities in bulk, between Chicago, Ill., and junction U.S. Highways 41 and 6 and Indiana Highway 152, serving all intermediate points on the Calumet-Tri-State Expressway; *packing-house products and supplies*, and *dairy products*, over irregular routes from Chicago, Ill., to Erie, Pa., and Buffalo and Niagara Falls, N.Y., *Fresh and frozen fish*, from Erie, Pa., to Chicago, Ill.; *general commodities*, with the above exceptions between points in Rhode Island. Service is authorized over several alternate routes for operating convenience only, including certain intermediate and off-route points in connection with carrier's regular route operations. CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE is authorized to operate as a *common carrier* in Alabama, Alaska, Arizona, California, Colorado, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Utah, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7834. Authority sought for purchase by PIC-WALSH FREIGHT CO., 731 Campbell Avenue, St. Louis, Mo., of the operating rights and certain property of HENRY SAMPLE, JR., RAYMOND SAMPLE, JAMES McCULLOUGH, and JAMES T. NICHOLS, partners, doing business as SAMPLE TRUCK LINE, Box 355, Crossover Drive, Tupelo, Miss., and for acquisition by JULIUS BLUMOFF, 731 Campbell Avenue, St. Louis, Mo., of control of such rights and property through the purchase. Applicants' attorneys: John Paul Jones, 189 Jefferson Avenue, Memphis 3, Tenn., and Guy Mitchell, Jr., Mitchell and McNutt, Tupelo, Miss. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Memphis, Tenn., and Fulton, Miss., serving all intermediate points except those between Memphis, Tenn., and New Albany, Miss., and serving several off-route points in connection with carrier's regular route operations; *general commodities*, with exceptions as specified above, over irregular routes from Memphis, Tenn., to points in Mississippi; *cheese and soap*, in pool car distribution service, from Corinth and New Albany, Miss., to certain points in Mississippi and Tennessee; *cheese, soap, packing house products, hardware, stoves, and stove pipe*, from Tupelo, Miss., to Savannah, Tenn., and points in the above-mentioned Tennessee and Mississippi territory. Vendee is authorized to operate as a *common carrier* in Missouri, Ohio, Illinois, Tennessee, and Arkansas. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC-45657 Sub 27 is a matter directly related.

No. MC-F 7835. Authority sought for control and merger by RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo., of the operating rights and property of FORTIER TRANSPORTATION COMPANY, P.O. Box 431 (2559 South East Avenue), Fresno 8, Calif., and for acquisition by J. W. RINGSBY, 3201 Ringsby Court, Denver 5, Colo., of control of such rights and property through the transaction. Applicants' attorneys: Edward M. Berol, Berol and Geernaert, 100 Bush Street, San Francisco 4, Calif., and Arthur H. Glanz, Glanz, Russell & Schureman, 639 South Spring Street, Los Angeles 14, Calif. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Long Beach and Los Angeles Harbor, Calif., on the one hand, and on the other, points in the Los Angeles Commercial Zone as defined by the Commission in LOS ANGELES, CALIF., COMMERCIAL ZONE, 3 M.C.C. 248; *general commodities*, excepting, among others, commodities in bulk other than wine and olive oil, but not excepting household goods, between points in California; *cotton*, from Bakersfield, Calif., and points within 75 miles of Bakersfield, to Los Angeles Harbor, Calif., *wool*, from points in Kern County, Calif., to Los Angeles Harbor, Stockton, San Francisco, and Oakland, Calif., *electric conduit, farm machinery and equipment, and groceries*, from Los Angeles Harbor, Calif., to Bakersfield, Calif., *conduit, wire netting, steel and cooper wire, lumber, paper, steel pipe and tubing, seed, nuts, honey, clay products, peat moss, grain, rice, bran, fish meal, tapioca meal, flaxseed meal, sesame seed meal, perilla meal, copra meal, peanut meal, fertilizer, and oil in drums*, from Los Angeles Harbor and Long Beach, Calif., to Los Angeles and Vernon, California, *clay products, fertilizer, talc, honey and oil in drums*, from Los Angeles and Vernon, Calif., to Los Angeles Harbor and Long Beach, Calif., *fertilizer*, from Los Angeles Harbor and Long Beach, Calif., to San Fernando, Whittier, Upland, Claremont, Glendora, Alta Loma, Rivera, Canoga Park, Covina, Pomona, and Pacoima, Calif., and points within five miles of each, *machinery*, from Alhambra, Calif., to Los Angeles Harbor and Long Beach, Calif., *burlap bags, bagging, and bale ties*, from Los Angeles Harbor, Calif., to Bakersfield, Calif., and points within 100 miles of Bakersfield, Calif., *paper and paper products*, except newspaper, from Los Angeles Harbor, Calif., to Bakersfield, Calif., and points within 15 miles of Bakersfield, Calif., *pipe and heavy machinery and equipment*, between Los Angeles Harbor, Calif., on the one hand, and on the other, Bakersfield, Calif., and points within 75 miles of Bakersfield, *edible oils, crude and refined, and linseed oil*, in bulk, in tank vehicles, between points in the Los Angeles, Calif., Commercial Zone on the one hand, and on the other, points in the Los Angeles Harbor Commercial Zone, as such zones are defined by the

Commission, and between points in the above zones, on the one hand, and on the other, Buena Park and Norwalk, Calif., *latex* (liquid crude rubber), from points in the Los Angeles Harbor, Calif., commercial zone, to points in the Los Angeles, Calif., commercial zone; *general commodities*, with the same exceptions listed above, between Travis Air Force Base, Calif., on the one hand, and on the other, points in California, restricted to shipments other than those moving from or to points on San Francisco Bay; operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of California as more specifically described in Docket No. MC-108398 Sub-31. RINGSBY TRUCK LINES, INC., is authorized to operate as a *common carrier* in Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Nevada, Utah, and Wyoming. Application has been filed for temporary authority under section 210a(b).

NOTE: An application may be filed at a later date as a matter directly related.

No. MC-F 7836. Authority sought for control and merger by HELM'S EXPRESS, INC., P.O. Box 268, Pittsburgh 30, Pa., of the operating rights and property of THE ROYAL TRANSPORTATION COMPANY, P.O. Box 162, Bedford, Pa., and for acquisition by HARRY M. WERKSMAN, P.O. Box 268, Pittsburgh 30, Pa., of control of such rights and property through the transaction. Applicants' attorneys: Samuel P. Delisi and Henry M. Wick, Jr., 1515 Park Building, Pittsburgh 22, Pa. Operating rights sought to be controlled and merged: *General commodities*, except Class A and B explosives (except small arms ammunition), livestock, currency, bullion, articles of virtu, household goods, and loose bulk commodities, uncrated, as a *common carrier* over regular routes between Washington, D.C., and Cleveland, Ohio, serving certain intermediate and off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, between Washington, D.C., and Richmond, Va., serving the intermediate point of Fredericksburg, Va., and certain points in Maryland as off-route points in connection with carrier's regular route operations between Washington, D.C., and Cleveland, Ohio; *general commodities*, with the above exceptions, over irregular routes between points in Washington, D.C., Commercial Zone, as defined by the Commission, between points in the Philadelphia, Pa., Commercial Zone, and between Washington, D.C., and Baltimore, Md., and Perth Amboy, Asbury Park, and New Brunswick, N.J. HELM'S EXPRESS, INC., is authorized to operate as a *common carrier* in New York, Pennsylvania, West Virginia, Ohio, Connecticut, Massachusetts, and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7838. Authority sought for purchase by UNDERWOOD AND WELD COMPANY, INC., P.O. Box 348, Crossnore, N.C., of a portion of the operating rights of J & M TRANSPORTATION CO., INC., P.O. Box 894, Americus, Ga.,

and for acquisition by GEORGE B. UNDERWOOD and DORIS W. UNDERWOOD, both of Crossnore, N.C., of control of such rights through the purchase. Applicants' attorney: Paul M. Daniell, Watkins & Daniell, 214 Grant Bldg., Atlanta 3, Ga. Operating rights sought to be transferred: *Salt and salt products*, as a *common carrier* over irregular routes from the plant site of the Carey Salt Company, located near Winnfield, La., to points in Florida, Alabama, North Carolina, South Carolina, Georgia and Tennessee, from Avery Island, Jefferson Island and Weeks, La., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, *ground pepper*, in *packages*, in *mixed shipments with salt and salt products*, from Weeks, La., to points in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee. Vendee is authorized to operate as a *common carrier* in North Carolina, Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Texas, Louisiana, Oklahoma, Arizona, New Mexico, Arkansas, Colorado, Mississippi, Maine, Kansas, Nebraska, California, Connecticut, Iowa, Oregon, Rhode Island, Washington, Wisconsin, Wyoming, Idaho, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7839. Authority sought for purchase by E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa., of the operating rights and property of HOMER HENNICK (KATHERINE G. BROWN, EXECUTRIX), doing business as HARLOW TRANSPORTATION COMPANY, 413-415 Lonoke Street, Dayton 3, Ohio, and for acquisition by DUVERNEY MATLACK, EDWIN L. MATLACK, E. BROOKE MATLACK, JR., and ROBERT W. MATLACK, all of 33d and Arch Streets, Philadelphia 4, Pa., of control of such rights and property through the purchase. Applicants' attorney: Robert H. Shertz, Barnes & Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Operating rights sought to be transferred: *Reinforced concrete floor and roof slabs*, as a *common carrier* over irregular routes from Dayton, Ohio, to points in Indiana. Vendee is authorized to operate as a *common carrier* in Maryland, Delaware, Pennsylvania, Virginia, New Jersey, New York, Ohio, West Virginia, North Carolina, South Carolina, Georgia, Indiana, Alabama, Missouri, Tennessee, Minnesota, Michigan, Illinois, Wisconsin, Kentucky, Kansas, New Hampshire, Connecticut, Massachusetts, Rhode Island, Vermont, Florida, Iowa, Mississippi, Louisiana, Maine, and the District of Columbia, and as a *contract carrier*, in Ohio, New York, Connecticut, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, and Vermont. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC-F 7837. Authority sought for control by AMERICAN TRANSPORTATION ENTERPRISES, INC., 14 East 75th St., New York 21, N.Y., of PENN STAGES, INC., 12th and Cumberland Sts., Allentown, Pa., upon the latter's institution of operations in interstate or foreign commerce as a *common carrier* by motor vehicle, for which application has been made, and for acquisition by MARC HAAS, C. ROBERT ALLEN, TERRY ALLEN KRAMER, BRUCE J. ALLEN, and HAROLD ALLEN as TRUSTEE for HERBERT ANTHONY ALLEN, JR., and SUSAN K. ALLEN, all of 30 Broad Street, New York 4, N.Y., of control of PENN STAGES, INC., through the acquisition by AMERICA TRANSPORTATION ENTERPRISES, INC. Applicant's attorneys: Wilmer A. Hill, Ames, Hill & Ames, Transportation Building, Washington 6, D.C., and Lloyd S. Benjamin and Charles E. Thomas, Hull, Leiby & Metzger, 208 Walnut Street, Harrisburg, Pa. PENN STAGES, INC., has concurrently filed an application on Form BMC-78 (Docket No. MC-123555) for a certificate of public convenience and necessity for authority described elsewhere in the FEDERAL REGISTER. AMERICAN TRANSPORTATION ENTERPRISES, INC., holds no authority from this Commission. However, it is affiliated with (1) THE CINCINNATI, NEWPORT AND COVINGTON TRANSPORTATION COMPANY, 11th and Lowell Streets, Newport, Ky., and (2) DELAWARE BUS COMPANY, 1609 Delaware Ave., Wilmington, Del., which are authorized to operate as *common carriers* in (1) Kentucky and Ohio, and (2) Delaware and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD McCOY,
Secretary.

[F.R. Doc. 61-3250; Filed, Apr. 11, 1961;
8:48 a.m.]

[Notice 3]

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

APRIL 7, 1961.

Under sections 206(a)(4), 206(a)(5), 209(a)(4), 209(a)(5), 309(a), 309(f), 410(a)(2), and 410(a)(3) of the Interstate Commerce Act, as amended July 12, 1960:

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 pro-

vide further that failure to file a timely protest will be construed as a waiver of opposition and participation in the proceeding.

FREIGHT FORWARDER "GRANDFATHER" PERMIT—ALASKA OR HAWAII

No. FF-265 (CORRECTION), filed December 22, 1960, published issue of March 8, 1961, republished as corrected this issue. 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., on the one hand, and, on the other, points in Alaska, and (2) between points in Alaska.

NOTE: This republication clarifies the operations between Alaska and those States in the conterminous United States.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61-3249; Filed, Apr. 11, 1961;
8:48 a.m.]

[Notice 479]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 7, 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 64037. By order of April 5, 1961, the Transfer Board approved the transfer to O'Jim Poole Truck Line, Inc., Phenix City, Ala., of Certificate No. MC 116405, issued December 4, 1958, to J. C. Poole, Jr., doing business as O. Jim Poole, Eutaw, Ala., authorizing the transportation over irregular routes, of charcoal, from Sardis, Ala., to points in Illinois, Indiana, and Ohio, canned vegetables, from Rochelle and DeKalb, Ill., and Rockfield, Jackson, and Humbird, Wis., to points in 5 specified counties in Alabama, and malt beverages, from St. Louis, Mo., Cincinnati, Ohio, Milwaukee, Wis., Belleville and Peoria, Ill., and Evansville and Terre Haute, Ind., to points in 21 specified counties in Alabama. Maurice F. Bishop, 327

Frank Nelson Building, Birmingham 3, Ala., attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61-3251; Filed, Apr. 11, 1961;
8:48 a.m.]

[Notice 13]

PITTSBURGH & WEST VIRGINIA RAILWAY CO. ET AL.

Applications for Loan Guaranties

APRIL 5, 1961.

Notice is hereby given of the filing of the following applications under part V of the Interstate Commerce Act:

Finance Docket No. 21547, filed March 30, 1961, Pittsburgh & West Virginia Railway Company, P.O. Box 4440, Pittsburgh 5, Pa., for guaranty by the Interstate Commerce Commission of a loan in an amount not exceeding \$1,500,000. Applicant's representative: James A. Parsons, Secretary and Treasurer, The Pittsburgh & West Virginia Railway Company, P.O. Box 4440, Pittsburgh 5, Pa. Loan is for purpose of reimbursing applicant's treasury for expenditures made from its own funds after January 1, 1957, for additions and betterments and other capital improvements.

Finance Docket No. 21551, filed March 30, 1961, by Monon Railroad, 608 South Dearborn Street, Chicago 5, Illinois, for guaranty by the Interstate Commerce Commission of a loan in an amount not exceeding \$3,500,000. Applicant's representative: John B. Goodrich, General Solicitor, Monon Railroad, 608 South Dearborn Street, Chicago 5, Illinois. Loan is for purpose of reimbursing applicant's treasury for expenditures made from its own funds after January 1, 1957 for additions and betterments and other capital improvements.

Finance Docket No. 21552, filed March 30, 1961, by Missouri-Kansas-Texas Railroad Company, 420 Gimblin Road, St. Louis 15, Missouri, for guaranty by the Interstate Commerce Commission of a loan in an amount not exceeding \$6,000,000. Applicant's representative: William A. Thie, General Counsel, Missouri-Kansas-Texas Railroad Company, Barrett Building, Denison, Texas. Loan is for purpose of reimbursing applicant's treasury for expenditures made from its own funds after January 1, 1957, for additions and betterments and other capital improvements.

Finance Docket No. 21555, filed March 31, 1961, by The Central Railroad Company of New Jersey, 143 Liberty Street, New York 6, New York, for guaranty by the Interstate Commerce Commission of a loan in an amount not exceeding \$15,000,000. Applicant's representative: Judson C. McLester, Jr., Vice President and General Counsel, The Central Railroad Company of New Jersey, 143 Liberty Street, New York 6, New York. Loan is for purpose of reimbursing applicant's treasury for expenditures of \$10,000,000 made from its own funds after January 1, 1957 for additions and betterments, and other capital improvements, and \$5,000,000 for financing the acquisition

of approximately 500 covered hopper cars and approximately 725 box cars.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61-3261; Filed, Apr. 11, 1961;
8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 7, 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. 37018: Barley from Oklahoma to Texas ports (for export). Filed by Southwestern Freight Bureau, Agent (No. B-7995), for interested rail carriers. Rates on barley, except barley wholly or partially prepared for human consumption, in carloads, from points in Oklahoma, to Beaumont, Galveston, Houston, Port Arthur and Texas City, Tex.

Grounds for relief: Itinerant truck competition.

Tariffs: The Atchison, Topeka and Santa Fe Railway Company's tariff I.C.C. 14908, and four other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61-3248; Filed, Apr. 11, 1961;
8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 314]

IOWA

Declaration of Disaster Area

Whereas, it has been reported that during the month of March 1961, because of the effects of certain disasters, damage resulted to residences and business property located in Black Hawk and Butler Counties in the State of Iowa;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered

damage or destruction resulting from flood and accompanying conditions occurring on or about March 25, 26 and 27, 1961.

Offices—

Small Business Administration Regional Office, Bankers Building, Room 430, 105 West Adams Street, Chicago, Ill.

Small Business Administration Branch Office, Paramount Building, 507 West Grand Avenue, Des Moines, Iowa.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1961.

Dated: March 29, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61-3307; Filed, Apr. 11, 1961;
8:52 a.m.]

[Declaration of Disaster Area 315]

ARKANSAS AND TEXAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of March 1961, because of the effects of certain disasters, damage resulted to residences and business property located in Arkansas and Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in Arkansas County, Arkansas, and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about March 26, 1961, and from persons or firms whose property, situated in Nacogdoches County, Texas, and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about March 27, 1961.

Offices—

Small Business Administration Regional Office, Fidelity Building, 1000 Main Street, Dallas 2, Tex.

Small Business Administration Branch Office, Rector Building, Room 620, 405 West 3d Street, Little Rock, Ark.

Small Business Administration Branch Office, 1424 Hadley Street, Houston 2, Tex.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1961.

Dated: April 3, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61-3308; Filed, Apr. 11, 1961;
8:52 a.m.]

[Declaration of Disaster Area 316]

GEORGIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of March 1961, because of the effects of certain disasters, damage resulted to residences and business property located in Dooly County in the State of Georgia;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from

tornado and accompanying conditions occurring on or about March 31, 1961.

Office—
Small Business Administration Regional Office, 90 Fairlie Street NW., Atlanta 3, Ga.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1961.

Dated: April 3, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61-3309; Filed, Apr. 11, 1961; 8:52 a.m.]

CUMULATIVE CODIFICATION GUIDE—APRIL

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during April.

<p>1 CFR</p> <p>Appendix A 2887</p> <p>3 CFR</p> <p>PROCLAMATIONS:</p> <p>1844 3051</p> <p>1931 3051</p> <p>1932 3051</p> <p>1938 3051</p> <p>2035 3051</p> <p>2060 3051</p> <p>2061 3051</p> <p>2218 3051</p> <p>2219 3051</p> <p>2220 3051</p> <p>2313 3051</p> <p>2318 3051</p> <p>2319 3051</p> <p>2336 3051</p> <p>2357 3051</p> <p>2362 3051</p> <p>2363 3051</p> <p>2384 3051</p> <p>3019 2959</p> <p>3383 2849</p> <p>3400 2741</p> <p>3401 2849</p> <p>3402 2959</p> <p>3403 2959</p> <p>3404 2959</p> <p>3405 3091</p> <p>EXECUTIVE ORDERS:</p> <p>July 2, 1910 2797</p> <p>6886 3051</p> <p>7359 3051</p> <p>10374 3051</p> <p>10932 3051</p> <p>5 CFR</p> <p>6 2742, 2769, 2817, 2857, 3092</p> <p>24 2769</p> <p>350 2742</p> <p>6 CFR</p> <p>10 3055</p> <p>421 2769, 2771, 2961, 3055</p> <p>430 2822</p> <p>438 2963</p> <p>464 3092</p> <p>482 2773</p> <p>485 2823</p> <p>7 CFR</p> <p>51 2817</p> <p>81 2819</p> <p>301 3057</p>	<p>7 CFR—Continued</p> <p>730 2819</p> <p>811 2774</p> <p>812 2775</p> <p>815 2775</p> <p>914 2742</p> <p>922 2743, 3018</p> <p>928 2777</p> <p>933 2857, 3018, 3019</p> <p>953 2743, 3020, 3062</p> <p>1016 3092</p> <p>1031 2744</p> <p>1033 2820</p> <p>PROPOSED RULES:</p> <p>319 3112</p> <p>902 3106</p> <p>903 3029</p> <p>911 2750</p> <p>914 2799, 2864</p> <p>922 2865</p> <p>943 2750</p> <p>947 2799</p> <p>949 2751</p> <p>952 2751</p> <p>963 2801</p> <p>968 2752, 3070</p> <p>982 2755</p> <p>990 3030</p> <p>998 2756</p> <p>1019 2867, 2988</p> <p>1030 2870</p> <p>9 CFR</p> <p>74 3063</p> <p>83 2857</p> <p>PROPOSED RULES:</p> <p>17 2756, 3070</p> <p>10 CFR</p> <p>37 2821</p> <p>40 3063</p> <p>PROPOSED RULES:</p> <p>50 3030</p> <p>12 CFR</p> <p>563 2821</p> <p>PROPOSED RULES:</p> <p>563 2758</p> <p>13 CFR</p> <p>108 3063</p> <p>120 3064</p> <p>121 2778, 3064</p> <p>14 CFR</p> <p>241 3020</p>	<p>14 CFR—Continued</p> <p>294 3100</p> <p>507 2778, 3021</p> <p>514 2745</p> <p>600 2745</p> <p>601 2779, 3065</p> <p>608 2779</p> <p>609 2851</p> <p>610 2823</p> <p>PROPOSED RULES:</p> <p>40 2871</p> <p>41 2871</p> <p>42 2871</p> <p>296 2806</p> <p>297 2806</p> <p>507 2757, 3032</p> <p>600 3113</p> <p>601 2807, 3113</p> <p>15 CFR</p> <p>202 3007</p> <p>205 2858</p> <p>208 2858</p> <p>210 2858</p> <p>215 2859</p> <p>368 3066</p> <p>371 3066, 3069</p> <p>372 3066</p> <p>373 3066</p> <p>379 3066</p> <p>16 CFR</p> <p>13 2746-2748, 2823, 2824, 2964, 2965, 3100-3102</p> <p>17 CFR</p> <p>1 2968</p> <p>2-11 2968</p> <p>15 2968, 3069</p> <p>16-21 2969-2972</p> <p>201 3102</p> <p>230 3102</p> <p>240 3102</p> <p>250 3102</p> <p>260 3102</p> <p>PROPOSED RULES:</p> <p>275 3070</p> <p>18 CFR</p> <p>2 2824, 3066</p> <p>154 2850</p> <p>19 CFR</p> <p>4 2965</p> <p>6 2779, 2966</p> <p>10 2779</p>
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