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FEDERAL REGISTER

VOLUME 26 NUMBER 178

Washington, Friday, September 15, 1961

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Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Peace Corps

Effective upon publication in the FEDERAL REGISTER, paragraph (b) is added to § 6.168 as set out below.

§ 6.168 Peace Corps.

* * * * *

(b) Twenty-five positions, filled by temporary appointment of one year or less, on the staff of the Peace Corps training camp in Puerto Rico.

(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. 61-8781; Filed, Sept. 14, 1961; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 3 (Rev. 2)]

PART 120—LOAN POLICY STATEMENT

Interest Rates

The Small Business Administration Loan Policy Statement (23 F.R. 10513) as amended (26 F.R. 3064, 4885) is hereby further amended by substituting the following in lieu of subdivision (iii) to § 120.4-3(b)(2):

§ 120.4-3 Terms and conditions of loans.

* * * * *

(b) * * *

(2) * * *

(iii) (*a*) Interest on the SBA share of a loan approved or disbursed subsequent to September 14, 1961, to a small business concern pursuant to section 7(a) of the Act, shall be at the rate of 4 percent per annum if, at the time of approval or initial disbursement, such concern agrees or has agreed to use the proceeds of such loan in the operation or establishment of its business located or to be located in:

(*1*) A Redevelopment Area designated in accordance with the Area Redevelopment Act (Public Law 87-27), or

(*2*) An area of Substantial Unemployment or an Area of Substantial and Persistent Unemployment as classified by the Department of Labor provided such area is listed as such by that Department in its publication "Area Labor Market Trends" for the month of September 1961, and in each subsequent issue of that publication until the time of such approval or initial disbursement of the loan.

The provisions of this subdivision shall not apply to assistance authorized pursuant to section 7(a)(5) of the Act (group corporation loans).

(*b*) Loans approved prior to September 15, 1961 (but not initially disbursed prior thereto) authorizing interest at the rate of 4 percent per annum on SBA's share in accordance with the provisions of § 120.4-3(b)(2)(iii) as published in Amendment 3, Revision 1 (26 F.R. 4885, June 2, 1961) shall not be affected by the provisions of (*a*) of this subdivision.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61-8828; Filed, Sept. 14, 1961; 8:52 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 32259 Sub. No. 1]

PART 110—DESTRUCTION OF RECORDS

Subpart E—Pipe Line Companies

DESTRUCTION OF RECORDS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 22d day of August A.D. 1961.

The matter of regulations to govern the destruction of records of pipe line companies, except those engaged in the transportation of water and natural or artificial gas, being under consideration pursuant to provisions of section 20 of the Interstate Commerce Act, as amended; and,

It appearing that certain provisions of an order entered November 25, 1942, as modified by subsequent orders, prescribing Regulations to Govern the Destruction of Records of Carriers by Pipe Lines, are more restrictive than necessary for proper administration of Part I of the Act; and that relaxing of such restrictions, as herein provided for, is permissive, imposes no additional or increase in regulations, and therefore, is not subject to the public rule making of section 4(a) of the Administrative Procedure Act;

It is ordered, That the effective regulations in Subpart E under Part 110 of this title be, and they are hereby, cancelled in their entirety effective January 1, 1962, and the Regulations to Govern the Destruction of Records of Pipe Line Companies, Issue of 1962, hereinafter prescribed, shall become effective January 1, 1962, concurrently with the cancellation of the regulations heretofore in effect.

It is further ordered, That, effective January 1, 1962, all pipe line companies subject to the provisions of the Interstate Commerce Act shall comply with the Regulations to Govern the Destruction of Records of Pipe Line Companies, Issue of 1962, attached hereto and hereby made a part of this order.

And it is further ordered, That a copy of this order with the regulations attached hereto shall be served on each pipe line carrier subject to the provisions of the order and on each trustee, receiver, executor, administrator, or assignee of any such pipe line carrier, and that notice of this order be given to the general public by depositing a copy thereof with the attached regulations in the office of the Secretary of the Commission at Washington, D.C., and by filing with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

Section 20(7)(b) of the Interstate Commerce Act contains provisions relating to the preservation and destruction of records as follows:

Any person who shall knowingly and willfully make, cause to be made, or participate in the making of, any false entry in any annual or other report required under this section to be filed, or in the accounts of any book of accounts or in any records or memoranda kept by a carrier, or required under this section to be kept by a lessor or other person, or who shall knowingly and willfully destroy, mutilate, alter, or by any other means or device falsify the record of any such accounts, records, or memoranda, or who shall knowingly and willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the carrier, lessor, or person, or shall knowingly and willfully keep any accounts, records, or memoranda contrary to the rules, regulations, or orders of the Commission with respect thereto, or shall knowingly or willfully file with the Commission any false report or other document, shall be deemed guilty of a misdemeanor and shall be subject, upon conviction in any court of the United States of competent jurisdiction to a fine of not more than five thousand dollars or imprisonment for not more than two years, or both such fine and imprisonment: *Provided,* That the Commission may in its discretion issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents of such carriers,

lessors, or other persons as may after a reasonable time, be destroyed, and prescribing the length of time the same shall be preserved.

Section 15(11) of the Interstate Commerce Act contains provisions regarding unauthorized disclosure of information as to shipments as follows:

It shall be unlawful for any common carrier subject to the provisions of this part, or any officer, agent, or employee of such common carrier, or for any other person or corporation lawfully authorized by such common carrier to receive information therefrom, knowingly to disclose or to permit to be acquired by any person or corporation other than the shipper or consignee, without the consent of such shipper or consignee, any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to such common carrier for interstate transportation, which information may be used to the detriment or prejudice of such shipper or consignee, or which may improperly disclose his business transactions to a competitor; and it shall also be unlawful for any person or corporation to solicit or knowingly receive any such information which may be so used: *Provided*, That nothing in this part shall be construed to prevent the giving of such information in response to any legal process issued under the authority of any State or Federal court, or to any officer or agent of the Government of the United States, or of any State or Territory, in the exercise of his powers, or to any officer or other duly authorized person seeking such information for the prosecution of persons charged with or suspected of crime; or information given by a common carrier to another carrier or its duly authorized agent, for the purpose of adjusting mutual traffic accounts in the ordinary course of business of such carriers.

Sec.
110.80 Regulations prescribed.
110.81 Introduction.
110.82 Authority to destroy records.
110.83 Photographic copies.
110.84 Supervision of destruction.
110.85 Record of records destroyed.
110.86 Carriers going out of business.
110.87 Prescribed periods of retention.

AUTHORITY: §§ 110.80 to 110.87 issued under sec. 20, 24 Stat. 386, as amended, 40 U.S.C. 20.

§ 110.80 Regulations prescribed.

Effective January 1, 1962, each carrier by pipe line subject to the provisions of the Interstate Commerce Act, and each trustee, executor, administrator, or assignee of any such carrier, shall comply with the regulations in this subpart before destroying any operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents.

§ 110.81 Introduction.

The following regulations specify the records and documents which may be destroyed and prescribe the length of time the same shall be preserved, but mention of a record or document hereinafter imposes no requirement that it shall be installed if its purpose is otherwise being adequately served. Compliance with the regulations in this subpart will not exempt a carrier from statutory requirements, other than provisions of the Interstate Commerce Act, for retention of records or documents for periods longer than those herein prescribed.

§ 110.82 Authority to destroy records.

(a) *General authority.* Carriers by pipe lines subject to the regulations in this subpart may destroy records or documents named or described in the regulations in this subpart after they have been preserved for the prescribed periods of time. Permanent records are those which may not be destroyed without special authority.

(b) *Special authority.* A carrier subject to the provisions of the regulations in this subpart proposing to destroy records or documents which are not named or described in the regulations in this subpart or which, if named or described, are of a character that they are no longer needed for the prescribed periods of years because of retirement of property, or the information is sufficiently available in other records to be kept for required periods of years, or other good cause, may request special authority to destroy such records or documents. Applications for such special authority shall describe in detail the records or documents to be destroyed and shall explain why their continued retention is deemed to be unnecessary.

(c) *Authority to destroy certain records.* The carrier's Board of Directors or executive committee at its option may by a formal corporate act of appointment delegate to a bank, trust company, or similar institution having custody of pipe line records in the normal course of business, the authority to destroy such records upon compliance with the requirements of these regulations. When documents represent debt secured by a mortgage or denture trust agreement, the record of destruction shall also be authenticated by a representative of the trustee.

§ 110.83 Photographic copies.

(a) Records and documents may be destroyed if they have been suitably photographed, and the microfilm is retained in lieu of the original record or document for the period prescribed for such originals, subject, however, to the following limitations:

(1) Records listed in the following items of § 110.87 may not be destroyed even though photographed for preservation on microfilm, unless specifically authorized by the Commission:

Item	Description
A-1	Incorporation and reorganization records.
A-3	Minute books.
A-4	Authorization for security issues.
D-1a	General and auxiliary ledgers and indexes thereto.
D-2	General and auxiliary journals and voucher registers.
E-3e	Valuation inventory reports and records.
G-1	Land titles and documents.
G-2	Licenses, agreements, and permits (rights-of-way).
H-1c	Property depreciation records.
M-1	Basic engineering and related data.
O-5	Record of records destroyed.

(2) Records listed in the following items of § 110.87, if suitably photographed for preservation on microfilm, may be destroyed after retention in their original form for the period shown:

Item	Description	Period to be retained
B-1a	Capital stock ledger	5 years.
B-1b	Capital stock certificates, records, or stubs.	Do.
B-1c	Stock transfer registers or journals.	Do.
B-2a	Registered bond ledgers and journals.	Do.
B-2b	Records or stubs of bonds	Do.
B-4a	Records of outside or affiliated companies securities owned.	Do.
B-5a	General cash books	Do.
B-5b	Auxiliary cash books	2 years.
C-1	Annual reports (stockholders)	5 years.
D-1b	Ledgers of detail transactions in receivable, payable, and similar accounts.	Do.
D-4	Vouchers, cash and journal	2 years.
E-1	Tax reports and schedules	Do.
E-3a	Annual report (and related data) to Interstate Commerce Commission.	5 years.
F-1a	Payroll registers, abstracts, or summaries.	2 years.
F-1c	Records showing distribution of salaries to accounts.	Do.
H-1d	Files of detailed authorization for expenditures, work or job orders.	Do.
I-3a	Invoices and bills payable	Do.
J-20	Customers' ledgers	5 years.
J-21	Crude oil suspense ledgers	Do.

(3) All other records listed in § 110.87 not included in the foregoing may be destroyed after being suitably photographed for preservation on microfilm.

(b) To be acceptable in lieu of original records, photographic copies must meet the following minimum requirements:

(1) Photographic copies shall be no less readily accessible than the original record or document as normally filed or preserved would be, and suitable means or facilities shall be available to locate, identify, read, or reproduce such photographic copies.

(2) Any significant characteristics, feature, or other attribute of the original record or document, which photography in black and white will not preserve, shall be clearly indicated before the photograph is made.

(3) The reverse side of printed forms need not be copied if nothing has been added to the printed matter common to all such forms, but an identified specimen of such form shall be on the film for reference.

(4) Film used for photographing copies shall be of permanent record type meeting in all respects the minimum specifications of the National Bureau of Standards, and all processes recommended by the manufacturer shall be observed to protect it from deterioration or accidental destruction.

§ 110.84 Supervision of destruction.

(a) Within six months after the effective date of the regulations in this subpart, or within six months after becoming subject to this provision, each carrier shall appoint an officer or other responsible employee to supervise the destruction of records and documents. Such

appointment shall be by formal corporate act of the board of directors or its executive committee. An existing appointment made under prior regulations shall be recognized as being in compliance with the regulations in this subpart.

(b) If the property of a carrier is in the hands of a trustee, executor, administrator, or assignee, the officer or other responsible employee to have supervision of the destruction of records and documents shall be designated by such trustee, executor, administrator, or assignee.

(c) It is not required that a copy of the resolution or order of appointment be filed with the Commission.

§ 110.85 Record of records destroyed.

(a) The supervising officer or other designated employee shall maintain or shall cause to be maintained a record of all carrier records and documents which have been destroyed pursuant to the regulations in this subpart except those the retention of which is optional with the carrier. The record shall include all records and documents destroyed, including those destroyed pursuant to § 110.82(c).

(b) The record shall be available for inspection in the office of the supervising officer and shall be in such detail that the destroyed records or documents may be identified and the time, place, and method of destruction can be established. If the destruction is by accident or at the hand of an unauthorized person not subject to the carrier's control, then the record shall include a statement of the relevant circumstances.

§ 110.86 Carriers going out of business.

The records and documents relating to operations of a carrier subject to the regulations in this subpart may be destroyed without regard to the prescribed periods of retention after carrier status is abandoned for purposes of the Interstate Commerce Act: *Provided however,* (a) if the carrier is a corporation being dissolved by act of the authority which created it, the records may not be destroyed until dissolution is otherwise complete, and (b) if the carrier is not incorporated or is being kept alive for purposes other than carrier operations, records relating to former carrier operations may not be destroyed until all transactions relating to such operations are completed.

§ 110.87 Prescribed periods of retention.

The following list describes the purpose for which a record is necessary and the prescribed periods shall be observed even if a record by some other name serves the described purpose. If identical copies of the same document serve more than one such described purpose, only one copy is required to be retained by the regulations in this subpart.

DESTRUCTION OF RECORDS

A. ADMINISTRATIVE AND CORPORATE

Item	Record titles and descriptions	Period to be retained
1	Incorporation and reorganization records:	
	(a) Franchises, certificates, or permits from regulatory bodies authorizing construction, extensions, and operations; deeds and other titles.	Permanently, so long as property affected is owned; but 20 years after property is sold, abandoned, or otherwise disposed of.
	(b) Other records, documents, and files pertaining to the incorporation and reorganization of pipe line companies.	20 years.
2	Registered agents: Documents and files pertaining to the appointment of registered agents in States in which the carrier is authorized to do business.	3 years after termination or cancellation of appointment.
3	Minute Books: Minute books of directors', executive committees', stockholders', and other corporate meetings.	Permanently.
4	Authorizations for security issues: Copies of applications to and authorizations from regulating bodies for the issuance of stocks, bonds and other securities. (See item E-3d.)	20 years when approved; optional when denied.
5	Voting securities:	
	(a) Proxies of holders of voting securities.	2 years.
	(b) Lists of holders of voting securities presented at stockholders' meetings.	Do.
6	Contracts and agreements:	
	(a) Card or book records of contracts, leases, and agreements made, and of expirations, and of renewals.	Same period as for related contract, lease, or agreement.
	(b) Power, fuel, water, and other utility contracts and agreements	1 year after expiration of contract or agreement.
	(c) Contracts and agreements for use of communication systems	Do.
	(d) Rental agreements and leases of property and equipment, other than communication systems, land, and rights-of-way (see items A-6c, G-1, and G-2), by or from carrier.	1 year after expiration of lease or agreement.
	(e) Contracts and agreements relating to maintenance of machines, equipment, and other facilities.	1 year after expiration of contract or agreement.
	(f) Contracts, leases, and agreements not provided for in items A-6b through A-6e, B-1i, B-1j, F-2b, G-1a, G-1b, G-1c, G-2a, G-2b, H-1f, and I-2c.	Statute of limitations after fulfillment or expiration of contract, lease, or agreement.
7	Fidelity bonds: Records and files of fidelity bonds of employees	1 year after expiration of coverage.
8	Communications code and cipher books: Code and cipher books for convenience of transmitting information and data but not necessary for understanding of carrier's official records. (See item D-13(a).)	Optional.

B. TREASURY

1	Capital stock records:	
	(a) Capital stock ledger	10 years.
	(b) Capital stock certificates, records of or stubs of	Do.
	NOTE: If the information shown on the stubs is recorded in 10-year records, the stubs are required to be retained only for a period of 3 years.	
	(c) Stock transfer registers or journals	Do.
	(d) Bills of sale, correspondence, or memoranda concerning transfer of capital stock.	3 years.
	(e) Capital stock subscription notices and requests for allotment	1 year.
	(f) Canceled capital stock certificates. (See item 3.)	
	(g) Stockholder's signature cards	Optional.
	(h) Orders from stockholders to pay dividends to others	Until order rescinded.
	(i) Receipts for capital stock certificates	3 years.
	(j) Dividend lists of stockholders	6 years when used in support of payment; otherwise optional.
	(k) Contracts and correspondence relating to treasury stock	3 years after expiration of contract.
	(l) Escrow agreements for capital stock held in escrow	3 years after expiration of agreement.
2	Bond records:	
	(a) Registered bond ledgers and journals	10 years.
	(b) Records or stubs of bonds	Do.
	NOTE: If the information shown on the stubs is recorded in permanent records, the stubs are required to be retained for a period of 3 years.	
	(c) Bills of sale, correspondence, or memoranda concerning transfer of registered bonds.	3 years.
	(d) Records of interest coupons paid and unpaid	Do.
	(e) Funded debt subscription notices and requests for allotments	1 year.
	(f) Canceled bonds, paid interest coupons, and unissued bonds. (See item 3.)	
3	Retired securities: Stock certificates, bonds, notes, interest coupons, receiver's certificates, and temporary certificates taken up and canceled.	Optional, but see §§ 110.82(C) and 110.85.
4	Records of securities owned:	
	(a) Records of outside or affiliated companies' securities owned, whether in treasury or with custodians.	10 years after disposition of securities.
	(b) Records of Government and commercial bills and notes owned, whether in treasury or with custodians.	3 years after disposition.
5	Cash books:	
	(a) General cash books	10 years.
	(b) Auxiliary cash books	6 years.
	NOTE: If any receipts or payments are entered in the aggregate in the general cash book and are detailed only on loose sheets, such loose sheets constitute an auxiliary cash book.	
6	Statements of funds and deposits:	
	(a) Statements and summaries of cash balances on hand and with depositaries.	3 years.
	(b) Authorities for and statements of transfer of funds from one depositary to another.	Do.
	(c) Periodical statements of working cash balances	Do.

DESTRUCTION OF RECORDS—Continued

B. TREASURY—continued

Item	Record titles and descriptions	Period to be retained
7	Records of accounts with depositaries:	
	(a) Bank statements from depositaries of funds received, disbursed, and transferred showing interest, if any, allowed on average balances.	3 years.
	(b) Bank deposit books	Do.
	(c) Check registers, stubs, duplicates, or other records of checks or drafts issued.	Do.
	(d) Duplicate deposit slips	Do.
	(e) Debit and credit slips received from depositaries	Do.
	(f) Canceled checks and drafts (other than payroll checks. (See items F–1e and F–1f.)	Do.
	(g) Correspondence and memoranda relating to endorsements, issuance of duplicates, forgeries, stoppage of payment, missing signatures, and erroneous dating or preparation of checks or drafts.	Do.
	(h) Copies of check signature authorizations filed with depositaries	3 years after cancellation of authorization.
	(i) Statement of reconciliation of accounts with depositaries, showing outstanding checks and drafts issued but not paid.	3 years.
	(j) Statements of funds impounded in closed banks or other depositaries	3 years after liquidation of depositary.
	(k) Correspondence, claims, and memoranda relating to funds impounded in closed banks or other depositaries.	Do.
8	Records of cash receipts and disbursements:	
	(a) Daily statements or memoranda detailing cash receipts and disbursements which are not detailed in (but not material to) the general or auxiliary cash books.	3 years.
	(b) Daily statements or memoranda detailing cash receipts and disbursements which are detailed in general or auxiliary cash books.	Optional.
	(c) Periodical statistical statements of receipts and disbursements of cash showing number of checks, drafts, etc., issued.	3 years.
	(d) Cash remittance reports of employee-custodians.	Do.
	(e) Requisitions on parent or holding company for cash.	Do.
	(f) Daily or other periodical statements or memoranda detailing sources of receipts of cash transferred to other departments of the carrier or to its parent company.	Do.
9	Working or petty cash funds:	
	(a) Statements of receipts, disbursements, and balances of working or petty cash funds in hands of employee-custodians.	Do.
	(b) Correspondence and memoranda relating to working or petty cash funds in hands of employee-custodians.	Do.

C. GENERAL AND FINANCIAL REPORTS AND STATEMENTS

1	Annual reports: Annual financial statements to stockholders, balance sheets, income statements, and supporting detail statements of the condition of business at the close of the fiscal period.	10 years.
2	Monthly, quarterly, and semiannual reports:	
	(a) Financial statements, cost statements, income statements, operating reports of primary and auxiliary operations, period comparisons, and all other statements rendered the management showing condition of business.	4 years.
	(b) Monthly or other periodical statements of oil and oil products transactions expressed in terms of barrels or other units of measure.	Do.
3	Incidental reports: Miscellaneous statistical reports, special reports of individual accounts or operations, statements and summaries requested by the management for incidental supervisory purposes and which are not entered into the accounting records of the carrier.	Optional.

D. FINANCIAL ACCOUNTING

	Whether the carrier's accounting system is conducted by bookkeeping machine, tabulating machine, or other data-processing equipment, or by manual method, in whole or in part; whether the record is kept in bound books, loose leaf books, run sheets, loose leaf files, card or ticket files, or data-processing storage devices, the record corresponding to the following phraseology is intended.	
1	Ledgers:	
	(a) General and auxiliary ledgers and indexes thereto	Permanent.
	(b) Ledgers of detail transactions in receivable, payable, and deferred accounts; location or other subdivisions of revenue and expense accounts and similar subsidiary details not included in item D–1a above.	10 years.
2	Journals: General and auxiliary journals, combination journals and voucher registers, and voucher registers.	Permanent.

DESTRUCTION OF RECORDS—Continued

D. FINANCIAL ACCOUNTING—continued

Item	Record titles and descriptions	Period to be retained
3	Clearing account records: Records of costs of operations incidental or subsidiary to pipe line operations such as automotive transportation, camps, communication systems, roads, shop, and storehouse operations which are apportioned or allocated to the major operations of the carrier according to the use made of the facilities, including supporting memoranda.	4 years.
4	Vouchers, cash and journal: Vouchers representing acknowledgments of cash received from whatever source, receipts for cash paid out for whatever purpose, and supporting papers. NOTE: Different companies have different ideas about what papers should be attached to these vouchers; hence each group of documents, pay rolls, invoices, bills payable, material receipts, storehouse issues, cash receipts, acknowledgments, releases, etc., regardless of filing media, are described individually under corresponding sections of this classification and the period of retention pertaining to each of these shall govern.	6 years.
5	Budgets: Approved physical capital, financial, and operating budgets, forecasts for financing and operating the company during definite future periods and to guide the company's officials and employees in the expenditure of funds, together with work programs, estimates, books, and other records of comparison between estimated and actual expenditures and correspondence, memoranda, and work papers related thereto.	2 years.
6	Transportation revenue and settlement records:	
	(a) Records of tran sportation revenues, settlements by shippers, and divisions of revenue by or with participating or connecting carriers.	4 years.
	(b) Records of transportation revenue by movements and points of origin and delivery.	Do.
7	Storage and loading revenues and settlement records: Records of revenue derived from storing (including demurrage), loading, and unloading services, and of settlement by shippers.	Do.
8	Miscellaneous revenue records: Records of miscellaneous revenues derived from rental of pipe line property, communications service, and other miscellaneous sources, including sale of oil and oil products accumulated from tariff allowances.	Do.
9	Routine billing records:	
	(a) Office copies of bills rendered for transportation, materials and supplies sold, work performed for others, etc.	3 years.
	(b) Listing sheets controlling the transmission of invoices to other departments of the company and to affiliated companies.	Optional.
	(c) Periodical statements of account issued by vendors from whom purchases were made.	Do.
	(d) Abstracts of paid freight and express bills forwarded to the traffic department for examination and verification.	Do.
10	Shop accounts:	
	(a) Shop orders or requisitions for shop work	Do.
	(b) Records reflecting details of cost of each shop job	4 years.
	(c) Records and memoranda supporting the distribution of shop job expenditures.	Do.
	(d) Statistics relating to operating of shops, which are not used in support of book entries.	Optional.
11	Stationery:	
	(a) Requisitions on stock clerk for stationery and office supplies	Do.
	(b) Card or other records of stationery and office supplies not necessary to support the accounting records of such materials purchased. (See item 1–6c.)	Do.
12	Audits:	
	(a) Audit reports of general audits and surveys made by independent public accountants.	3 years.
	(b) Internal audits made by carrier, field audits, departmental audits, office surveys and special reports, reports of inventories of materials and supply stocks, and verifications and attestations of treasurer's cash funds and securities.	Do.
	(c) Records of audit and reconciliation of working or petty cash funds in hands of employee-custodians.	Do.
	(d) Statements reflecting turnover of cash in working or petty cash funds in hands of employee-custodians.	Do.
	(e) Reports, correspondence, and memoranda concerning defalcations by employees.	Do.
	(f) Reports of audits and surveys by regulatory agencies (except those pertaining to taxes). (See item E–1.)	Do.
13	Accounting codes and instructions:	
	(a) Records of established codes of accounts and changes therein	6 years after discontinuance of code.
	(b) Correspondence, rulings, interpretations, and instructions concerning accounting procedures and practices.	6 years after supersedure.

DESTRUCTION OF RECORDS—Continued

E. TAX AND STATISTICAL REPORTS—FEDERAL, STATE AND LOCAL

Item	Record titles and descriptions	Period to be retained
	NOTE: If governing statutes of limitations are of longer periods than those specified in this section, or if Federal or State laws or regulations by taxing authorities require longer retention, then the schedules, returns, reports, and records described in this section shall be retained for the longer periods.	
1	Tax reports: Copies of schedules and returns filed with, and audit reports received from, Federal, State, or local authorities for income and excess profits, capital stock, transportation or pipage, Social Security, ad valorem, and any and all other tax purposes, and all records, memoranda, and working papers in connection therewith.	6 years.
2	Oil and oil products transportation control records: Records and reports, tenders, manifests, and other documents covering stocks, receipts, and deliveries required by Federal and State authorities for the purpose of controlling the transportation of oil and oil products.	4 years.
3	Reports to Interstate Commerce Commission and other regulating bodies:	
	(a) Annual report to the Interstate Commerce Commission, Form P (file copies), and supporting papers filed with the report.	10 years.
	(b) Other annual financial, operating, and statistical reports (file copies) and all supporting papers, memoranda, and working papers in connection therewith.	6 years.
	(c) Quarterly reports of transportation revenue and number of barrels of oil and oil products originated and received from connecting carriers, Form Q.P.S. (file copies).	1 year after current year.
	(d) Reports regarding expenditures of proceeds from sale of authorized securities (file copies) and all supporting papers.	6 years.
	(e) Valuation inventory reports and records, together with related field notes, maps, and sketches; underlying engineering, land, and accounting reports; pricing schedules, summary or collection sheets, yearly reports of changes and other miscellaneous data, all in connection with valuation of the carrier's property by the Interstate Commerce Commission.	Permanently; but see § 110.-82(b) under which application may be made for special authority to destroy after a reasonable period of years records of the character no longer needed following the Commission's acceptance of a completely new valuation inventory.
	(f) Statistical and information reports to governmental agencies not provided for in items E–1 through E–3e.	6 years.

F. PAY ROLLS AND PERSONNEL

1	Pay roll records:	
	(a) Pay roll registers, abstracts, or summaries showing earnings, deductions and amounts paid to each employee by pay periods.	6 years; but see §110.81 which states that a carrier is not exempt from statutory requirements other than provided herein.
	(b) Applications and authorities for changes in pay rolls.	Optional.
	(c) Records showing the detailed distribution of salaries and wages to various accounts.	6 years.
	(d) Records, reports, and memoranda concerning deductions and other miscellaneous accounts with employees whether handled through pay roll accounts or direct settlement.	2 years.
	(e) Receipted pay rolls, endorsed pay checks or drafts, receipted time tickets, certificates issued for wages, discharge tickets, and other evidences of payment for services rendered by employees. (See item B–7f.)	3 years.
	(f) Canceled pay checks or drafts drawn in favor of employees in payment of wages for which receipt is shown on pay rolls or other records retained by the carrier.	Optional.
	(g) Comparative, analytical, or other statistical statements of pay rolls.	Do.
	(h) Receipts for pay rolls and pay checks forwarded to agents and others for distribution to employees.	Do.
	(i) Records of annuities or pensions paid to retired employees and records of death benefits paid to beneficiaries of deceased employees.	3 years.
	(j) Files and records containing assignments, attachments, and garnishments of employees' salaries or wages, notices of suits, releases and correspondence incident therto.	Do.
	(k) Timebooks, time cards, time sheets and summaries thereof, time slips, predetermined working schedules, overtime tickets, delayed time tickets, work orders, job tickets, check rolls and other records and papers pertaining to services of officers and employees.	Do.

DESTRUCTION OF RECORDS—Continued

F. PAY ROLLS AND PERSONNEL—continued

Item	Record titles and descriptions	Period to be retained
2	Personnel records:	
	(a) Applications for employment, qualification records, service records, reports and certificates of physical examinations, efficiency tests, and similar records.	3 years after employment termination.
	(b) Contracts and agreements with employees or employee bargaining groups.	3 years after termination of contract or agreement.
	(c) Applications for employment and replies thereto, not resulting in employment of applicant.	Optional.

G. LANDS AND RIGHTS-OF-WAY

1	Land titles:	
	(a) Deeds and other papers conveying title to lands held by the carrier; also abstracts of title, maps, and pertinent memoranda in connection therewith.	Statute of limitations after relinquishment of title.
	(b) Leases of lands by or from the carrier, evidence of rentals paid and pertinent memoranda in connection therewith.	Statute of limitations after expiration of lease.
	(c) Documents conveying rights-of-way and franchises to the carrier; releases from liability for damages to property and persons incident to construction, operation, or maintenance of pipe line properties on such rights-of-way; and all books or records, correspondence, and memoranda pertaining thereto.	Statute of limitations after abandonment of rights-of-way.
2	Licenses, agreements, and permits:	
	(a) Licenses or permits granted by Federal agencies for radio and similar communications, and by Federal, State, county, or municipal governments for the crossing of rivers, levees, streams, or other waterways, highways, or streets by pipe lines and communication lines, together with copies of corresponding applications and all book and other records thereof.	Statute of limitations after removal or abandonment of lines.
	(b) Licenses or permits granted by, or agreements made with, railroads and other transportation agencies for the crossing of railroads, canals, or other transportation facilities by pipe lines and communication lines, together with all records, correspondence, and memoranda in connection therewith.	Do.

H. PIPE LINE PROPERTY

	NOTE: All accounts, records, and memoranda requisite for making a complete analysis of the cost of pipe line property shall be retained for the periods mentioned. If any of the accounts, records, and memoranda elsewhere provided for in these regulations are of this character, they shall be retained for those periods, regardless of any lesser period of retention assigned to them.	
1	Pipe line property records:	
	(a) Fixed plant property ledgers in which are maintained a complete record of the cost or inventory value of all pipe line property, including additions and betterments, retirements and replacements.	5 years after abandoment or other disposition of property.
	(b) Construction records or ledgers (including completion reports and job cost or other records) in which are kept detailed construction costs of additions and betterments, extensions, and replacements of pipe line property, and similar records showing detailed costs of major repairs or dismantlements of existing pipe line property, which, when completed, are charged to other appropriate primary accounts.	Do.
	(c) Property depreciation records and memoranda relating thereto	20 years.
	(d) Files of detailed authorizations for expenditures, work or job orders showing estimated costs of additions and betterments, extensions, replacements, major repairs and dismantlements, approved by proper officials, together with all supporting memoranda and correspondence.	6 years.
	(e) Estimates, detail records, correspondence, and memoranda for proposed expenditures pertaining to projects not put into execution.	Optional.
	(f) Contracts and agreements relating to construction, acquisition, major repairs, dismantlement, sale or other disposal of pipe line property together with related bonds, correspondence, and memoranda.	6 years after fulfillment of contract or agreement.
	(g) Monthly or other periodical statements or reports reflecting the status of accounts covering authorized expenditures for extensions, additions, betterments, repairs, replacements, and retirements of pipe line property.	Optional.
	(h) Miscellaneous statistics pertaining to pipe line property changes, which are not used in support of book entries.	Do.
	(i) Miscellaneous statistics pertaining to depreciation of pipe line property, which are not used in support of book entries.	Do.

DESTRUCTION OF RECORDS—Continued

H. PIPE LINE PROPERTY—continued

Item	Record titles and descriptions	Period to be retained
2	Inventories of pipe line property:	
	(a) Periodical inventories of individually identifiable units of pipe line and station property. (Also see item H–2b.)	6 years after prior inventory.
	(b) Periodical inventories of pipe line equipment when not used to record changes in investment. (Also see item H–2a.)	Until next inventory.

I. PURCHASES AND STORES

1	Material records:	
	(a) General office book, card, or other inventory control records of quantities and values of materials and supplies received, issued, or transferred and of balances on hand.	4 years.
	(b) Field storehouse book, card, or other records of quantities of materials and supplies received, issued, or transferred, and of balances on hand. (See item I–1a when such records are used for value accounting purposes.)	3 years.
	(c) Trial balances or other balancing media of general office or field storehouse records of materials and supplies.	Until audited.
	(d) Monthly or other periodical records of line pipe or other materials on hand at field locations.	Do.
	(e) Pipe tallies, wherever used, in connection with receipts, deliveries, or transfers of line pipe when totals are recorded elsewhere.	Do.
2	Purchases and sales:	
	(a) Requisitions or other advices from storekeepers and other employees for the purchase of material and supplies.	2 years.
	(b) Copies of orders issued for the purchase of materials and supplies	Do.
	(c) Contracts for the purchase or sale of materials and supplies	3 years after expiration of contract.
	(d) Bids and offers, advices, and acknowledgments of receipts of orders and other records or reports of materials and supplies purchased or sold.	Optional.
	(e) Records and reports of surplus, obsolete and junk materials and scrap, including authorities for the sale thereof.	Do.
	(f) Records of stationery, printed forms, and first-aid and office supplies purchased for and distributed to various offices and field locations.	Do.
3	Invoices and bills payable:	
	(a) Invoices and bills payable (originals) of all kinds, whether attached to vouchers or filed separately. (See note under item D–4.)	6 years.
	(b) Records and lists for following up receipts and transmittals of invoices and bills payable.	Optional.
4	Materials and supplies received:	
	(a) Records of materials and supplies received from all sources	2 years.
	(b) Records and memoranda pertaining to evaluation of materials and supplies salvaged and returned to stock.	Do.
	(c) Records of inspections and tests of materials and supplies received	Optional.
	(d) Records maintained to follow up receipts of materials and the return to vendors of valuable containers.	Do.
5	Materials and supplies issued or transferred:	
	(a) Priced storehouse transfers, issue sheets, or other voucher supporting records of materials and supplies issued from stock or transferred from one department or location to another.	4 years.
	(b) Records, memoranda, and authorities supporting write-offs of surplus, obsolete, and junk materials and supplies.	Do.
	(c) Storehouse copies of requisitions, receipts, transfers, issue sheets, or other records of materials issued from stock or transferred from one location to another.	1 year.
6	Inventories of materials and supplies:	
	(a) General periodical or perpetual (running) inventories of materials and supplies on hand.	2 years.
	(b) Records of adjustments booked to effect a reconciliation between materials and supplies ledgers or other control records and general inventories.	Do.
	(c) Incidental inventory work papers and reports not necessary to support the book record of materials and supplies stocks.	Optional.
7	Stock code numbers for materials and supplies: Record of code numbers assigned to individual items of materials and supplies for accounting and other purposes.	6 years after discontinuation of code.
8	Fuel and power:	
	(a) Reports and records of fuel delivered to stations.	2 years.
	(b) Records and untranscribed reports of fuel received and issued.	Do.
	(c) Meters records of fuel and power and daily reports of fuel on hand.	Optional.

DESTRUCTION OF RECORDS—Continued

J. OIL AND OIL PRODUCTS STOCKS AND MOVEMENTS

Item	Record titles and descriptions	Period to be retained
1	Records of receipts, deliveries, pumpings, stocks, and over and short:	
	(a) Farm ledgers or other records in which are kept complete details of receipts of oil from leases.	4 years.
	(b) Ledgers or other detailed records of receipts from all sources (other than detailed lease runs), inventories, deliveries to destinations or connecting carriers, loadings to and unloading from tank cars, trucks, and vessels, and related overages and shortages.	Do.
2	Custody change tickets:	
	(a) Run tickets showing quantities by tank measurements or meter readings of oil received from producers' tanks into the carrier's lines.	Do.
	(b) Receiving and/or delivery tickets evidencing receipts or deliveries of oil or oil products on tenders of shipment.	Do.
3	Run sheets:	
	(a) Daily reports of oil runs, showing quantities of oil run from each district to each receiving station, and the resultant overages and shortages.	Optional.
	(b) Reports or records of runs, allowables, and legal stocks by leases	4 years.
4	Hourly tank gage records: check sheet records showing hourly tank gages, temperatures, gravities, B. S. & W. contents, pump pressures, and other data necessary for directing the flow of oil and oil products through the pipe lines.	Optional.
5	Pumping reports: Daily reports or shipping order records showing the quantity of oil or oil products pumped by each pumping station or shipping point.	Do.
6	Reports of delays in pumping schedules: Reports of delays in pumping schedules giving full particulars in respect thereto.	Do.
7	Reports of oil or oil products mixtures: Periodical reports of oil or oil products mixtures in tanks and pipe lines.	Do.
8	Statements of oil and oil products consumed as fuel: Statements showing the quantity and value of oil and oil products consumed as fuel and stations where consumed.	4 years.
9	Statements of oil and oil products lost by line breaks and leaks: Statements showing the quantity and value of oil and oil products lost due to pipe line breaks and leaks and points at which losses occurred.	Do.
10	Reports of power furnished by producers: Monthly reports of the quantity of oil run in connection with which power was furnished by producers, and records of payment for such power.	Do.
11	Records of producers' property: Records identifying ownership and location of producers' tanks or wells to which carrier's lines are connected.	3 years after disconnection.
12	Tank gage tables: Gage tables for all tanks used in carrier operations	3 years after disconnection or restrapping.
13	Stock reports:	
	(a) Daily reports from stations and terminals showing fluid changes in each tank, the nature of such changes, and tank gages at close of day.	Optional.
	(b) Monthly or other periodical inventory reports of oil or oil products on hand.	3 years.
14	Division orders: Directions received by carrier as to the division of interest and to whose account transported oil should be credited.	4 years after disconnection.
15	Transfer orders:	
	(a) Directions received by the carrier for the transfer of division order interests from one interest owner to another.	Do.
	(b) Transfer orders for the transfer of ownership of oil or oil products in carrier's custody.	4 years.
16	Powers of attorney: Powers of attorney authorizing carrier, as attorney in act or as agent, to transact business for the principal.	4 years after cancellation.
17	Credentials of corporation agents: Resolutions of corporations indicating the officers duly authorized to transact business with the carrier.	Do.
18	Probate records: Certified copies of wills, affidavits, copies of decrees of court, and certified copies of appointments of administrators, executors, and guardians.	4 years after disconnection.
19	Freight records: Office memorandum of charges on producers' oil shipped by cars.	3 years.
20	Customers' ledgers: Record of amounts paid for oil runs purchased from producers and royalty owners.	10 years.
21	Crude oil suspense ledgers: Record of oil purchases held in escrow due to title requirements and litigation.	Do.

DESTRUCTION OF RECORDS—Continued

J. OIL AND OIL PRODUCTS STOCKS AND MOVEMENTS—continued

Item	Record titles and descriptions	Period to be retained
22	Tenders of shipment and related records:	
	(a) Tenders of shipment, bills of lading, requests for stoppage in transit, requests for release from storage, reconsignments orders, and other shipping papers filed in support of shipments of oil and oil products.	3 years.
	(b) Notices of shipment issued by initial carrier, to participating or connecting carriers, of movements received for joint transportation, showing tender or order number, tariff number, quantity and grade of oil or oil products, consignor and consignee, destination, and date issued.	Do.
	(c) Notices of completed tenders by final carrier to participating or connecting carriers of tenders completely delivered to destination.	Do.
	(d) Reports or statements of completed tenders furnished to the accounting department when tenders of shipment are completed, showing quantity of oil or oil products transported, name of shipper, and amount of revenue collectible.	Do.
	(e) Monthly or other periodical recapitulation reports, summaries, and statements of oil and oil products received, delivered, and undelivered on tenders of shipment.	Do.
23	Tank cars, trucks, and vessels reshipped from terminals and loading racks: Shipping papers including shipping orders, bills of lading, loading affidavits, reports of conveyances loaded and shipped, reconsignments and diversions, outages and innages on tank cars, trucks, and vessels reshipped from terminals and loading racks.	Do.
24	Tank car, truck, and vessel situation and condition reports: Reports of conveyances shipped and received, instructions for movement of empty tank cars, A.R.A. billing repair cards, mechanical condition and situation reports, round-trip reports, etc.	Do.
25	Miscellaneous oil and oil products transportation records: Miscellaneous records and periodical reports pertaining to the handling and transportation of oil and oil products not provided for in items J–1 through J–24.	Do.

K. TARIFFS AND RATES

1	Tariffs and other rate authorities:	
	(a) Official file copies of tariffs, classifications, division-of-rate sheets, and circulars in which the carrier is interested as a transporter of oil and/or oil products.	4 years after cancellation of tariff.
	(b) All other copies of tariffs, classifications, division-of-rate sheets, and circulars referred to in item K–1a above.	Optional.
	(c) Copies of tariffs, classifications, etc. of other carriers, in which the carrier is not interested as a transporter of oil and/or oil products.	Do.
2	Requests for tariffs and other rate authorities: Requests and receipts from agents and others for tariffs, classifications, rate quotations, division-of-rate sheets, and circulars issued or concurred in, relative to the transportation of oil and oil products.	Optional after cancellation of tariff.
3	Concurrences: Copies of concurrences filed with the Interstate Commerce Commission and with other regulating bodies.	4 years after cancellation.
4	Tariff correspondence and related memoranda	
	(a) Correspondence, statistics, and work papers relating to the structure of tariff rates, preparation and filing of tariffs, classifications, division-of-rate sheets, and circulars issued by the carrier, relative to the transportation of oil and oil products.	4 years after cancellation of tariff.
	(b) Documentary records, statistics, memoranda, correspondence, and all other records relative to litigation or investigation by regulatory bodies of the carrier's tariff rates, transportation regulations, etc.	6 years.

L. FIELD OPERATIONS

1	Field cashiers' records: Cash books, journals, file copies of cash reports, and correspondence pertaining to field cashiers' working or petty cash funds.	3 years.
2	Strapping and calibration records:	
	(a) Tank strappers' reports of tank measurements	3 years after disconnection or restrapping.
	(b) Records, data sheets, and certificates pertaining to the calibration of tanks, prover tanks, and meters, including the determination of meter factors.	3 years after recalibration.
3	Other field records:	
	(a) Records, reports, and statistics serving only information and guidance purposes in field operations, such as machinery performance and repair records, tool records, line patrol records, communication system, and automotive equipment operation and maintenance records and other such miscellaneous field records and reports.	Optional.
	(b) Field office records and reports which are duplicates of records and reports in the general office or if the same information is available from general office or other records.	Do.

DESTRUCTION OF RECORDS—Continued

M. ENGINEERING

Item	Record titles and descriptions	Period to be retained
1	Basic data: Platted field notes, survey notes, survey plats, diagrams, or other basic engineering data concerning property additions, betterments, and retirements. (See item E–3e.)	3 years after abandonment or other disposition of property.
2	Maps: Tracings, maps, or plans prepared from basic data referred to in item M–1 above.	Optional.
3	Specifications and engineering studies:	
	(a) Specifications, engineering studies, and other similar records of property changes actually made.	2 years.
	(b) Engineering studies, designs, plans, surveys, experimental work, and similar records of projects not put into execution.	Optional.

N. INSURANCE AND CLAIMS

1	Insurance records:	
	(a) Inventories and other reports of insurable structures	Until revised.
	(b) Periodical reports of tank contents of insurable oil and oil products	Do.
	(c) Schedules of insurance against fire, storm, and other hazards; records of premium payments and of amounts recovered.	3 years.
	(d) Insurance policies	Optional.
	(e) Records of policies in force, showing insurer, term of coverage, structures, facilities and products insured, principal, premium, etc.	3 years after expiration of policy.
	(f) Reports to insurers of accidents or losses and all correspondence and memoranda in connection therewith.	Optional.
2	Claims records:	
	(a) Claim registers, card or book indexes, and other records in connection with the recording of personal injury, fire, and other claims presented against the carrier, together with all supporting papers.	3 years after settlement.
	(b) Claim registers, card or book indexes, and other records in connection with the recording of overcharge, undercharge, damages, and other claims filed by the carrier against others, together with all supporting papers.	Do.
	(c) Reports and statements regarding damages by fire or otherwise to property of others when such records are not necessary to support claims.	3 years.
	(d) Reports and statements regarding personal injuries to outsiders when such records are not necessary to support claims.	Do.

O. MISCELLANEOUS

1	Manuals: Manuals, handbooks, pamphlets, books, and circulars issued for the instruction of employees in matters pertaining to the business of the carrier in the carrier's official file for the purpose.	1 year after expiration or cancellation.
2	General correspondence:	
	(a) Correspondence, and file indexes thereof, directly relating to subjects in these regulations.	Same period as prescribed subject matter.
	(b) Other correspondence and memoranda (including methods and procedures studies) not directly relating to subjects in these regulations and not necessary to determine compliance with the Act to Regulate Commerce.	Optional.
	(c) Stenographic books, tapes, and other mechanical or electronic device stenographic records if transcripts thereof are retained as provided for in item O–2a.	Do.
3	Duplicates:	
	(a) Duplicates, photostatic and photographic reproductions, and duplicating machine copies of accounts, records, reports, statements, maps, memoranda, etc., listed in these regulations, when they are not otherwise provided for, and when they contain no information other than that shown on the originals.	Do.
	(b) Extra copies of correspondence used for follow-up and other purposes, if originals or other official copies are retained as provided for in item O–2a.	Do.
	(c) Operators' copies of telegrams, cablegrams, etc., including relay copies, if originals or other official copies are retained as provided for in item O–2a.	Do.
	(d) Copies of manuals, handbooks, pamphlets, books, and circulars of instructions to employees, issued to departments or to individual employees, and also surplus unissued copies of such matter, if copies are preserved in the carrier's official file for the purpose, as provided for in items D–13a, D–13b, and O–1.	Do.

DESTRUCTION OF RECORDS—Continued

O. MISCELLANEOUS—continued

Item	Record titles and descriptions	Period to be retained
4	Data processing:	
	(a) Tabulating cards, tapes, and other media used in the compilation of statistics and other data, when the results are transcribed to other records covered by these regulations.	Optional.
	(b) Tabulating cards, tapes, and other media used in the compilation of statistics and other data, when the results are not transcribed to other records covered by these regulations.	For the period prescribed for the records to which the data relates.
	(c) Machine listings and tabulations used in the compilation of statistics and other data which are not an integral part of the carrier's official financial or operating record.	Optional.
5	Record of records destroyed: The official record of records and documents destroyed.	Permanently, but see § 110.-82(b).

[F.R. Doc. 61-8701; Filed, Sept. 14, 1961; 8:45 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

Lease and Interchange of Vehicles by Motor Carriers

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 24th day of July A.D. 1961.

It appearing that on November 23, 1956, the Commission made and filed in this proceeding a supplemental report, 68 M.C.C. 553, and order establishing regulations regarding the leasing and interchange of vehicles by motor carriers;

It further appearing that on September 6, 1960, a notice of proposed rule making (25 F.R. 182) was issued in the above-entitled proceeding contemplating revision of §§ 207.3(a) and 207.4 of said regulations;

And it further appearing that the Commission, on the date hereof, has made and filed a fifth supplemental report herein setting forth the basis of its conclusions and its findings therein, which report and the prior reports herein are hereby referred to and made a part hereof:

It is ordered, That the said proceeding be, and it is hereby, reopened for further consideration;

It is further ordered, That Part 207 (49 CFR Part 207) be, and it is hereby, amended by modifying § 207.3(a) thereof so as to read as follows:

§ 207.3 Exemptions.

The provisions of § 207.4, except § 207.4 (c) and (d), relative to inspection and identification of equipment, shall not apply:

(a) *Equipment used in the direction of a point which lessor is authorized to serve.* To equipment owned or held under a lease of 30 days or more by an authorized carrier and regularly used by it in the service authorized, and leased by it to another authorized carrier for transportation in the direction of a point which lessor is authorized to serve: *Provided,* That the two carriers have first agreed in writing that control and responsibility for the operation of the equipment shall be that of the lessee from the time the equipment passes the inspection required to be made by lessee or its representative under § 207.4(c) of these rules until such time as a like inspection is completed either by lessor or its representative upon return of the equipment to the lessor's service or by another authorized carrier taking possession of the equipment in an interchange of equipment where such use is contemplated, such writing to be signed by the parties or their duly authorized regular employees or agents, and a copy thereof carried in the equipment while the equipment is in the possession of the lessee.

It is further ordered, That this order shall become effective October 16, 1961, and shall continue in effect until the further order of the Commission;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Sec. 204, 49 Stat. 546, as amended, 49 U.S.C. 304)

By the Commission.

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

[F.R. Doc. 61-8827; Filed, Sept. 14, 1961; 8:52 a.m.]

Title 7—AGRICULTURE

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

[Export Reg. 5]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Export Shipments

§ 933.1062 Export Regulation 5.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments by export of oranges, including Temple oranges, grapefruit, tangerines, and tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple oranges, and all grapefruit, grown in the production area, are subject to grade and size limitations on shipments from the production area to any point outside thereof in the continental United States, Canada, and Mexico; Temple oranges, tangerines, and tangelos, grown in the production area, are approaching maturity and are expected soon to be subject to grade and size limitations on such shipments from the production area. The recommendation and supporting information for the grade and size limitation hereinafter prescribed for exports of the respective variety, other than to Canada and Mexico, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 5, 1961; such meeting was held to consider recommendations for regulations on exports, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such oranges, including Temple oranges, grapefruit, tangerines, and tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1178 of this title, 26 F.R. 163), the revised United States Standards for Florida Grapefruit (§§ 51.750-51.783 of this title, 26 F.R. 163), or the

United States Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title, 25 F.R. 8216).

(2) During the period beginning at 12:01 a.m., e.s.t., September 18, 1961, and ending at 12:01 a.m., e.s.t., July 31, 1962, no handler shall ship to any destination outside the continental United States, other than to Canada and Mexico:

(i) Any oranges, including Temple oranges, grapefruit, tangerines, or tangelos, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2$\frac{2}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges, except Temple oranges, smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said amended United States Standards for Florida Oranges and Tangelos;

(iii) Any grapefruit, grown in the production area, which are of a size smaller than 3$\frac{3}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of grapefruit smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said revised United States Standards for Florida Grapefruit;

(iv) Any tangerines, grown in the production area, which are of a size smaller than a size that will pack 294 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches); or

(v) Any tangelos, grown in the production area, which are of a size smaller than 2 inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said amended United States Standards for Florida Oranges and Tangelos.

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

Dated: September 12, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–8822; Filed, Sept. 14, 1961; 8:51 a.m.]

[Amdt. 1]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIFORNIA AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties, California, and in all counties in Oregon except Malheur County, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the Oregon-California Potato Committee, established pursuant to the said amended marketing agreement and order, and other available information, it is hereby found that the amendment to the limitation of shipments regulations hereinafter set forth, will tend to effectuate the declared policy of the Act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the handling of potatoes, in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area.

Order. In section 959.319 (26 F.R. 6229) delete paragraphs (b) and (g) and substitute in lieu thereof new paragraphs (b) and (g) as set forth below.

§ 959.319 Limitation of shipments.

* * * * *

(b) *Minimum maturity requirements.* (1) Russet variety "slightly skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-fourth of the skin missing or "feathered."

(2) All other varieties "moderately skinned" which means that not more than 10 percent of the potatoes in the lot have more than one-half of the skin missing or "feathered."

(3) Not to exceed a total 100 hundredweight of any variety of a lot of potatoes may be handled for any producer any seven consecutive days without regard to the aforesaid maturity requirements. Prior to each shipment of potatoes exempt from the above maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

* * * * *

(g) *Definitions.* The terms "slightly skinned," "moderately skinned," "U.S. No. 1," "U.S. No. 2," and "Size B" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and Order No. 59, as amended.

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

Dated: September 12, 1961, to become effective September 15, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–8823; Filed, Sept. 14, 1961; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–WA–156]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of this amendment to § 600.6069, of the regulations of the Administrator is to alter low altitude VOR Federal airway No. 69 and No. 69 west alternate.

The El Dorado, Ark. VOR is scheduled for relocation approximately January 1, 1962, to a new site at latitude 33°15′27″ N., longitude 92°44′36″ W. This is approximately two miles southeast of the present site. Action is taken herein to realign Victor 69 and 69 west alternate via the facility at its new location. Action is also taken to align Victor 69 direct between El Dorado and Pine Bluff, Ark. This will improve air navigation and reduce the route mileage between these points.

Since the changes effected by this amendment are minor in nature and will impose no additional burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the administrator (25 F.R. 12582), the following action is taken:

1. Section 600.6069 (14 CFR 600.6069) is amended to read:

§ 600.6069 VOR Federal airway No. 69 (Shreveport, La., to Chicago, Ill.).

From the Shreveport, La., VORTAC via the INT of the Shreveport VORTAC 087° and the El Dorado, Ark., VOR 218° radials; El Dorado VOR, including a W. alternate from the Shreveport VORTAC to the El Dorado VOR via the INT of the Shreveport VORTAC 087° and the El Dorado VOR 233° radials; Pine Bluff, Ark., VOR INT of the Little Rock, Ark., VORTAC 062° and the Memphis, Tenn., VORTAC 276° radials; Walnut Ridge, Ark., VOR; Farmington, Mo., VORTAC; INT of the Farmington VORTAC 351°

and the Troy, Ill., VORTAC 234° radials; Troy VORTAC; Springfield, Ill., VOR; Pontiac, Ill., VOR; Joliet, Ill., VORTAC; to the Kedzie, Ill., RBN.

This amendment shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 8, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-8787; Filed, Sept. 14, 1961; 8:46 a.m.]

[Airspace Docket No. 61-WA-144]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Boston, Mass., and New York, N.Y.

The purpose of these amendments to Part 600 of the regulations of the Administrator is to designate low altitude VOR Federal airways Nos. 879, 863, and 861 between the Boston, Mass., Metropolitan Area, and the New York, N.Y., Metropolitan Area.

The 800 series airways are designated to indicate preferred routes of flight between major terminal areas for the purpose of segregating opposite direction traffic and generally coincide with existing VOR Federal airways. It has been determined that these 800 series airways are necessary for the segregation of opposite direction traffic between Boston and New York. Therefore, action is taken herein to designate Victor 879 from the Boston VORTAC to the intersection of the Riverhead, N.Y., VORTAC 264° and the Wilton, Conn., VOR 146° True radials; Victor 863 from the intersection of the Idlewild, N.Y., VORTAC 042° and the Wilton VOR 146° True radials to the Boston VORTAC; and Victor 861 from the intersection of the Sparta, N.J., VOR 301° and the Tannersville, Penn., VORTAC 055° True radials to the Boston VORTAC.

Since these amendments impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), Part 600 (14 CFR Part 600) is amended by adding the following sections:

§ 600.6879 VOR Federal airway No. 879 (Boston, Mass., Metropolitan Area, to the New York, N.Y. (Idlewild), Metropolitan Area); normal traffic flow southbound.

From the Boston, Mass., VORTAC; via the INT of the Boston, VORTAC 256° and the Putnam, Conn., VORTAC 043° radials; Putnam VORTAC; Norwich, Conn., VORTAC; Riverhead, N.Y., VORTAC; to the INT of the Riverhead VORTAC 264° and the Wilton, Conn., VOR 146° radials.

§ 600.6863 VOR Federal airway No. 863 (New York, N.Y. (LaGuardia), Metropolitan Area, to the Boston, Mass., Metropolitan Area); normal traffic flow northbound.

From the INT of the Idlewild, N.Y., VORTAC 042° and the Wilton, Conn., VOR 146° radials via the INT of the Wilton VOR 090° and the Hartford, Conn., VOR 223° radials; INT of the Wilton VOR 090° and the Norwich, Conn., VORTAC 227° radials; Norwich VORTAC; to the Boston, Mass., VORTAC.

§ 600.6861 VOR Federal airway No. 861 (New York, N.Y. (Newark), Metropolitan Area, to the Boston Metropolitan Area); normal traffic flow northbound.

From the INT of the Sparta, N.J., VOR 300° and the Tannersville, Penn., VORTAC 055° radials; via the Poughkeepsie, N.Y., VOR; Hartford, Conn., VOR; INT of the Hartford VOR 076° and the Providence, R.I., VOR 270° radials; INT of Providence, VOR 270° and the Norwich, Conn., VORTAC 043° radials; to the Boston, Mass., VORTAC.

These amendments shall become effective 0001 e.s.t., November 16, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 8, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F. R. Doc. 61-8791; Filed, Sept. 14, 1961; 8:46 a.m.]

[Airspace Docket No. 61-NY-55]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of these amendments to §§ 600.1524 and 600.1532 of the regulations of the Administrator is to alter intermediate altitude VOR Federal airway Nos. 1524 and 1532 between the Pittsburgh, Pa., VOR and Johnstown, Pa., VOR by reducing these segments of Victor 1524 and 1532 to a width of 8 miles.

This will provide lateral separation between Victor 1524 and 1532 and the airspace required for the instrument approach procedure to runway 28 based on the TACAN/ILS at the Greater Pittsburgh Airport and permit use of Victor 1524 and 1532 while TACAN penetrations are being made.

Since the changes effected by these amendments impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

1. In the text of § 600.1524 (26 F.R. 1079) "thence via the Johnstown, Pa., VOR; Harrisburg, Pa., VOR;" is deleted and "thence 8-mile wide airway to the Johnstown, Pa., VOR; thence to the Harrisburg, Pa., VOR;" is substituted therefor.

2. In the text of § 600.1532 (26 F.R. 1079) "thence to the Johnstown, Pa., VOR; Harrisburg, Pa., VOR;" is deleted and "thence 8-mile wide airway to the Johnstown, Pa., VOR; thence via the Harrisburg, Pa., VOR;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., November 16, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 8, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-8793; Filed, Sept. 14, 1961; 8:47 a.m.]

[Airspace Docket No. 61-LA-50]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Segments of Low Altitude VOR Federal Airways

The purpose of these amendments to §§ 600.6026, 600.6083, 600.6089, 600.6095, 600.6103, 600.6117, 600.6187, 600.6200, 600.6210, 600.6220, 600.6244, 600.6257, 600.6263, 600.6283, 600.6298, 601.6026, 601.6083, 601.6089, 601.6095, 601.6108, 601.6117, 601.6187, 601.6200, 601.6220, 601.6244, 601.6257, 601.6263, 601.6283, and 601.6298 of the regulations of the Administrator is to alter and revoke certain segments of low altitude VOR Federal airways and their associated control areas.

The low altitude Federal airway route structure presently extends upward to, but not including, 14,500 feet MSL. There are a number of low altitude VOR Federal airway segments for which minimum enroute altitudes have been established above 14,000 feet. These airway segments, in effect, are unusable, and are herin revoked and will be concurrently removed from low altitude navigational charts. In each instance, with the exception of VOR Federal airway No. 117 which extends from the Palm Springs, Calif., intersection to the Bullion, Calif., intersection, the route segments being revoked will be adequately covered by an overlying intermediate altitude airway. A current traffic study of the route between the Palm Springs and Bullion Intersections indicates no requirement for an intermediate altitude airway between these points.

Since the changes effected by these amendments impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronau-

tical charts, these amendments will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

§ 600.6026 [Amendment]

1. In § 600.6026 (14 CFR 600.6026 26 F.R. 2457), the following changes are made:

(a) In the caption "Delta, Utah.," is deleted and "Myton, Utah.," is substituted therefor.

(b) In the text "From the Delta, Utah, VOR via the INT of the Delta VOR 054° True and the Myton VOR 256° True radials; Myton, Utah, VOR; Cherokee, Wyo. VOR;" is deleted and "From the Myton, Utah, VOR via the Cherokee, Wyo., VOR;" is substituted therefor.

§ 601.6026 [Amendment]

2. In § 601.6026 (14 CFR 601.6026), the following change is made: In the caption "Delta, Utah," is deleted and "Myton, Utah," is substituted therefor.

§ 600.6083 [Amendment]

3. In § 600.6083 (14 CFR 600.6083), the following changes are made:

(a) In the caption "(Carlsbad, N. Mex., to Kiowa, Colo.)." is deleted and "(Carlsbad, N. Mex., to Alamosa, Colo. and Pueblo, Colo., to Kiowa, Colo.)." is substituted therefor.

(b) In the text "Taos, N. Mex., VOR; Alamosa, Colo., VOR; Pueblo, Colo., VORTAC; Colorado Springs, Colo., VOR;" is deleted and "Taos, N. Mex., VOR to the Alamosa, Colo., VOR. From the Pueblo, Colo., VORTAC via the Colorado Springs, Colo., VORTAC;" is substituted therefor.

§ 601.6083 [Amendment]

4. In § 601.6083 (14 CFR 601.6083) the following change is made: In the caption "(Carlsbad, N. Mex., to Kiowa, Colo.)." is deleted and "(Carlsbad, N. Mex., to Alamosa, Colo., and Pueblo, Colo., to Kiowa, Colo.)." is substituted therefor.

§ 600.6089 [Amendment]

5. In § 600.6089 (14 CFR 600.6089) the following changes are made:

(a) In the caption "Alamosa, Colo.," is deleted and "Lake George, Colo.," is substituted therefor.

(b) In the text "From the Alamosa, Colo., VOR via the INT of the Alamosa, VOR 005° True and the Denver, Colo., VORTAC 207° True radials; Denver VORTAC;" is deleted and "From the INT of the Denver, Colo., VORTAC 207° and the Kiowa, Colo., VORTAC 246° radials to the Denver VORTAC;" is substituted therefor.

§ 601.6089 [Amendment]

6. In § 601.6089 (14 CFR 601.6089) the following change is made: In the caption "Alamosa, Colo.," is deleted and "Lake George, Colo.," is substituted therefor.

§ 600.6095 [Amendment]

7. In § 600.6095 (14 CFR 600.6095 26 F.R. 3605), the following changes are made:

(a) In the caption "(Gila Bend, Ariz., to Kiowa, Colo.)." is deleted and "(Gila Bend, Ariz., to Farmington, N. Mex., and Lake George, Colo., to Kiowa, Colo.)." is substituted therefor.

(b) In the text "Farmington, N. Mex., VORTAC; Gunnison, Colo., VOR; to the Kiowa, Colo., VORTAC" is deleted and "to the Farmington, N. Mex., VORTAC. From the INT of the Denver, Colo., VORTAC 207° and the Kiowa, Colo., VORTAC 246° radials to the Kiowa VORTAC." is substituted therefor.

§ 601.6095 [Amendment]

8. In § 601.6095 (14 CFR 601.6095 26 F.R. 3605), the following change is made: In the caption "(Gila Bend, Ariz., to Kiowa, Colo.)." is deleted and "(Gila Bend, Ariz., to Farmington, N. Mex., and Lake George, Colo., to Kiowa, Colo.)." is substituted therefor.

§ 600.6108 [Amendment]

9. In § 600.6108 (14 CFR 600.6108) the following changes are made:

(a) In the caption "Grand Junction, Colo.," is deleted and "Currant, Nev.," is substituted therefor.

(b) In the text "Currant, Nev., VOR, including a south alternate from the Mina VOR to the Currant VOR via the Tonopah, Nev., VOR; Delta, Utah, VOR; to the Grand Junction, Colo., VOR." is deleted and "to the Currant, Nev., VOR, including a S alternate from the Mina VOR to the Currant VOR via the Tonopah, Nev., VOR." is substituted therefor.

§ 601.6108 [Amendment]

10. In § 601.6108 (14 CFR 601.6108) the following change is made: In the caption "Grand Junction, Colo.," is deleted and "Currant, Nev.," is substituted therefor.

11. Section 600.6117 (14 CFR 600.6117) is amended to read:

§ 600.6117 VOR Federal airway No. 117 (El Centro, Calif., to Palm Springs, Calif., and Bullion INT, Calif., to Daggett, Calif.).

From the El Centro, Calif., VORTAC via the INT of the El Centro VORTAC 350° and the Thermal, Calif., VORTAC 122° radials; Thermal VORTAC; to the INT of the Thermal VORTAC 340° and the Twenty Nine Palms, Calif., VORTAC 244° radials. From the INT of the Hector, Calif., VORTAC 228° and the Daggett, Calif., VORTAC 187° radials to the Daggett VORTAC, excluding the portion of this airway which coincides with R–2521.

§ 601.6117 [Amendment]

12. In § 601.6117 (14 CFR 601.6117) the following change is made: In the caption "(El Centro, Calif., to Daggett, Calif.)." is deleted and "(El Centro, Calif., to Palm Springs, Calif., and Bullion INT, Calif., to Daggett, Calif.)." is substituted therefor.

§ 600.6187 [Amendment]

13. In § 600.6187 (14 CFR 600.6187) the following change is made: In the text "From the Albuquerque, N. Mex., VOR via the Farmington, N. Mex., VOR; Grand Junction, Colo., VOR, including a west alternate from the Farmington VOR to the Grand Junction VOR via the Dove Creek, Colo., VOR;" is deleted and "From the Albuquerque, N. Mex., VORTAC via the Farmington, N. Mex., VORTAC; Dove Creek, Colo., VORTAC; Grand Junction, Colo., VORTAC;" is substituted therefor.

§ 601.6187 [Amendment]

14. In § 601.6187 (14 CFR 601.6187) the following change is made: In the text "All of VOR Federal airway No. 187 including a west alternate." is deleted and "All of VOR Federal airway No. 187." is substituted therefor.

§ 600.6200 [Amendment]

15. In § 600.6200 (14 CFR 600.6200) the following changes are made:

(a) In the caption "Kremmling, Colo." is deleted and "Meeker, Colo." is substituted therefor.

(b) In the text "Meeker, Colo., VOR; to the Kremmling, Colo., VOR." is deleted and "to the Meeker, Colo., VORTAC." is substituted therefor.

§ 601.6200 [Amendment]

16. In § 601.6200 (14 CFR 601.6200) the following change is made: In the caption "Kremmling, Colo.". is deleted and "Meeker, Colo." is substituted therefor.

§ 600.6210 [Amendment]

17. In the text of § 600.6210 (14 CFR 600.6210) "Farmington, N. Mex., VOR; Alamosa, Colo., omnirange station, including a south alternate via the intersection of the Farmington omnirange 090° and the Alamosa omnirange 232° radials; to the Pueblo, Colo., VORTAC, including a south alternate via the intersection of the Alamosa omnirange 075° and the Pueblo VORTAC 203° radials." is deleted and "Farmington, N. Mex., VORTAC; INT of the Farmington VORTAC 090° and the Alamosa, Colo., VOR 232° radials; Alamosa VOR; INT of the Alamosa VOR 075° and the Pueblo, Colo., VORTAC 203° radials; to the Pueblo VORTAC." is substituted therefor.

18. Section 600.6220 (14 CFR 600.6220) is amended to read:

§ 600.6220 VOR Federal airway No. 220 (Longmont, Colo., to Hayes Center, Nebr.).

From the INT of the Kremmling, Colo., VORTAC 081° and the Denver, Colo., VORTAC 334° radials via the Akron, Colo., VOR; to the Hayes Center, Nebr., VORTAC.

§ 601.6220 [Amendment]

19. In § 601.6220 (14 CFR 601.6220) the following change is made: In the caption "(Kremmling, Colo., to Wolbach, Nebr.)." is deleted and "(Longmont, Colo., to Hayes Center, Nebr.)." is substituted therefor.

20. Section 600.6244 (14 CFR 600.6244) is amended to read:

§ 600.6244 VOR Federal airway No. 244 (Oakland, Calif., to Duckwall, Calif.; Coaldale, Nev., to Delano, Utah; Hanksville, Utah, to Gunnison, Colo.; and Texas Creek, Colo., to Russell Kans.).

From the Oakland, Calif., VORTAC via the INT of the Oakland VORTAC

077° and the Stockton, Calif., VORTAC 268° radials; Stockton VORTAC, including a S alternate via the INT of the Oakland VORTAC 110° and the Stockton VORTAC 246° radials; to the INT of the Stockton VORTAC 085° and the Fresno, Calif., VOR 347° radials. From the Coaldale, Nev., VORTAC via the Tonopah, Nev., VOR; Wilson Creek, Nev., VOR; Milford, Utah, VORTAC; to the INT of the Milford VORTAC 088° and the Bryce Canyon, Utah, VOR 355° radials. From the Hanksville, Utah, VORTAC via the LaSal, Utah, VOR; to the Gunnison, Colo., VORTAC. From the INT of the Pueblo, Colo., VORTAC 275° and the Alamosa, Colo., VOR 005° radials via the Pueblo VORTAC; Lamar, Colo., VOR; to the Russell, Kans., VOR.

§ 601.6244 [Amendment]

21. In § 601.6244 (14 CFR 601.6244) the following change is made: In the caption "(Oakland, Calif., to Russell, Kans.)." is deleted and "(Oakland, Calif., to Duckwall, Calif.; Coaldale, Nev., to Delano, Utah; Hanksville, Utah, to Gunnison, Colo.; and Texas Creek, Colo., to Russell, Kans.)." is substituted therefor.

§ 600.6257 [Amendment]

22. In § 600.6257 (14 CFR 600.6257) the following changes are made:

(a) In the caption "(Phoenix, Ariz., to Great Falls, Mont.)." is deleted and "(Phoenix, Ariz., to Anita, Ariz., and Kanosh, Utah, to Great Falls, Mont.)." is substituted therefor.

(b) In the text "Drake, Ariz., VOR; Bryce Canyon, Utah, VOR; Delta, Utah, VOR, including a west alternate via the Milford, Utah, VORTAC;" is deleted and "Drake, Ariz., VOR; to the INT of the Drake VOR 002° and the Tuba City, Ariz., VOR 256° radials. From the INT of the Delta, Utah, VOR 174° and the Milford, Utah, VORTAC 051° radials via the Delta, Utah, VOR;" is substituted therefor.

§ 601.6257 [Amendment]

23. In § 601.6257 (14 CFR 601.6257) the following change is made:

(a) In the caption "(Phoenix, Ariz., to Great Falls, Mont.)." is deleted and "(Phoenix, Ariz., to Anita, Ariz., and Kanosh, Utah, to Great Falls, Mont.)." is substituted therefor.

(b) In the text "All of VOR Federal airway No. 257 including west alternates, but excluding the airspace between the main airway and its west alternate from the Bryce Canyon, Utah, VOR to the Delta, Utah, VOR." is deleted and "All of VOR Federal airway No. 257 including a W alternate." is substituted therefor.

24. Section 600.6263 (14 CFR 600.6263) is amended to read:

§ 600.6263 VOR Federal airway No. 263 (Cimarron, N. Mex., to Thurman, Colo.).

From the Cimarron, N. Mex., VOR via the Tobe, Colo., VORTAC; Lamar, Colo., VOR; Hugo, Colo., VOR; to the Thurman, Colo., VOR.

§ 601.6263 [Amendment]

25. In § 601.6263 (14 CFR 601.6263) the following change is made: In the caption "Sante Fe, N. Mex.," is deleted and "Cimarron, N. Mex.," is substituted therefor.

26. Section 600.6283 (14 CFR 600.6283) is amended to read:

§ 600.6283 VOR Federal airway No. 283 (Fresno, Calif., to Coarsegold, Calif., and Reno, Nev., to Newberg, Oreg.).

From the Fresno, Calif., VOR to the INT of the Fresno VOR 002° and the Friant, Calif., VOR 318° radials. From the Reno, Nev., VOR via the Lakeview, Oreg., VORTAC; Redmond, Oreg., VOR; to the Newberg, Oreg., VOR.

§ 601.6283 [Amendment]

27. In § 601.6283 (14 CFR 601.6283) the following change is made: In the caption "(Fresno, Calif., to Newberg, Oreg.)." is deleted and "(Fresno, Calif., to Coarsegold, Calif., and Reno, Nev., to Newberg, Oreg.)." is substituted therefor.

§ 600.6298 [Amendment]

28. In § 600.6298 (14 CFR 600.6298) the following changes are made:

(a) In the caption "(Pendleton, Oreg., to Sioux Falls, S. Dak.)." is deleted and "(Pendleton, Oreg., to McCall, Idaho; Dubois, Idaho, to Lamont, Idaho; and DuNoir, Wyo., to Sioux Falls, S. Dak.)." is substituted therefor.

(b) In the text "From the Pendleton, Oreg., VOR via the McCall, Idaho, VOR; Dubois, Idaho, VOR; DuNoir, Idaho, VOR;" is deleted and "From the Pendleton, Oreg., VORTAC to the McCall, Idaho, VOR. From the Dubois, Idaho, VOR to the INT of the Dubois VOR 100° and the Pocatello, Idaho, VOR 043° radials. From the DuNoir, Wyo., VOR via the" is substituted therefor.

§ 601.6298 [Amendment]

29. In § 601.6298 (14 CFR 601.6298) the following change is made: In the caption "(Pendleton, Oreg., to Sioux Falls, S. Dak.)." is deleted and "(Pendleton, Oreg., to McCall, Idaho; Dubois, Idaho, to Lamont, Idaho; and DuNoir, Wyo., to Sioux Falls, S. Dak.)." is substituted therefor.

These amendments shall become effective 0001 e.s.t., November 16, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 8, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-8783; Filed, Sept. 14, 1961; 8:45 a.m.]

[Airspace Docket No. 61-WA-145]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways and Positive Control Route Segment

The purpose of these amendments to §§ 600.1508, 600.1510, 600.1516, and 601.8001 is to alter the descriptions of intermediate altitude VOR Federal airways Nos. 1508, 1510, and 1516 and the positive control route segment associated with Victor 1510.

Victor airways Nos. 1508, 1510, and 1516 and the positive control route segment associated with Victor 1510 are presently designated via or to the intersection of the Yardley, Pa., VOR 098° and the Idlewild, N.Y., VOR 212° True radials. The Idlewild VOR 212° True radial is only usable to a point 17 miles southwest of the VOR. Therefore, it is necessary to substitute the Coyle, N.J., VOR 032° radial for the Idlewild VOR 212° True radial in the descriptions of these airways and positive control route segment. No change in the alignment of these airways will result from the actions taken herein.

Since these actions are editorial in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and they may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

1. In the text of § 600.1508 (26 F.R. 1079) "Idlewild, N.Y., VOR 212° radials" is deleted and "Coyle, N.J., VOR 032° radials" is substituted therefor.

2. In the text of § 600.1510 (26 F.R. 1079, 4052) "Idlewild, N.Y., VOR 212° radials" is deleted and "Coyle, N.J., VOR 032° radials" is substituted therefor.

3. In the text of § 600.1516 (26 F.R. 1079) "Idlewild, N.Y., VOR 212° radials" is deleted and "Coyle, N.J., VOR 032° radials" is substituted therefor.

4. In § 600.8001 (26 F.R. 1079) the text of VOR Federal airway No. 1510 is amended as follows: "Idlewild, N.Y., VOR 212° radials" is deleted and "Coyle, N.Y., VOR 032° radials" is substituted therefor.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 8, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-8790; Filed, Sept. 14, 1961; 8:46 a.m.]

[Airspace Docket No. 61-FW-50]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Areas

On June 14, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5326) stating that the Federal Aviation Agency proposed to alter the east alternate to low

altitude VOR Federal airway No. 259 between Fort Mill, S.C., and Tri-City, Tenn.

No adverse comments were received regarding the proposed amendment. However the Air Transport Association of America recommended that the airspace between Victor 259 and Victor 259 east alternate be included as controlled airspace. The airspace between Victor 259 and its east alternate is currently designated controlled airspace by virtue of the provision for designating controlled airspace between main and associated alternate VOR Federal airways found in § 601.9 of the regulations of the Administrator. The notice indicated that this situation between V–259 and V–259 E would be preserved. Accordingly, the text of § 601.6259 which describes the control areas associated with V–259 remains unaltered. Action is taken herein, however, to alter the caption of § 601.6259 to reflect the name change of the Charlotte, N.C., VOR to the Fort Mill, S.C., VOR.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. Section 600.6259 (14 CFR 600.6259) is amended to read:

§ 600.6259 VOR Federal airway No. 259 (Fort Mill, S.C., to Tri-City, Tenn.).

From the Fort Mill, S.C., VOR to the Tri-City, Tenn., VOR, including an E alternate via the Hickory, N.C., VOR and the INT of the Hickory VOR 350° and the Tri-City VOR 103° radials.

§ 600.6259 [Amendment]

2. In the caption of § 601.6259 (14 CFR 601.6259) "Charlotte, N.C." is deleted and "Fort Mill, S.C." is substituted therefor.

This amendment shall become effective 0001, e.s.t., November 16, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 8, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–8792; Filed, Sept. 14, 1961; 8:47 a.m.]

[Airspace Docket No. 60–NY–34]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Federal Airway and Associated Control Area; Modification

On July 16, 1960, there were published in the FEDERAL REGISTER (25 F.R. 6753) amendments to Parts 600 and 601 of the regulations of the Administrator. These amendments, among other actions, designated low altitude VOR Federal airway No. 475 and its associated control areas from Deer Park, N.Y., to Putnam, Conn., via VORs to be commissioned near Deer Park, N.Y., and New Haven, Conn. These amendments were originally to become effective April 6, 1961. However, this date was subsequently changed to January 11, 1962 (26 F.R. 2219), due to the postponement of the commissioning dates of the New Haven and Deer Park VORs.

On April 25, 1961, Airspace Docket No. 60–WA–140 was published in the FEDERAL REGISTER (26 F.R. 3521) which, in part, designated a segment of Victor airway No. 475 and its associated control areas from Coyle, N.J., to Deer Park, N.Y., effective October 19, 1961. Due to the postponement of the commissioning date of the Deer Park VOR, it has also become necessary to designate this segment of Victor 475 effective January 11, 1962. Therefore, the Federal Aviation Agency is withdrawing the actions regarding Victor 475 and its associated control areas from Airspace Docket No. 60–WA–140 and incorporating them herein with those outstanding actions regarding Victor 475 in Airspace Docket No. 60–NY–34.

Since thirty days will elapse from the time of publication of the rules initially adopted in Airspace Docket No. 60–WA–140 to the effective date of Airspace Docket No. 60–NY–34 as amended, this change is in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, items 3 and 6 in the text of Airspace Docket No. 60–NY–34 (25 F.R. 6753, 26 F.R. 2219) are modified as follows:

3. Section 600.6475 is added to read:

§ 600.6475 VOR Federal airway No. 475 (Coyle, N.J., to Putnam, Conn.).

From the Coyle, N.J., VOR via the Deer Park, N.Y., VOR; New Haven, Conn., VOR; to the Putnam, Conn., VORTAC, including an E alternate via the Norwich, Conn., VORTAC.

6. Section 601.6475 is added to read:

§ 601.6475 VOR Federal airway No. 475 control areas (Coyle, N.J., to Putnam, Conn.).

All of VOR Federal airway No. 475 including an E alternate.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 8, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–8794; Filed, Sept. 14, 1961; 8:47 a.m.]

[Airspace Docket No. 60–WA–140]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Federal Airway and Associated Control Area; Modification

On April 25, 1961, there were published in the FEDERAL REGISTER (26 F.R. 3521) amendments to Parts 600 and 601 of the regulations of the Administrator. These amendments, among other actions, designated low altitude VOR Federal airway No. 475 and its associated control areas between Coyle, N.J., and Deer Park, N.Y., concurrently with the commissioning of a VOR near Deer Park.

The commissioning date of the Deer Park VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the actions pertaining to Victor 475 and its associated control areas contained in 60–WA–140 until January 11, 1962.

Airspace Docket No. 60–NY–34 was published in the FEDERAL REGISTER on July 16, 1960 (25 F.R. 6753), designating a segment of Victor 475 from the Deer Park VOR to the Putnam, Conn., VORTAC to be effective April 6, 1961. The effective date of this action was later postponed until January 11, 1962 (26 F.R. 2219). To consolidate the outstanding actions regarding Victor 475 and its associated control areas in one docket with the effective date of January 11, 1962, the amendments to §§ 600.6475 and 601.6475 appearing in Airspace Docket No. 60–WA–140 are being incorporated in an amendment to Airspace Docket 60–NY–34.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60–WA–140 is hereby modified by deleting the following:

6. Parts 600 and 601 (14 CFR Parts 600, 601) are amended by adding the following sections:

§ 600.6475 VOR Federal airway No. 475 (Coyle, N.J., to Deer Park, N.Y.).

§ 601.6475 VOR Federal airway No. 475 control areas (Coyle, N.J., to Deer Park, N.Y.).

All of VOR Federal airway No. 475.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 8, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–8795; Filed, Sept. 14, 1961; 8:47 a.m.]

[Airspace Docket No. 60–HO–14]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zones

On June 21, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5528) stating that the Federal Aviation Agency proposed to alter the Guam Island control zones at Anderson Air Force Base (§ 601.2346) and Agana Naval Air Station (§ 601.2347).

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the notice, the following actions are taken:

1. Section 601.2346 Guam Island control zone is amended to read:

§ 601.2346 Guam Island (Anderson AFB) control zone.

Within a 5-mile radius of Anderson AFB (latitude 13°35'00'' N., longitude 144°55'00'' E.), and within 2 miles either side of the Anderson VOR 064° radial extending from the 5-mile radius zone to the Anderson VOR, excluding the portion that coincides with the Guam Island (Agana NAS) control zone (§ 601.2347).

2. Section 601.2347 Guam Island control zone is amended to read:

§ 601.2347 Guam Island (Agana NAS) control zone.

Within a 5-mile radius of the Agana NAS (latitude 13°29'00'' N., longitude 144°47'00'' E.), and within 2 miles either side of the Guam VOR 244° radial extending from the 5-mile radius zone to 12 miles SW of the Guam VOR.

These amendments shall become effective 0001, e.s.t., October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 8, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–8782; Filed, Sept. 14, 1961; 8:45 a.m.]

[Airspace Docket No. 61–FW–85]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2270 of the regulations of the Administrator is to alter the Enid, Vance AFB, Okla., control zone by redesignating it as a part-time control zone.

The Enid control zone is presently designated as full time. However, communications, air traffic control and weather reporting services are not provided on a continuous basis. Therefore, the Federal Aviation Agency, with Department of the Air Force concurrence, is changing the time of designation of the Enid control zone from continuous to 0600 through 1800 hours local standard time Monday through Friday and from 1300 through 1700 hours local standard time on Sunday.

Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

Section 601.2270 (14 CFR 601.2270, 26 F.R. 716) is amended to read:

§ 601.2270 Enid, Okla., control zone.

Within a 5-mile radius of the Vance AFB (latitude 36°20'20'' N., longitude 97°55'00'' W.), within 2 miles either side of the 185° radial of the Vance AFB TACAN extending from the 5-mile radius zone to 8 miles S of the TACAN and within 2 miles either side of the 134° radial of the Vance AFB VOR, extending from the 5-mile radius zone to the VOR, from 0600 through 1800 hours local standard time Monday through Friday and from 1300 through 1700 hours local standard time on Sunday.

This amendment shall become effective 0001, e.s.t., November 16, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 8, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–8789; Filed, Sept. 14, 1961; 8:46 a.m.]

[Airspace Docket No. 60–WA–271]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Reporting Point; Modification

On August 12, 1961, there were published in the FEDERAL REGISTER (26 F.R. 7328) certain amendments to § 601.5001 of the regulations of the Administrator. Among other actions, these amendments designated Whale Intersection as a compulsory reporting point effective September 21, 1961. However, since the name "Whale Intersection" is already in use to identify a non-compulsory reporting point 45 miles east of the Biscayne, Fla., VOR, action is taken herein to change the name of the compulsory reporting point designated in Airspace Docket No. 60–WA–271 to "Cortez Intersection".

Since this action effects no substantive change to the rule as initially adopted, compliance with section 4 of the Administrative Procedure Act is unnecessary and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60–WA–271 is hereby modified as follows:

In Item No. 4(b): "Whale INT: INT of the 209° bearing from the Marathon, Fla., RBN with Lat. 24°00'00'' N." is deleted and "Cortez INT: INT of the 209° bearing from the Marathon, Fla., RBN with Lat. 24°00'00'' N." is substituted therefor.

(Secs. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on September 8, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–8796; Filed, Sept. 14, 1961; 8:47 a.m.]

[Airspace Docket No. 61–WA–166]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Reporting Points

The purpose of these amendments to § 601.5001 of the regulations of the Administrator is to revoke the South Island and South Millville Intersections as Domestic Reporting Points.

Flight progress reports over designated locations, automatically initiated by pilots, facilitate air traffic service and assist the controller in the performance of his duties. However, due to the continuous modernization of the airway structure, the need for reporting points at particular locations is constantly being revised. The actions taken herein reflect this changing need on the part of air traffic service.

Since these amendments are of a procedural nature and do not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

In § 601.5001 (14 CFR 601.5001) the following are revoked:

South Island INT: INT of the southeast course of the Newark, N.J., radio range and the northeast course of the Atlantic City, N.J., radio range.

South Millville INT: INT of the southeast course of the Millville, N.J., radio range and the southeast course of the Atlantic City, N.J., radio range.

These amendments shall become effective 0001 e.s.t., October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 8, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-8798; Filed, Sept. 14, 1961; 8:47 a.m.]

[Airspace Docket No. 60-FW-92]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Control Area Extension and Designation of Transition Area; Correction

On August 24, 1961, there was published in the FEDERAL REGISTER (26 F.R. 7874, Airspace Docket No. 60-FW-92) an amendment to Part 601 of the regulations of the Administrator designating a transition area at Carlsbad, New Mexico (§ 601.10009) effective October 19, 1961. In the preamble to this amendment, it was stated that the transition area was being designated in lieu of the Carlsbad control area extension. Through an oversight, however, formal action to revoke the Carlsbad control area extension was omitted from the text of the rule. Therefore, action is taken herein to effect the revocation.

Since this correction is editorial in nature and imposes no additional burden on any person, this change is in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60-FW-92 (26 F.R. 7874) is hereby modified by adding the following:

Part 601 (14 CFR Part 601) is amended by revoking the following section: §601.1207 Control area extension (Carlsbad, N. Mex.).

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 8, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-8799; Filed, Sept. 14, 1961; 8:47 a.m.]

[Airspace Docket No. 61-WA-62]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Advisory Areas

On May 24, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 4458), stating that the Federal Aviation Agency was considering the designation of radar jet advisory areas associated with the segments of Jet Route No. 29 from Cleveland, Ohio, to Plattsburgh, N.Y., Jet Route No. 34 from Milwaukee, Wis., to Cleveland, Ohio, Jet Route No. 49 from Albany, N.Y., to Bangor, Maine, and Jet Route No. 59 from Philipsburg, Pa., to Syracuse, N.Y. Provision for the designation of radar jet advisory areas has been made in a revision to Part 602 of the regulations of the Administrator published in the FEDERAL REGISTER August 8, 1961, effective September 21, 1961 (26 F.R. 7079).

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments have been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the notice, the following actions taken.

1. In the text of § 602.200 *Enroute jet advisory areas* (26 F.R. 7079) the following changes are made:

a. In Jet Route No. 29 jet advisory area "Cleveland, Ohio." is deleted and "Plattsburgh, N.Y." is substituted therefor.

b. In Jet Route No. 34 jet advisory area "Cleveland, Ohio," is deleted and "Milwaukee, Wis.," is substituted therefor.

c. In Jet Route No. 49 jet advisory area "Albany, N.Y." is deleted and "Bangor, Maine." is substituted therefor.

2. In the text of § 602.200 *Enroute jet advisory areas* (26 F.R. 7079) the following is added:

Jet Route No. 59 jet advisory area.
Radar. Philipsburg, Pa., to Syracuse, N.Y.

These amendments shall become effective 0001, e.s.t., October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 8, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-8784; Filed, Sept. 14, 1961; 8:45 a.m.]

[Airspace Docket No. 61-WA-107]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Routes

The purpose of these amendments to Part 602 of the regulations of the Administrator is to improve the jet route structure by eliminating an unnecessary intersection and providing a common intersection for jet routes which will improve air traffic services.

Jet routes Nos. 16 and 90 are presently designated, in part, from the Mason City, Iowa, VORTAC via the intersection of Mason City VORTAC 110° and the Northbrook, Ill., VORTAC 276° True radials to the Northbrook VORTAC. These segments of jet routes Nos. 16 and 90 are realigned herein via the intersection of the Mason City VORTAC 109° and the Northbrook VORTAC 276° True radials to cause these routes to form a common intersection with jet route No. 84 west of Northbrook.

On August 8, 1961, Airspace Docket No. 60-WA-34 was published in the FEDERAL REGISTER (26 F.R. 7079), which revised Part 602 of the regulations of the Administrator effective September 21, 1961. The action taken herein conforms to the change of format adopted in that revision for designating jet routes.

Since these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

In § 602.100 *Jet routes* (26 F.R. 7079), Jet Routes Nos. 16 and 90 are amended to read:

Jet Route No. 16 (Portland, Oreg., to Boston, Mass.).

From Portland, Oreg., via the INT of the Portland 098° and the Pendleton, Oreg., 256° radials; Pendleton; Whitehall, Mont.; Billings, Mont.; Dupree, S. Dak.; Sioux Falls, S. Dak.; Mason City, Iowa; INT of the Mason City 109° and the Northbrook, Ill., 276° radials; Northbrook; Pullman, Mich.; Peck, Mich.; via the Peck 100° radial to the United States/Canadian Border. From the United States/Canadian Border to Buffalo, N.Y., via the Buffalo 274° radial; Albany, N.Y., to Boston, Mass.

Jet Route No. 90 (Seattle, Wash., to Northbrook, Ill.).

From Seattle, Wash., via the INT of the Seattle 091° and the Mullan Pass, Idaho, 269° radials; Mullan Pass; Billings, Mont.; Dupree, S. Dak.; Sioux Falls, S. Dak.; Mason City, Iowa; INT of the Mason City 109° and the Northbrook, Ill., 276° radials, to Northbrook.

These amendments shall become effective 0001, e.s.t., October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 8, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-8785; Filed, Sept. 14, 1961; 8:46 a.m.]

[Airspace Docket No. 61-WA-68]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Route

On June 10, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5236), stating that the Federal Aviation Agency was considering the designation of Jet Route No. 548 from Cleveland, Ohio, to the

intersection of the Cleveland VORTAC 024° True radial and the United States/Canadian Border.

No adverse comments were received regarding the proposed amendment. Subsequent to publication of the notice, Airspace Docket No. 60–WA–34 was published in the FEDERAL REGISTER (26 F.R. 7079, August 8, 1961), which revised Part 602 of the regulations of the Administrator effective September 21, 1961. The action taken herein conforms to the change of format adopted in that revision for designating jet routes. Additionally, the Canadian Department of Transport has designated the Canadian portion of this route between Cleveland and Toronto, Ontario, as High level airway No. 545. Therefore, to provide continuity in route numbering and to facilitate flight planning, action is taken herein to number the route between Cleveland and the United States/Canadian Border as Jet Route No. 545. Radar jet advisory service will be provided for this route by virtue of the designation of the Cleveland, Ohio, terminal jet advisory area in Airspace Docket No. 60–WA–34.

Interested persons have been afforded an opportunity to participate in the making of the rule adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the notice, the following action is taken:

In the text of § 602.100 (26 F.R. 7079) the following is added:

Jet Route No. 545 (Cleveland, Ohio, to the United States/Canadian Border) (Joins Canadian High Level Airway No. 545).
From Cleveland, Ohio, to the INT of the Cleveland 024° radial and the United States/Canadian Border.

This amendment shall become effective 0001 e.s.t., October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 8, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–8786; Filed, Sept. 14, 1961; 8:46 a.m.]

[Airspace Docket No. 60–WA–34]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Jet Routes; Modification

On August 8, 1961, Airspace Docket No. 60–WA–34 was published in the FEDERAL REGISTER (26 F.R. 7079), effective September 21, 1961, in which Part 602 of the regulations of the Administrator was reissued.

Prior to publication of Airspace Docket No. 60–WA–34 an agreement was made with the Canadian Department of Transport that where a jet route would connect with a Canadian high-level airway of the same number this fact would be so indicated in the caption of the jet route. Action is taken herein in § 602.100 to amend the captions to jet routes Nos. 500, 515, and 546 to include this information.

Since these actions effect no substantive change to the rule as initially adopted, compliance with section 4 of the Administrative Procedure Act is unnecessary and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60–WA–34 (26 F.R. 7079) is hereby modified as follows:

1. In § 602.100 the captions of jet routes Nos. 500, 515, and 546 are amended to read:

Jet Route No. 500 (Lakehead, Ontario, to Millinocket, Maine) (joins Canadian high level airway No. 500).
Jet Route No. 515 (Pembina, N. Dak., to the United States/Canadian Border) (joins Canadian high level airway No. 515).
Jet Route No. 546 (Peck, Mich., to the United States/Canadian Border) (joins Canadian high level airway No. 546).

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 8, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–8797; Filed, Sept. 14, 1961; 8:47 a.m.]

[Airspace Docket No. 61–NY–66]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.65 of the regulations of the Administrator is to change the time of designation and designated altitudes for the Underhill, Vt., Restricted Area R–6501.

The Department of the Army has advised they no longer require airspace within R–6501 above 4,000 feet MSL, and in addition that no activity is conducted within this restricted area during the hours from 0100 to 0700 hours local time from August 1 through May 31 annually. Therefore, action is taken herein to reflect these changes.

Since this amendment reduces a burden on the public, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 608.65 *Vermont*, R–6501 Underhill, Vt., Restricted Area (26 F.R. 7187), is amended to read:

R–6501 Underhill, Vt.
Boundaries. Beginning at latitude 44°30′15″ N., longitude 72°51′30″ W.; to latitude 44°27′00″ N., longitude 72°50′00″ W.; to latitude 44°27′30″ N., longitude 72°53′15″ W.; to latitude 44°28′30″ N., longitude 72°56′50″ W.; to latitude 44°30′00″ N., longitude 72°56′30″ W.; to the point of beginning.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. Continuous, June 1 through July 31; 0700 to 0100, e.s.t., August 1 through May 31.
Using Agency. Adjutant General, State of Vermont, Montpelier, Vt.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat., 749; 49 U.S.C. 1348)

Issued in Washington, D.C., September 8, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–8788; Filed, Sept. 14, 1961; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8300 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Fur Flyers, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Fur Flyers, Inc., et al., New York, N.Y., Docket 8300, Aug. 17, 1961]

In the Matter of Fur Flyers, Inc., a Corporation, and Ida L. York, and Carolyn Sherwin, Individually and as Officers of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by failing to comply with labeling and invoicing requirements.

The order to cease and desist is as follows:

It is ordered, That Fur Flyers, Inc., a corporation, and its officers, and Ida L. York and Carolyn Sherwin, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or the manufacture for introduction, into commerce, or the sale, advertising or offering for sale, transportation or distribution, in commerce, of fur products, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by failing to affix labels to fur products showing in words and figures, plainly legible, all

of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by failing to furnish invoices to purchasers of fur products showing in words and figures, plainly legible, all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

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

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

Issued: August 17, 1961.

By the Commission.

[SEAL] JOSEPH N. KUZEW, *Acting Secretary.*

[F.R. Doc. 61-8803; Filed, Sept. 14, 1961; 8:48 a.m.]

[Docket 8034 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Hooker Chemical Corp.

Subpart—Acquiring stock or assets of competitor: § 13.5 *Acquiring stock or assets of competitor.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731; 15 U.S.C. 18) [Cease and desist order and order to divest, Hooker Chemical Corporation, New York, N.Y., Docket 8034, August 22, 1961]

Consent order requiring a major chemical manufacturer having sales for fiscal 1958 in excess of $125,000,000 and in 1957 the largest producer of phenolic molding compound, with about 43 percent of total sales, to divest itself absolutely, within 90 days, of all machinery and equipment, and all formulae, technical information, know-how, trade secrets, and customer lists related to the production of phenolic molding compound formulations, acquired from the third largest producer which had about 13 percent of the market, as a result of which acquisition at least 80 percent of all molding material sales were concentrated in two producers—and to comply with other requirements as in the order below specified.

Said order is as follows:

I. *It is ordered,* That respondent Hooker Chemical Corporation, and its officers, directors, agents, representatives, and employees, shall, within ninety (90) days of the service of this order upon it, divest itself absolutely, in good faith, as a unit and to the same purchaser, of all right, title, privilege and interest in and to all machinery and equipment now owned by respondent, and all formulae, technical information, know-how, trade secrets and customer lists related to the production and sale of phenolic molding compound formulations, acquired from Monsanto Chemical Company, together with all additions to, and improvements on, such assets. The divestiture shall proceed in a manner consistent with the objective of continuing the production and sale of the phenolic molding compound formulations divested.

It is further ordered, That respondent Hooker Chemical Corporation: (1) Make available to the purchaser of the assets divested, for a period of six (6) months from the date of the divestiture, at respondent's cost (to be disclosed to and held in confidence by said purchaser), the purchaser's requirements of lump resins and resin compounds needed to manufacture said phenolic molding compound formulations, and, the purchaser's requirements of said phenolic molding compound formulations, to enable the purchaser to develop its own manufacturing facilities for said products without interrupting the supply of said molding compounds to purchasers.

(2) Provide the purchaser of the divested assets with engineering assistance in the setting up of test equipment and methods of testing, designed to assure that the phenolic molding compounds produced using the resins and/or formulae, technical information, know-how and trade secrets, furnished will meet the specifications for such molding compounds heretofore maintained by respondent.

(3) Provide the purchaser of the divested assets with a list of customers that made any purchases of said phenolic molding compound formulations from January 1, 1957, to the date of this order. Such list shall include the formulation number and annual quantities, in dollars and pounds, purchased by each customer.

II. *It is further ordered,* That respondent cease and desist, for a period of ten (10) years from the receipt of this order, from the acquisition, directly or indirectly, of any shares of stocks or assets of any manufacturer or distributor engaged in the manufacture, sale or distribution of phenolic molding compounds in the United States.

III. *It is further ordered,* That in such divestitures hereinbefore mentioned, none of the said assets, properties, rights and privileges, tangible or intangible, shall be sold or transferred, directly or indirectly, to anyone who, at the time of the divestiture, is a stockholder, officer, director, employee or agent of, or otherwise, directly or indirectly connected with, or under the control of, respondent or any of respondent's subsidiaries or affiliated companies.

IV. *It is further ordered,* That the allegations of the complaint charging that respondent's acquisition of Durez Plastics & Chemicals, Inc., violated section 7 of the amended Clayton Act be dismissed.

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

It is ordered, That the respondent 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: August 22, 1961.

By the Commission.

[SEAL] JOSEPH N. KUZEW, *Acting Secretary.*

[F.R. Doc. 61-8804; Filed, Sept. 14, 1961; 8:48 a.m.]

[Docket 8332 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

John W. Thomas and Co.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, John W. Thomas and Company, Minneapolis, Minn., Docket 8332, Aug. 22, 1961]

Consent order requiring a Minneapolis furrier to cease violating the Fur Products Labeling Act by failing to comply with labeling and invoicing requirements.

The order to cease and desist is as follows:

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

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth on labels affixed to fur products:

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

C. Failing to set forth the item number or mark assigned to a fur product.

D. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required to be disclosed under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

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

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

It is ordered, That the respondent herein 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: August 22, 1961.

By the Commission.

[SEAL] JOSEPH N. KUZEW, *Acting Secretary.*

[F.R. Doc. 61-8805; Filed, Sept. 14, 1961; 8:48 a.m.]

[Docket 7469 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Livigen Laboratory Sales Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170-24 *Cosmetic or beautifying.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Livigen Laboratory Sales Corp. et al., New York, N.Y., Docket 7469, Aug. 22, 1961]

In the Matter of Livigen Laboratory Sales Corp., a Corporation, Biotex, Ltd., a Corporation, and David L. Ratke, Individually and as an Officer of Said Corporations, and Max Laserow, Individually and as an Officer of Livigen Laboratory Sales Corp.

Consent order requiring two associated corporations and their common officer, all at the same address in New York City, to cease representing falsely in advertisements in newspapers, magazines, etc., that the cosmetic preparation "Livigen", which they distributed, was a skin food which, when used as directed, would rejuvenate the skin of the user. As to respondent Max Laserow, another initial decision containing a desist order is not final.

The order to cease and desist is as follows:

It is ordered, That the respondents Livigen Laboratory Sales Corp., a corporation, and its officers, Biotex, Ltd., a corporation, and its officers and respondent David L. Ratke, individually and as an officer of said corporations, 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 the preparation designated livigen, or any other preparation of substantially similar composition or possessing substantially similar properties, under whatever name or names sold, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, said preparation:

(a) Is a skin food;

(b) Will rejuvenate the skin of the user thereof.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, any advertisement which contains any of the representations prohibited in Paragraph 1 above.

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

It is further ordered, That respondents Livigen Laboratory Sales Corp., a corporation, Biotex, Ltd., a corporation, and David L. Ratke, individually and as an officer of said corporations, 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: August 22, 1961.

By the Commission.

[SEAL] JOSEPH N. KUZEW, *Acting Secretary.*

[F.R. Doc. 61-8806; Filed, Sept. 14, 1961; 8:49 a.m.]

[Docket 8373 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Minkraft, Ltd. and Abraham Dattner

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1255 *Manufacture or preparation:* § 13.1255-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Minkraft, Ltd., et al., New York, N.Y., Docket 8373, Aug. 5, 1961]

Consent order requiring a New York City furrier to cease violating the Fur Products Labeling Act by labeling and invoicing artificially colored fur as natural, and by failing in other respects to comply with labeling and invoicing requirements.

The order to cease and desist is as follows:

It is ordered, That Minkraft, Ltd., a corporation, and its officers, and Abraham Dattner, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce of fur products; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Representing, directly or by implication, on labels that the fur in such products is natural, when such is not the fact.

B. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

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

D. Failing to set forth the item number or mark assigned to a fur product on such labels.

2. Falsely or deceptively invoicing fur products by: A. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Representing, directly or by implication, on invoices that the fur in such products is natural, when such is not the fact.

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

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

Issued: August 4, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-8807; Filed, Sept. 14, 1961; 8:49 a.m.]

[Docket 8135 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Standard Mattress Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–45 *Fictitious marking;* § 13.170 *Qualities or properties of product or service:* § 13.170–22 *Corrective, orthopedic, etc.;* § 13.255 *Surveys.* Subpart—Misbranding or mislabeling: § 13.1280 *Price.* Subpart—Misrepresenting oneself and goods—PRICES: § 13.1811 *Fictitious preticketing.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Standard Mattress Company et al., Hartford, Conn., Docket 8135, Aug. 22, 1961]

In the Matter of The Standard Mattress Company, a Corporation, and N. Aaron Naboicheck, Louis H. Naboicheck and Max H. Kaminsky, Individually and as Officers of Said Corporation

Consent order requiring Hartford, Conn., distributors of mattresses to retailers for resale, to cease setting forth excessive amounts as usual retail prices on attached labels and in advertising material; using such terms as "10 year * * *", "15 year* * *", and "20 year registered guarantee" in advertising certain mattresses when the guarantees furnished were limited and conditional; stating falsely in advertising that a national survey had determined that "American Dream" mattress should sell for $69.98; and representing falsely, by use of such terms as "Orthopedic Construction" and "Medic Rest" and otherwise, that their stock mattresses would correct bodily deformities and disorders; and to disclose clearly that use of their mattresses would relieve backache only when caused by sleeping on a soft mattress.

The order to cease and desist is as follows:

It is ordered, That respondents, The Standard Mattress Company, a corporation, and its officers, and N. Aaron Naboicheck, Louis H. Naboicheck and Max H. Kaminsky, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of mattresses or other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, in any manner that certain amounts are the usual and customary retail prices of their mattresses or other merchandise when such amounts are in excess of the prices at which their mattresses or other merchandise are usually and customarily sold at retail in the trade area where such representation is made.

2. Representing, directly or by implication, that their mattresses or other merchandise are guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor will perform are clearly set forth.

3. Representing, directly or by implication, that their mattresses or other merchandise have been the subject of a consumer survey or that the retail price of such mattresses or other merchandise, or any other fact, has thereby been determined, unless such is the fact.

4. Using the word "orthopedic", or "medic" or any other term of like import as a designation or as descriptive of their stock mattresses.

5. Representing, directly or by implication, that their stock mattresses are specially designed to, and that their indiscriminate use will correct deformities and disorders of the human body.

6. Representing, directly or by implication, that use of respondents' mattresses prevents backache, unless it is clearly disclosed in immediate conjunction therewith, that such relief will be afforded only to users whose backaches result from using a soft mattress.

It is further ordered, That subparagraph 4 of Paragraph Four of the complaint, insofar as it relates to the word "Sacro-Support", be, and it hereby is, dismissed without prejudice.

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

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

Issued: August 22, 1961.

By the Commission.

[SEAL] JOSEPH N. KUZEW, *Acting Secretary.*

[F.R. Doc. 61–8808; Filed, Sept. 14, 1961; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55468]

PART 6—AIR COMMERCE REGULATIONS

Diversion From the Scheduled or Intended Port of Arrival of Aircraft Arriving From a Place Outside an Area of the United States

There is in existence at various points of departure outside the United States an approved practice of preclearing the crew, passengers, and their baggage, destined to arrive on an aircraft at a point in an area of the United States. This preclearance in foreign territory is, of course, only tentative and must be ratified by the customs officers at the place of arrival in the United States. With the increase of passenger preclearance operations the incidence of diversions from scheduled or intended airports of arrival due to weather or other operational necessity has increased.

Many documents for customs purposes arrive with the inbound aircraft at the place of diversion. However, other necessary documents for customs purposes must be dispatched from the customs preclearance office to the port of arrival. In the case of a diversion of the aircraft from the scheduled or intended port of arrival, which is known to the customs preclearance office, to another port of arrival, it is necessary that both the customs preclearance office and the scheduled or intended port of arrival be advised of the port at which the aircraft actually arrived.

Accordingly, to take effect November 1, 1961, the following amendment of § 6.2 is made:

Section 6.2(g) is amended by inserting between the second and third sentences a new sentence to read: "When an aircraft carrying precleared crew, passengers and baggage or merchandise lands for any reason at an airport in the United States other than the scheduled or intended port of arrival, written notice must be received from the airline representative or aircraft commander both at the customs office at the place of preclearance and at or for the place of intended landing within seven days, unless notice is otherwise given in accordance with a procedure previously agreed to with the carrier by the collector of customs involved."

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759, sec. 1109, 72 Stat. 799; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 49 U.S.C. 1509)

[SEAL] PHILIP NICHOLS, Jr., *Commissioner of Customs.*

Approved: September 7, 1961.

JAMES POMEROY HENDRICK, *Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 61–8821; Filed, Sept. 14, 1961; 8:51 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 541—DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY, OR IN THE CAPACITY OF OUTSIDE SALESMAN"

Miscellaneous Amendments

Pursuant to section 13(a)(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1068, 29 U.S.C. 213), the Fair Labor Standards Amendments of 1961 (sec. 9, Pub. Law 87–30), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, 29 CFR Part 541 is hereby amended as hereinafter indicated in order to eliminate the definition of "local retailing capac-

ity," the exemption for which was deleted from section 13(a)(1) by the 1961 Amendments, and to provide that an employee otherwise qualified for exemption from the wage and hour provisions as employed in a bona fide executive or administrative capacity in a retail or service establishment shall be within such exemption unless 40 per centum of his hours worked in the workweek are devoted to activities not directly or closely related to the performance of executive or administrative activities.

No notice and public participation are afforded regarding these amendments because such procedure is deemed impracticable in light of the fact that the amendments carry out provisions of the Fair Labor Standards Amendments of 1961 that furnish expressly the details for the rules involved.

As the Fair Labor Standards Amendments of 1961 are presently in effect, I find good cause to, and do, make these amendments effective without delay.

Subsequent rule-making proceedings affording public participation are contemplated with respect to the question of what changes, if any, should be made in the other provisions of 29 CFR Part 541 in view of the new employments to which they apply under the Fair Labor Standards Amendments of 1961.

The amendments to 29 CFR Part 541 are set forth below.

1. The heading of Part 541 is amended to read as set forth above.

2. Paragraph (e) of § 541.1, dealing with the "executive" exemption, is amended to read as follows:

§ 541.1 Executive.

* * * * *

(e) Who does not devote more than 20 percent, or, in the case of an employee of a retail or service establishment who does not devote as much as 40 percent, of his hours of work in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (d) of this section: *Provided,* That this paragraph shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment, or who owns at least a 20-percent interest in the enterprise in which he is employed; and

3. Paragraph (d) of § 541.2 dealing with the "administrative" exemption is amended to read as follows:

§ 541.2 Adminstrative.

* * * * *

(d) Who does not devote more than 20 percent, or, in the case of an employee of a retail or service establishment who does not devote as much as 40 percent of his hours worked in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (c) of this section; and

4. In § 541.3, the introductory text preceding paragraph (a) is amended to show that there is no longer an ellipsis of text between the words "professional" and "capacity" in section 13(a)(1) because of the 1961 Amendments. As amended, the introductory text reads as follows:

§ 541.3 Professional.

The term "employee employed in a bona fide * * * professional capacity" in section 13(a)(1) of the Act shall mean any employee:

§ 541.4 [Revocation]

5. Section 541.4 is hereby revoked.

6. Paragraph (a) of § 541.99 is amended to make the quotation from section 13(a)(1) of the Fair Labor Standards Act consistent with the text of that section as amended by the 1961 Amendments. As amended, paragraph (a) of § 541.99 reads as follows:

§ 541.99 Introductory statement.

(a) Section 13(a)(1) of the Fair Labor Standards Act exempts from the wage and hour provisions of the Act "any employee employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman (as such terms are defined and delimited from time to time by regulations of the Secretary, subject to the provisions of the Administrative Procedure Act, except that an employee of a retail or service establishment shall not be excluded from the definition of employee employed in a bona fide executive or administrative capacity because of the number of hours in his workweek which he devotes to activities not directly or closely related to the performance of executive or administrative activities, if less than 40 per centum of his hours worked in the workweek are devoted to such activities)." The requirements of the exemption under this section of the Act are contained in Subpart A of this part.

7. In § 541.100, the quotation of paragraph (e) of § 541.1 is amended in accordance with the changes made in that paragraph by amendment 2 of this document, and reads as follows:

§ 541.100 The definition of "executive."

Section 541.1 defines the term "bona fide executive" as follows: * * *

(e) Who does not devote more than 20 percent, or, in the case of an employee of a retail or service establishment who does not devote as much as 40 percent, of his hours worked in the workweek to activities wnich are not directly and closely related to the performance of the work described in paragraphs (a) through (d) of this section: *Provided,* That this paragraph shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment, or who owns at least a 20-percent interest in the enterprise in which he is employed; and

8. The provisions of § 541.101 are amended to make changes consistent with those made by amendment 2 of this document. As amended, § 541.101 reads as follows:

§ 541.101 General.

The duties and responsibilities of an exempt executive employee are described in paragraphs (a) through (d) of § 541.1. Paragraph (e) of § 541.1 contains, among other things, percentage limitations on the amount of time which an employee may devote to activities "which are not directly and closely related to the performance of work described in paragraphs (a) through (d)" of that section. For convenience in discussion, the work described in paragraphs (a) through (d) of § 541.1 and the activities directly and closely related to such work will be referred to as "exempt" work, while other activities will be referred to as "nonexempt" work.

9. Paragraph (c) of § 541.105 is amended to make clear that the experience of the Divisions has been limited to the general 20-percent tolerance provided in 29 CFR 541.1(e). As amended, paragraph (c) of § 541.105 reads as follows:

§ 541.105 Two or more other employees.

* * * * *

(c) It has been the experience of the Divisions that a supervisor of as few as two employees usually performs nonexempt work in excess of the general 20-percent tolerance provided in § 541.1.

10. Paragraphs (a), (c), and (d) of § 541.109 are amended to refer generally to the percentage limitations on nonexempt work provided in § 541.1 instead of solely to the 20-percent limitation. As amended, paragraphs (a), (c), and (d) of § 541.109 read as follows:

§ 541.109 Emergencies.

(a) Under certain occasional emergency conditions, work which is normally performed by nonexempt employees and is nonexempt in nature will be directly and closely related to the performance of the exempt functions of management and supervision and will therefore be exempt work. In effect, this means that a bona fide executive who performs work of a normally nonexempt nature on rare occasions because of the existence of a real emergency will not, because of the performance of such emergency work, lose the exemption. Bona fide executives include among their responsibilities the safety of the men under their supervision, the preservation and protection of the machinery or other property of the department or subdivision in their charge from damage due to unforeseen circumstances, and the prevention of widespread breakdown in production. Consequently, when conditions beyond control arise which threaten the safety of the employees, or a cessation of production, or serious damage to the employer's property, any manual or other normally nonexempt work performed in an effort to prevent such results is considered exempt work and is not included in computing the percentage limitation on nonexempt work.

* * * * *

(c) A few illustrations may be helpful in distinguishing routine work performed as a result of real emergencies of the kind for which no provision can practicably be made by the employer in advance of their occurrence and routine work which is not in this category. It is obvious that a mine superintendent who pitches in after an explosion and digs out the men who are trapped in the

mine is still a bona fide executive during that week. On the other hand, the manager of a cleaning establishment who personally performs the cleaning operations on expensive garments because he fears damage to the fabrics if he allows his subordinates to handle them is not performing "emergency" work of the kind which can be considered exempt. The performance of nonexempt work by executives during inventory-taking, during other periods of heavy workload, or the handling of rush orders are the kinds of activities which the percentage tolerances are intended to cover. For example, pitching in on the production line in a canning plant during seasonal operations is not exempt "emergency" work even if the objective is to keep the food from spoiling. Maintenance work is not emergency work even if performed at night or during weekends. Relieving subordinates during rest or vacation periods cannot be considered in the nature of "emergency" work since the need for replacements can be anticipated. Whether replacing the subordinate at the work bench or production line during the first day or partial day of an illness would be considered exempt emergency work would depend upon the circumstances in the particular case. Such factors as the size of the establishment and of the executive's department, the nature of the industry, the consequences that would flow from the failure to replace the ailing employee immediately, and the feasibility of filling the employee's place promptly would all have to be weighed.

(d) All the regular cleaning up around machinery, even when necessary to prevent fire or explosion, is not "emergency" work. However, the removal by an executive of dirt or obstructions constituting a hazard to life or property need not be included in computing the percentage limitation if it is not reasonably practicable for anyone but the supervisor to perform the work and it is the kind of "emergency" which has not been recurring. The occasional performance of repair work in case of a breakdown of machinery may be considered exempt work if the breakdown is one which the employer cannot reasonably anticipate. However, recurring breakdowns requiring frequent attention, such as that of an old belt or machine which breaks down repeatedly, are the kind for which provision could reasonably be made and repair of which must be considered as nonexempt.

11. Section 541.112 is amended to reflect the percentage limitations on nonexempt work now provided by § 541.1(e), as changed by amendment 2 of this document. As amended § 541.112 reads as follows:

§ 541.112 Percentage limitations on nonexempt work.

(a) An employee will not qualify for exemption as an executive if he devotes more than 20 percent, or, in the case of an employee of a retail or service establishment if he devotes as much as 40 percent, of his hours worked in the workweek to nonexempt work. This test is applied on a workweek basis and the percentage of time spent on nonexempt work is computed on the time worked by the employee.

(b) There are two special exceptions to these limitations—that relating to the employee in "sole charge" of an independent or branch establishment and that relating to an employee owning a 20-percent interest in the enterprise in which he is employed. These except the employee only from the percentage limitations on nonexempt work. They do not except the employee from any of the requirements of § 541.1. Thus while the percentage limitations on nonexempt work are not applicable, it is clear that the employee would not qualify for the exemption if he performs so much nonexempt work that he could no longer meet the requirement of § 541.1(a) that his primary duty must consist of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof.

12. Paragraph (a) of § 541.113 is amended to reflect the changes made in § 541.1(e) by amendment 2 of this document, and reads as follows:

§ 541.113 Sole-charge exception.

(a) An exception from the percentage limitations on nonexempt work is provided in § 541.1(e) for "an employee who is in sole charge of an independent establishment or a physically separated branch establishment * * *." Such an employee is considered to be employed in a bona fide executive capacity even though he exceeds the applicable percentage limitation on nonexempt work.

13. Paragraph (a) of § 541.114 is amended to reflect the changes made in § 541.1(e) by amendment 2 of this document, and reads as follows:

§ 541.114 Exception for owners of 20-percent interest.

(a) An exception from the percentage limitations on nonexempt work is provided in § 541.1(e) for an employee "who owns at least a 20-percent interest in the enterprise in which he is employed." This provision recognizes the special status of a share-holder of an enterprise who is actively engaged in its management.

14. In § 541.200 dealing with the administrative exemption, the quotation from paragraph (d) of § 541.2 is amended in accordance with the changes made by amendment 3 of this document, and reads as follows:

§ 541.200 Definition of "administrative".

Section 541.2 defines the term "bona fide * * * administrative" as follows: * * *

(d) Who does not devote more than 20 percent, or, in the case of an employee of a retail or service establishment who does not devote as much as 40 percent, of his hours worked in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (c) of this section; and

15. Section 541.209 is amended to reflect the changes made in § 541.1(d) by amendment 3 of this document, and reads as follows:

§ 541.209 Percentage limitations on nonexempt work.

(a) Under § 541.2(d), an employee will not qualify for exemption as an administrative employee if he devotes more than 20 percent, or, in the case of an employee of a retail or service establishment if he devotes as much as 40 percent, of his hours worked in the workweek to nonexempt work; that is, to activities which are not directly and closely related to the performance of the work described in § 541.2 (a) through (c).

(b) This test is applied on a workweek basis and the percentage of time spent on nonexempt work is computed on the time worked by the employee.

(c) The tolerance for nonexempt work allows the performance of nonexempt manual or nonmanual work within the percentages allowed for all types of nonexempt work.

16. In § 541.300, the independent clause beginning the quotation from § 541.3 is amended in accordance with the changes made in that clause by amendment 4 of this document, and reads as follows:

§ 541.300 Definition of "professional".

Section 541.3 defines the term "bona fide * * * professional" as follows:

The term "employee employed in a bona fide * * * professional capacity" in section 13(a)(1) of the Act shall mean any employee:

17. Paragraph (b) of § 541.308 is amended to indicate that there is no longer an ellipsis of text between the words "professional" and "capacity" in section 13(a)(1) because of the 1961 Amendments. As amended, paragraph (b) reads as follows:

§ 541.308 Nonexempt work generally.

* * * * *

(b) It is necessary to emphasize the fact that section 13(a)(1) exempts "any employee employed in a bona fide * * * professional capacity". It does not exempt all employees of professional employers, or all employees in industries having large numbers of professional members, or all employees in any particular occupation. Nor does it exempt, as such, those learning a profession. Moreover, it does not exempt persons with professional training, who are working in professional fields, but performing subprofessional or routine work. For example, in the field of library science there are large numbers of employees who are trained librarians but who, nevertheless, do not perform professional work or receive salaries commensurate with recognized professional status. The field of "engineering" has many persons with "engineer" titles, who are not professional engineers, as well as many who are trained in the engineering profession, but are actually working as trainees, junior engineers, or draftsmen.

§§ 541.400, 541.401, 541.402, 541.403 [Revocations]

18. Sections 541.400, 541.401, 541.402, and 541.403 which relate to the meaning

of the term "local retailing capacity" deleted from section 13(a)(1) of the Act by the 1961 Amendments are hereby revoked.

Signed at Washington, D.C., this 9th day of September 1961.

CLARENCE L. LUNDQUIST,
Administrator.

[F.R. Doc. 61-8818; Filed, Sept. 14, 1961; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2432; Correction]

ALASKA

Partially Revoking Public Land Order No. 253 of December 7, 1944 (Fort Richardson)

SEPTEMBER 6, 1961.

The reference to Township 12 in that portion of the land description in Public Land Order No. 2432 of July 10, 1961 (26 F.R. 6304), which reads "identical with the northwest corner of lot 4, section 7, T. 12 N., R. 2 W." is corrected to read "Township 13."

JERRY A. O'CALLAGHAN,
Assistant Director.

[F.R. Doc. 61-8811; Filed, Sept. 14, 1961; 8:50 a.m.]

[Public Land Order 2483]

[Anchorage 050744]

ALASKA

Revoking Various Executive Orders in Whole or in Part

1. By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered that the following-described Executive Orders, to the extent that they affect the lands indicated, be and they are hereby revoked.

a. Executive Order No. 979 of November 24, 1908, withdrawing by metes and bounds a tract on the north side of the Gulkana River, about four miles above its confluence with the Copper River for use of the Signal Corps. (About 22.30 acres.)

b. Executive Order No. 1193 of April 26, 1910, which withdrew by metes and bounds a tract at Beaver Dam, approx. latitude 60°20', longitude 145°20', for use of the Signal Corps. (About 640 acres.)

c. The Executive Order of May 24, 1905, so far as it withdrew by metes and bounds for use of the Signal Corps for telegraph offices, storehouses and stables, wood and pole reserves at Chistochina, Copper Center, Gakona, and Tiekel, about 640 acres at each place, and at Workmans, about 450 acres.

d. Executive Order No. 1958 of June 6, 1914, so far as it reserved 55.29 acres at Copper Center, approx. latitude 61°54' N., longitude 145°20' W., for use of the Signal Corps, United States Army.

e. Executive Order No. 7127 of August 6, 1935, placing lands under control of the Secretary of the Interior for various purposes, so far as it affects any of the areas described in paragraphs (a) through (d), inclusive, of this order.

2. Some of the lands at Copper Center, Gulkana and Workmans have been transferred to the State of Alaska under provisions of the Act of June 25, 1959 (73 Stat. 141).

3. Until 10:00 a.m., on December 12, 1961, the State of Alaska shall have a preferred right to select the public lands released from withdrawal by this order in accordance with the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

Beginning at 10:00 a.m., on December 12, 1961, the lands shall be subject to operation of the public land laws generally, including the mining laws, subject to existing valid rights and equitable claims and the requirements of applicable law, rules and regulations.

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

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

SEPTEMBER 11, 1961.

[F.R. Doc. 61-8812; Filed, Sept. 14, 1961; 8:50 a.m.]

[Public Land Order 2484]

[Utah 037938]

UTAH

Revoking in Part Withdrawal for Reclamation Purposes (Gunnison Valley Project)

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

1. The departmental order of April 30, 1921, and any other order or orders withdrawing lands for reclamation purposes under the act of June 17, 1902, supra, are hereby revoked so far as they affect the following described lands:

SALT LAKE MERIDIAN

T. 19 S., R. 16 E.,
Sec. 34, lots 1 to 12 incl., S½NE¼, W½ NW¼, and SE¼.
T. 20 S., R. 16 E.,
Sec. 3, lots 1 to 5 incl., SE¼NE¼, SW¼ NW¼, NW¼SW¼, and E½SE¼;
Sec. 9, NW¼NW¼;
Sec. 10, lots 1, 6, 8, NE¼NE¼, S½NE¼, E½SW¼, SE¼;
Sec. 15, N½, N½S½, and SW¼SE¼;
Sec. 17, NW¼;
Sec. 18, lots 1 to 4 incl., SE¼NW¼, and E½SW¼;
Sec. 19, lots 1 to 3 incl., NE¼NE¼, E½ NW¼, and SE¼SE¼;
Sec. 21, SE¼SW¼;
Sec. 22, NW¼NE¼;
Sec. 28, lot 2, E½NW¼, and S½;
Sec. 30, lots 1 to 4 incl., and E½W½;
Sec. 31, lots 1 to 4 incl., and E½W½;
Sec. 33, lots 1 to 3 incl., NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 34, W½NW¼.
T. 21 S., R. 16 E.,
Sec. 1, lots 1, 4, 5, 7, 8, 9, 10, and 12 to 16 incl.;
Sec. 3, lot 19;
Sec. 5, lots 3 to 7 incl., 9 to 14 incl., 16, N½SW¼, and S½SE¼;
Sec. 8, SW¼NW¼, N½SW¼, SW¼SW¼, and SE¼;
Sec. 12, S½SE¼;
Sec. 13, NE¼NE¼, S½SW¼, and SW¼ SE¼;
Sec. 14, E½SE¼.
T. 21 S., R. 17 E.,
Sec. 4, lots 11 to 14 incl., N½SW¼, SW¼ SW¼, NW¼SE¼, and SE¼SE¼;
Sec. 5, E½SE¼;
Sec. 6, lots 2 to 7 incl., 10 to 14 incl., 17, 18, and E½SW¼;
Sec. 7, lot 4, SE¼SW¼, and SE¼;
Sec. 8, NW¼SW¼, SE¼SW¼, and SE¼;
Sec. 9, N½N½, SW¼NE¼, SW¼NW¼, and S½;
Sec. 10, NE¼ and S½;
Sec. 15;
Sec. 17, N½, SW¼, and N½SE¼;
Sec. 18, lots 1 to 4 incl., E½, and E½W½;
Sec. 19, lots 1 to 4 incl., E½, and E½W½;
Secs. 20 and 21;
Sec. 22, N½NE¼, SW¼NW¼, NW¼SW¼, and S½S½.

Containing 12,629.40 acres.

2. The following lands will remain in withdrawals for power purposes, but at 10:00 a.m., on October 17, 1961, shall be open to location under the United States mining laws subject to provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621):

T. 19 S., R. 16 E.,
Sec. 34, lots 1 to 12 incl., S½NE¼, W½ NW¼, and W½SE¼.
T. 20 S., R. 16 E.,
Sec. 3, lots 2 to 5 incl.

3. The lands lie along the Green River, near the town of Green River, Utah. Those located in Townships 19 and 20 South, Range 16 East are north of the town of Green River in the rough canyon along the west side of the river. The remaining lands are located east of the river and the topography varies from moderately steep to rolling. Soils are generally shallow, rocky blue shale. The predominate vegetative type is a sparse stand of shadscale associated with galleta grass, Indian ricegrass and other grasses and weeds.

4. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, provided that until 10:00 a.m., on March 13, 1962, the State of Utah shall have a preferred right to apply to select the lands except those described in paragraph 2 hereof in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

The lands have been open to mineral leasing. They will be open to mining location at 10:00 a.m., on March 13, 1962.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

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

SEPTEMBER 11, 1961.

[F.R. Doc. 61-8813; Filed, Sept. 14, 1961; 8:50 a.m.]

[Public Land Order 2485]

[Montana 033170]

MONTANA

Partial Revocation of Reclamation Withdrawals (Milk River Project); Revoking Departmental Order of October 9, 1915 (Vandalia Townsite Reserve)

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), and section 1 of the Act of April 16, 1906 (34 Stat. 116; 43 U.S.C. 561), as amended, it is ordered as follows:

1. The Departmental orders of August 18, 1902; February 9, 1903; December 30, 1903; December 30, 1908; October 7, 1918; May 24, 1921; and July 28, 1932, which withdrew lands for reclamation purposes, and the Departmental order of October 9, 1915, which reserved lands for townsite purposes, are hereby revoked so far as they affect the following-described lands:

MONTANA PRINCIPAL MERIDIAN

T. 29 N., R. 38 E.,
Sec. 20, NW¼SE¼ and E½SE¼.
T. 30 N., R. 37 E.,
Sec. 15, SW¼SW¼.
T. 31 N., R. 24 E.,
Sec. 3, lot 2.
T. 31 N., R. 25 E.,
Sec. 13, lot 2;
Sec. 26, lot 1;
Sec. 28, lot 1.
T. 31 N., R. 35 E.,
Sec. 10, lot 14;
Sec. 15, lots 5 and 6.
T. 32 N., R. 21 E.,
Sec. 13, NE¼SW¼ and NW¼SE¼.
T. 32 N., R. 22 E.,
Sec. 2, E½SE¼;
Sec. 6, lot 4.
T. 32 N., R. 23 E.,
Sec. 35, lot 5.
T. 32 N., R. 24 E.,
Sec. 35, lot 1.
T. 32 N., R. 32 E.,
Sec. 11, lot 10.

The areas described aggregate 481.64 acres, of which approximately 160 acres are withdrawn for other purposes, are patented, or included in an allowed homestead entry under the ordinary provisions of the homestead laws.

2. The lands are situated in Blaine, Phillips and Valley Counties, Montana, principally adjacent to the Milk River. Soils are silty-sandy, supporting a vegetative cover of cottonwoods, willows, brush, and intermingled grass species.

3. The lands are hereby restored to the operation of the public land laws, subject to any valid existing rights, to equitable claims if confirmed and allowed, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, provided, that, until 10:00 a.m., on March 13, 1962, the State of Montana shall have a preferred right to apply to select the lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

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

SEPTEMBER 11, 1961.

[F.R. Doc. 61-8814; Filed, Sept. 14, 1961; 8:50 a.m.]

[Public Land Order 2486]

ALASKA

Revoking Certain Withdrawals in Whole or in Part (Air Navigation Site No. 259; Administrative Site; Recreation Area)

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Public Land Order No. 659 of August 24, 1950, which created Air Navigation Site Withdrawal No. 259; Executive Order No. 6804 of August 4, 1934, and Public Land Order No. 609 of October 10, 1949, which withdrew lands for use of the Bureau of Public Roads, Department of Commerce, as an administrative site, and Public Land Order No. 735 of July 26, 1951, which withdrew lands for the protection and preservation of scenic and recreation areas, are hereby revoked so far as they affect the following-described lands, as indicated:

a. [Anchorage 051980]

Public Land Order No. 659:

SEWARD MERIDIAN

ANCHORAGE AREA

T. 12 N., R. 4 W.,
Sec. 3, SW¼NW¼ and N½SW¼;
Sec. 4, SE¼NE¼.
T. 13 N., R. 4 W.,
Sec. 27, lots 1, 4, 5, 6, 9, 10, S½NE¼NE¼, SE¼NE¼, and E½SE¼;
Sec. 34, lot 1, E½NE¼, and SW¼NE¼, except a tract of 16.80 acres reserved for other aviation purposes; lots 2, 3, 5, SE¼NW¼, and SE¼;
Sec. 35, S½, also a tract in secs. 33 and 34, described by metes and bounds.
All aggregating about 1,377.02 acres.

b. [Anchorage 053889]

GIRDWOOD AREA

U.S. Survey 1177

Executive Order No. 6804:
Block 2, lots 12, 13, and 14.
Containing 0.247-acre.
Public Land Order No. 609:
Block 2, lots 7, 8, 9, and 10.
Containing 0.55-acre.

c. [Anchorage 053674]

Public Land Order No. 735:

SEWARD MERIDIAN

MOOSE CREEK AREA

T. 18 N., R. 2 E.,
Sec. 2, NE¼SE¼NW¼ south of Glenn Highway.
Containing 10 acres.

The areas described total in the aggregate approximately 1,387.82 acres. The lands, with the exception of those described in paragraph 1b, Public Land Order No. 609, have either been transferred to the State of Alaska under the provisions of the Act of June 25, 1959 (73 Stat. 141; Public Law 86-70), or are patented.

2. Until 10:00 a.m., on December 12, 1961, the State of Alaska shall have a preferred right to select the 0.55-acre described in paragraph 1b, in accordance with and subject to the limitations and requirements of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

Beginning at 10:00 a.m., on December 12, 1961, the lands shall be subject to operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights and equitable claims, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

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

SEPTEMBER 11, 1961.

[F.R. Doc. 61-8815; Filed, Sept. 14, 1961; 8:50 a.m.]

[Public Land Order 2487]

IDAHO

Revoking in Whole or in Part Certain Executive Orders Which Withdrew Lands for Use of Forest Service as Administrative Sites; Correcting Public Land Order No. 2430

By virtue of the authority vested in the President, by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive orders of October 26, 1908 and January 6, 1912, which withdrew lands for use of the Forest Service, Department of Agriculture, for administrative sites, are hereby revoked so far as they affect the following-described lands:

[Idaho 012371]

BOISE MERIDIAN

a. Executive Order of October 26, 1908:

SMITH CREEK ADMINISTRATIVE SITE

T. 65 N., R. 2 W.,
Sec. 23, lot 4.

b. Executive Order of January 6, 1912:

RIVERVIEW RANGER STATION

T. 27 N., R. 1 E.,
Sec. 17, SE¼SW¼.

The areas described aggregate 79.45 acres.

2. The lands are public lands situated in Boundary and Idaho Counties. Those in Idaho County lie approximately 8 miles southwest of Whitebird, and those in Boundary County, about 25 miles north of Bonners Ferry.

3. The lands are hereby restored effective at 10:00 a.m., on October 17, 1961, to operation of the public land laws, including locations under the mining laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations and the provisions of any existing withdrawals. The lands have been open to application and offers under the mineral leasing laws and those in section 17 to location for metalliferous minerals.

4. The State of Idaho has waived the preference right of application granted by subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

[Idaho 010805; 190137]

5. In F.R. Doc. 61–6597, published in the FEDERAL REGISTER issue of July 14, 1961, at page 6303, as Public Land Order No. 2430, the land description appearing as "W½NE¼" in paragraph 2, section 23, T. 11 N., R. 18 E., is hereby corrected to read "W½NW¼."

6. Inquiries concerning the lands released from withdrawal by paragraph 1, of this order, should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

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

SEPTEMBER 11, 1961.

[F.R. Doc. 61–8816; Filed, Sept. 14, 1961; 8:50 a.m.]

[Public Land Order 2488]

[597356]

UTAH

Partly Revoking Executive Order of March 16, 1916 (Phosphate Reserve No. 27, Utah No. 4)

By virtue of the authority vested in the President by section 1 of the act of 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of March 16, 1916, creating Phosphate Reserve No. 27, Utah No. 4, is hereby revoked so far as it affects the following-described lands:

SALT LAKE MERIDIAN

T. 10 N., R. 1 E.,
Sec. 12, SW¼NE¼, S½NW¼, S½;
Sec. 13, N½, N½S½, SE¼SW¼, S½SE¼;
Sec. 24, NE¼, E½NW¼, E½SE¼;
Sec. 25, E½NE¼, SE¼;
Sec. 36, NE¼, N½SE¼.
T. 9 N., R. 2 E.,
Sec. 4, lots 3, 4, SW¼NW¼;
Sec. 5;
Sec. 6, lots 1, 2, 3, 4, S½NE¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 8, N½, E½SW¼, N½SE¼, SW¼SE¼.
T. 10 N., R. 2 E.,
Sec. 7, lots 3, 4, E½SW¼, SE¼;
Sec. 8, NE¼SW¼, S½SW¼, SE¼;
Sec. 9, S½SW¼, SE¼;
Sec. 10, SW¼SW¼;
Sec. 15, W½W½;
Secs. 16, 17, 18, 19, 20;
Sec. 21, N½, N½S½, S½SW¼, SW¼SE¼;
Sec. 22, W½NW¼;
Sec. 28, W½NE¼, W½, NW¼SE¼;
Secs. 29, 30, 31, 32;
Sec. 33, W½.

The areas described aggregate 11,583.18 acres.

2. The lands were made subject to disposition, if otherwise available under the non-mineral public land laws, with a reservation of the minerals to the United States by the act of July 17, 1914 (38 Stat. 509; 30 U.S.C. 121). They were classified nonphosphate by an order of the Geological Survey of June 29, 1961 (26 F.R. 6111).

All of the public lands in the areas described have been open to applications and offers under the mineral-leasing laws and to locations for non-metalliferous minerals. They will be open to location for non-metalliferous minerals beginning 10:00 a.m., on October 17, 1961.

Inquiries concerning the lands should be addressed to the Manager of the Land Office, Bureau of Land Management at Salt Lake City, Utah.

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

SEPTEMBER 11, 1961.

[F.R. Doc. 61–8817; Filed, Sept. 14, 1961; 8:50 a.m.]

Title 47—TELECOMMUNICATION

[Docket No. 13374; RM–126, 148; FCC 61–1091]

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations; Grand Rapids, Cadillac, Traverse City and Alpena, Mich.; Memorandum Opinion and Order

1. In a pleading filed herein on September 1, 1961, entitled "Request for Clarification or Reconsideration" Fetzer Television, Inc. seeks clarification of the Commission's Report and Order adopted herein on July 27, 1961 (26 F.R. 7267), insofar as it bears on mileage separations between a station on newly assigned Channel 13 at Grand Rapids and other preexisting stations.

2. In the instant proceeding parties commented upon and the Commission gave consideration to alternative proposals for adding a third VHF channel assignment to Grand Rapids. Three of the alternatives contemplated the possible use of a new channel (11 or 13) at substandard spacings to existing stations. The fourth alternative proposal looked toward the assignment to Grand Rapids of Channel 13 and its use by future licensees at a transmitter site so located as to meet all the standard spacing requirements. It was the last of these alternatives which we adopted. In doing so (see paragraphs 11 and 18 of the cited Report and Order) we discussed our reasons for finding that the use of Channel 13 at Grand Rapids at standard spacings would be preferable to assigning the channel to Grand Rapids for use at substandard spacings. In our Report and Order adopted the same day in Docket No. 13340 we underscored the desirability of closely limiting the use of short spaced VHF channel assignments and excluded Grand Rapids from the list of cities at which we announced we would be prepared to consider such assignments. This was done notwithstanding the fact that the pending rule making proceeding in Docket 13374 had progressed to the point where it would have been possible to adopt the alternatives which would have opened the way to the establishment of a Grand Rapids station (on Channel 11 or 13) at substandard spacings.

3. In response to the subject request for clarification there is little more that can be said than that the Commission remains persuaded of the correctness of its choice in adopting the alternative course which contemplates a station at Grand Rapids on Channel 13 at standard spacings. In saying this, we underscore again the importance we attach to the considerations we discussed in the Report and Order of July 27, 1961 (Docket 13340), which necessitate the very sparing use of short-spaced VHF assignments and their confinement to situations of great need where the alternative of a standard spaced VHF station is not available.

4. Fetzer's pleading in the alternative requests reconsideration of our decision and the adoption of an alternative which would assign Channel 11 to Grand Rapids in lieu of Channel 13. We find no persuasive reasons in the pleading for altering our decision. Having carefully considered Fetzer's statements in support of its requests we arrive at the judgment that for the reasons set out in detail in the cited Report and Order and taking into account the foregoing discussion of the reasons for preferring a standard spaced assignment, we affirm our finding that the course we adopted, being the only available means of providing for a standard spaced station, is preferable to the alternatives which involved substandard spacings. Accordingly, and for the reasons stated: *It is ordered*, That the subject petition of Fetzer Television, Inc., is granted to extent of the clarification set out in paragraphs 2 and 3 hereof, and is denied insofar as it seeks alteration of our decision.

Adopted: September 7, 1961.

Released: September 12, 1961.

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

[F.R. Doc. 61–8839; Filed, Sept. 14, 1961; 8:53 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 17]

ACTIONS ON WILLS OF OSAGE INDIANS

Appeals

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 161 of the Revised Statutes (5 U.S.C. 22) and pursuant to other authorizing statutes it is proposed to revise § 17.14 *Appeals,* Title 25 of the Code of Federal Regulations.

The approval or disapproval of wills of deceased Osage Indians by the Superintendent, following notice and hearing, has substantially the same type of technical legal connotation as does that of the action of the Examiners of Inheritance in Indian probates under Part 15 of this chapter. Appeals from the decisions of the Examiners are taken under 25 CFR 15.19 direct to the Secretary. It is the purpose of this amendment to provide for a direct appeal to the Secretary in Osage will cases.

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

Section 17.14 is amended to read as follows:

§ 17.14 Appeals.

(a) Notwithstanding the provisions in Part 2 of this chapter concerning appeals generally from administrative actions, any appeal from the action of the superintendent of approving or disapproving a will shall be taken to the Secretary. Upon the superintendent's final action of approval or disapproval of a will, he shall immediately notify by mail all attorneys appearing in the case, together with interested parties who are not represented by attorneys, of his decision and of their right to file an appeal.

(b) Any party desiring to appeal from the action of the superintendent shall, within 15 days after the date of the mailing of notice of the decision file with the superintendent a notice in writing of his intention to appeal to the Secretary, and shall, within 30 days after the mailing date of such notice by the superintendent, perfect his appeal to the Secretary by service of the appeal upon the superintendent, who will transmit the entire record to the Secretary. If no notice of intention to appeal is given within 15 days, the superintendent's decision will be final.

(c) Upon the filing of notice with the superintendent of intention to appeal or the perfecting of an appeal by service upon the superintendent, at the same time similar notice and service shall be effected by the party taking an appeal upon opposing counsel or litigants, and a statement included in the appeal that this has been done. A party taking an appeal may, within the same 30-day period allowed for perfecting an appeal, file a brief or other written statement of his contentions, showing also service of that brief upon opposing counsel or litigants. Opposing counsel or litigants shall have 30 days from the date of the service of appellant's brief upon them in which to file an answer brief, copies of which also shall be served upon the appellant or opposing counsel and litigants. Except by special permission, no other briefs will be allowed on appeal.

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

SEPTEMBER 11, 1961.

[F.R. Doc. 61-8809; Filed, Sept. 14, 1961; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 37]

FISH PROTEIN CONCENTRATE, WHOLE FISH FLOUR

Notice To Establish Definition and Standard of Identity

A manufacturer approached the Food and Drug Administration to discuss a process that he has developed for manufacturing a fish flour product which could be used as a source of protein to be marketed at a price that would be most attractive when compared with the cost of other sources of protein. The article was referred to as "whole fish flour" and was to be made by taking whole fish of varying sizes, grinding them, and, after removing the fat by a chemical process, drying the flour so produced. In some cases the flour was to be deodorized by a further process.

The Food and Drug Administration informally expressed the opinion that this "whole fish flour" should be regarded as an adulterated article under the provisions of the Federal Food, Drug, and Cosmetic Act, because it was to be made without the removal of those portions of the fish, including the intestines and intestinal contents, that are not normally regarded as acceptable for human food in the United States. Proponents of the product, however, stated that they did not agree with this view and represented that if consumers generally were fully informed of the nature of the article they would regard it as suitable for use in their food supply.

The Commissioner of Food and Drugs has received from Mr. Harold Putnam of Washington, D.C., acting on behalf of the manufacturer of this article, and others, a petition for the establishment of a standard of identity for "whole fish flour." The Commissioner has concluded that this proposal should be published in order to afford all persons interested in this article an opportunity to comment thereon.

The proposal submitted is as follows:

§ 37.5 Fish protein concentrate, whole fish flour; definition and standard of identity.

(a) *Definition.* Fish protein concentrate, whole fish flour, is a food supplement consisting primarily of a dried and processed fish protein and of the naturally associated vitamins and inorganic minerals. It is derived from any species of whole and wholesome fish, handled from catch to packaging in a sanitary manner.

(b) *Standard of identity*—(1) *Protein content.* Protein content (N X 6.25), measured by methods of the Association of Official Agricultural Chemists, shall not be less than 70 percent by weight of the final product (Official Methods of Analysis, A.O.A.C., 9th Ed., secs. 22.011, 22.023, 22.024; ch. 22, p. 285). Biological values of the finished fish protein concentrate shall not be less than 105 percent as measured by the official A.O.A.C. method for the biological evaluation of protein quality (secs. 39.133–39.137, inclusive, ch. 39, p. 680).

(2) *Moisture and ash content.* Moisture and ash contents shall not exceed 6 percent and 25 percent, respectively, by weight of the final product, measured by A.O.A.C. standards (secs. 22.003, 22.010, ch. 22, p. 283, 284).

(3) *Fat content.* Fat content shall not exceed 1 percent (sec. 18.011–18.012, inclusive, ch. 18, p. 235, or sec. 22.037, ch. 22, p. 287).

(4) *Odor and taste.* The final product should have no more than a faint fish odor and taste, and when baked in bread in the ratio of 1 part of fish protein concentrate to 11 parts of grain flour, there should be no detectable fish odor or taste.

(5) *Storage stability.* Fish protein concentrate, after 6 months' storage at temperatures prevailing in areas of intended use (but not exceeding 100° F. (38° C.)), and when packed in metal containers or in polyethylene bags, should show no spoilage as judged by the development of off-flavors, mold growth, production of toxic amines (mistamine, tyramine), or by deterioration in protein quality as shown by digestibility and available lysine values below the specific minima.

(6) *Bacteriology.* The product should be free of Escherichia coli, Salmonella, and pathogenic anaerobes, and have a total bacterial plate count of not more than 2,000 per gram.

(7) *Safety.* The finished product should contain no additives, preservatives, or harmful solvent residues.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted in quintuplicates, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the sixtieth day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 7, 1961.

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

[F.R. Doc. 61-8751; Filed, Sept. 14, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 301, 302]

[Docket No. 13032]

AIR SAFETY PROCEEDINGS AND ECONOMIC PROCEEDINGS

Delegation of Function to Hearing Examiners

SEPTEMBER 12, 1961.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments of the rules of practice in Air Safety and Economic Proceedings (14 CFR Parts 301, 302), which would expressly delegate to hearing examiners, under Reorganization Plan No. 3 of 1961 the Board's function of making the agency decision, and prescribe appropriate procedures for discretionary review by the Board of examiner's decisions made pursuant to such delegation.

The principal features of the proposed regulations are explained in the explanatory statement below and the proposed amendments are set forth below in the proposed rules. This rule-making action is proposed under the authority of sections 204(a) and 1001 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 788; 49 U.S.C. 1324, 1481), and Reorganization Plan No. 3 of 1961, 26 F.R. 5989.

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before October 30, 1961, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. In order to implement the objective underlying Reorganization Plan No. 3 of 1961, 26 F.R. 5989, the Board believes it desirable to delegate to its hearing examiners its function of making the agency decision on the merits in certain economic and air safety proceedings, subject to review in the discretion of the Board. The Board proposes to make this delegation with respect to all cases arising under section 602 of the Federal Aviation Act of 1958; all cases arising under section 609 except those involving emergency orders of the Administrator of the Federal Aviation Agency; and all cases arising under Title IV, and sections 101(3) and 1002, of the Act except those which require Presidential approval of the Board's decision under section 801 of the Act.

Under this delegation, examiners would render a decision known as initial decision from which an appeal to the Board would not lie. The Board would, however, retain a discretionary right to review such decisions, upon petition for review or on its own motion, if two or more Board members vote for review.

Experience has shown that a substantial percentage of appeals from initial decisions do not present questions which involve substantial factual, legal or policy issues. The Reorganization Plan permits the Board to adopt a discretionary review procedure under which it would review only where significant issues are present.

In addition, the presently effective procedural rules do not impose any limit upon the permissible scope of an appeal but, rather, permit the parties to bring any issue in the case before the Board. The proposed review procedures would also empower the Board to limit the issues which it will review to those specified in the Board order providing for review of the decisions rendered under delegated authority.

Under the proposed rule, appeals would no longer automatically be passed upon by the Board. Where Board review is had, it would be limited to those issues specified in the Board's order. It is believed that these proposals would appreciably expedite the final disposition of formal Board proceedings.

Under the discretionary review procedures, any party to a proceeding could file a petition for Board review of an examiner's decision rendered under delegated authority within 15 days after the service of such decision upon him. Opposing parties could file answers to petitions for review within ten days after they have been served. Both the petitions for review and the answer thereto would be limited to ten pages in length.

Parties seeking review would be required to demonstrate a prejudicial error in the conduct of the proceeding, clear error in the examiner's findings of material facts, that conclusions of law are contrary to authority, or the presence of a substantial and important question of policy. When a petition fails to meet these prescribed standards, the Board may decline to exercise its right to review the examiner's decision. Furthermore, the Board would only consider those alleged errors in the decision which have been specifically presented as questions for review by the petition of an aggrieved party. When the Board believes review to be appropriate, it will issue an order of review specifying the issues to which its consideration would be confined.

However, the proposed rule complies with the provisions of the Reorganization Plan by expressly providing for review of any question, upon the Board's own initiative, whenever any two Members of the Board affirmatively vote for review thereof.

Within 30 days of the issuance of a Board order of review, the parties would be required to submit to the Board their briefs and requests for oral argument, if any, in accordance with the presently effective provisions of Subpart A of this part. It should be noted that the proposed procedure dispenses with the filing of exceptions since the petition for review would perform the functions of that document. Petitions for reconsideration of the Board's orders declining to exercise its right of review will not be entertained.

It is contemplated that the new procedures which may ultimately be adopted in this rule making proceeding would be made applicable only to cases in which the hearing before the examiner began after the effective date of these amendments.

In Part 301—Rules of Practice in Air Safety Proceedings:

§ 301.1 [Amendment]

1. Amend § 301.1 by inserting two additional definitions to read respectively:

"Initial decision" means the examiner's decision on the merits rendered at the close of the hearing pursuant to delegation of authority under § 301.11 (b). This definition does not include rulings by the examiner on interlocutory matters, and does not apply to the term "initial decision" as used in § 301.50.

"Petition for discretionary review" means a petition to the Board for review of an initial decision made by an examiner pursuant to authority delegated in § 301.11(b).

§ 301.2 [Amendment]

2. Amend § 301.2 by inserting after the first sentence thereof the following sentence: "This part also contains the Board's delegation to hearing examiners pursuant to Reorganization Plan No. 3 of 1961 of the Board's function to render

the agency decision, subject to discretionary review by the Board."

§ 301.11 [Amendment]

3. Amend § 301.11 by redesignating paragraphs (b) through (d) as (c) through (e), respectively; striking subparagraph (9) of redesignated paragraph (c); amending the caption of redesignated paragraph (d) to read *"Appeals from examiners' interlocutory rulings;"* and inserting a new paragraph (b) to read:

(b) *Delegation of authority to make the agency decision subject to discretionary review.* Pursuant to the authority conferred on the Board and the Chairman of the Board by Reorganization Plan No. 3 of 1961, 26 F.R. 5989, there is hereby delegated to each hearing examiner assigned to a particular case subject to this part the Board's function of making the agency decision on the merits in such case, except that this delegation does not apply in cases arising under section 609 of the Act where the Administrator of the Federal Aviation Agency has advised the Board that an emergency exists and that safety in air commerce or air transportation requires the immediate effectiveness of his order appealed from. This delegation does not apply to rulings by the examiner on interlocutory matters which are subject to appeal to the Board pursuant to § 301.11(d).

§ 301.15 [Amendment]

4. Amend the first two sentences of § 301.15(b) as follows:

(b) *Other pleadings, motions or documents.* All other pleadings, motions or documents, including petitions for discretionary review of an examiner's decision under authority delegated in § 301.11(b), shall be served before filing with the Board, by personal service or certified or registered mail. Service by certified or registered mail shall be complete * * *

5. Add a new § 301.35 to read:

§ 301.35 Certification to the Board.

At any time prior to the close of the hearing, the Board may direct the examiner to certify any question or the entire record in the proceeding to the Board for decision. In cases where the record is certified to the Board, the examiner shall not render an initial decision but shall only recommend to the Board a decision as required by section 8(a) of the Administrative Procedure Act.

§ 301.40 [Amendment]

6. Amend § 301.40(a) to read:

(a) The examiner shall render his initial decision in writing after the close of the hearing. The decision shall recite that it is made under delegated authority, and contain notice of the provisions of § 301.45(a).

§ 301.40 [Amendment]

7. Amend § 301.40(c) to read as follows:

(c) The initial decision shall be served upon the parties. At any time before the date for filing a petition for discretionary review has passed the examiner or the Board may, for good cause shown, extend the time within which to file a petition for such review and the examiner may also reopen the case for good cause upon notice to the parties.

8. Delete paragraph (d) of § 301.40.

9. Amend the descriptive caption preceding § 301.45 to read as follows: Discretionary Review of Decisions.

10. Amend § 301.45 to read as follows:

§ 301.45 Procedure on petitions for discretionary review.

(a) *Effect of examiner's initial decision.* Unless a petition for discretionary review is filed pursuant to paragraph (b) of this section, or the Board issues an order to review upon its own initiative, the initial decision made by an examiner pursuant to § 301.11(b) shall become effective as the decision of the Board 30 days after service thereof. If a petition for review is timely filed or action to review is taken by the Board upon its own initiative, the effectiveness of the examiner's decision is stayed until the further order of the Board.

(b) *Petitions for discretionary review.* (1) Review by the Board pursuant to this section is not a matter of right but of the sound discretion of the Board. Any party to a proceeding subject to this subpart may file and serve a petition for discretionary review by the Board of a decision rendered pursuant to § 301.11(b) within 15 days after service thereof.

(2) Petitions for discretionary review shall be accompanied by proof of service on all parties and shall concisely and plainly state the issues presented for review, shall show that the petitioner has a substantial interest that has been adversely affected, and shall be filed only upon one or more of the following grounds:

(i) A finding of a material fact is clearly erroneous;

(ii) A legal conclusion is contrary to law, Board rules, or precedent;

(iii) A substantial and important question of policy is involved; or

(iv) A prejudicial procedural error has occurred.

Petitions for review shall not exceed 10 pages in length.

(c) *Answer.* Within 10 days after service upon the opposing party of a petition for discretionary review, such party may file in opposition thereto an answer of not more than 10 pages, which shall be served on all parties and accompanied by proof of service.

(d) *Orders declining review.* Board orders declining to exercise the Board's right of review will specify the date upon which the examiner's decision shall become effective as the final decision of the Board. No petition for reconsideration of a Board order declining review will be entertained.

11. Amend § 301.46 to read as follows:

§ 301.46 Proceedings on review.

(a) *Orders exercising right of review.* The Board will exercise its right of review if it concludes that a petition for review raises a substantial issue involving one or more of the grounds specified in § 301.45(b)(2), or upon request of two or more Board Members. An order of the Board providing for review will:

(1) Specify the issues to which review will be limited. Such issues shall constitute one or more of the objections urged in a petition for review and/or matters which the Board desires to review on its own initiative. Only those issues specified in such order will be considered by the Board.

(2) Specify those portions of the examiner's decision which are to be stayed as well as the effective date of the remaining portions thereof;

(3) Designate the parties to the review proceeding.

(b) *Briefs.* Briefs on the issues specified in the Board's order of review shall be filed within 20 days after service of such order. When a party who has filed a petition for discretionary review fails to file a timely brief complying with the requirements of this section, the Board may rescind in whole or in part its order exercising its right of review.

(c) *Contents of briefs.* Each petitioner's brief shall set forth in detail the alleged errors in the initial decision and state the reasons for such objections and the relief requested. Where any objection is based upon evidence of record, such objection need not be considered by the Board if specific record citations to the pertinent evidence are not contained in the brief.

(d) *Answering briefs.* Within 15 days after service of a brief supporting the petition for review, any other party may file and serve an answering brief. No further briefs may be filed except upon specific leave of the Board granted upon a showing of good cause. Where the answering brief relies upon evidence of record, specific citations thereto shall be made in the brief.

(e) *Number of copies.* Eight copies of briefs shall be filed with the Board. The filing shall be accompanied by proof of service.

(f) *Oral argument.* Oral argument before the Board will normally not be held in proceedings conducted under this part. However, the Board may permit oral argument when it is specifically requested and a need therefor is shown.

12. Delete § 301.47 and insert in lieu thereof a new § 301.47, to read:

§ 301.47 Board decision on review of initial decisions.

The Board will dispose of the issues on review by appropriate order which includes a statement of the reasons for its findings and conclusions. If the Board determines that the examiner erred in any respect or that his order specifying the appropriate sanction or denial thereof should be changed, the Board may make any necessary findings on order in lieu thereof or remand the case for further hearing.

§ 301.48 [Amendment]

13. Amend the second sentence of § 301.48 to read as follows: "Initial decisions which have become final, in the absence of a timely and adequate petition for review or because the Board has

declined to order review thereof, shall not be deemed orders for this purpose."

§ 301.50 [Amendment]

14. Amend § 301.50:

a. By inserting in paragraph (c), after the words "initial decision" in the second sentence thereof, the clause "(not made under authority delegated by § 301.11(b))".

b. By amending paragraph (d) to read:

(d) Parties to the proceeding may appeal from an initial decision (not made under authority delegated by § 301.11 (b)) as of right by filing with the Board and serving upon the other parties a notice of appeal within two days thereafter. Such notice of appeal need not comply with the requirements prescribed for petitions for discretionary review. Within five days of the notice of appeal, each party shall file one brief with the Board. Such briefs shall comply with the requirements of § 301.46(c) and (e). The Board will give three days' notice of oral argument, where granted. The Board will not entertain petitions for reconsideration, rehearing, reargument or modification of its order except on the ground that new evidence has been discovered which could not have been discovered before by the exercise of due diligence. The Board, upon its own motion, may raise any issue the resolution of which it deems important to a proper disposition of the proceeding; in such a case a reasonable opportunity shall be afforded to the parties to submit argument thereon.

In Part 302—Rules of Practice in Economic Proceedings:

§ 302.1 [Amendment]

1. Amend § 302.1(a) by inserting after the first sentence thereof the following text: "This part also contains the Board's delegation to hearing examiners pursuant to Reorganization Plan No. 3 of 1961 of the Board's function to render the agency decision, subject to discretionary review by the Board."

§ 302.22 [Amendment]

2. Amend § 302.22 by deleting subparagraph (9) of paragraph (c).

3. Amend the last sentence of § 302.22 by changing the words "exceptions to" to "petitions for discretionary review of."

4. Amend § 302.22 by adding a new paragraph (d) thereto to read as follows:

(d) *Certification to Board for decision.* At any time prior to the close of the hearing, the Board may direct the examiner to certify any question or the entire record in the proceeding to the Board for decision. In cases where the record is thus certified, the examiner shall not render an initial decision but shall recommend a decision to the Board as required by section 8(a) of the Administrative Procedure Act unless, in rule making or determining applications for initial licenses, the Board advises him that it intends to issue a tentative decision.

5. Amend § 302.27 to read:

§ 302.27 Delegation to examiners and action by examiners after hearing.

(a) *Delegation of authority to make the agency decision subject to discretionary review.* Pursuant to the authority conferred on the Board and the Chairman of the Board by Reorganization Plan No. 3 of 1961, 26 F.R. 5989, there is hereby delegated to each hearing examiner assigned to a particular case subject to this part the Board's function of making the agency decision on the merits in such case, except that this delegation does not apply in cases requiring Presidential approval under section 801 of the Act. This delegation does not apply to rulings by the examiner on interlocutory matters which are subject to an appeal to the Board, pursuant to § 302.18. The term initial decision, as used in this part, shall mean the examiner's decision on the merits rendered at the close of the hearing pursuant to this delegation of authority.

(b) *Action by examiner after hearing.* (i) Every initial or recommended decision issued shall state the names of the persons who are to be served with copies of it, the time within which exceptions to, or petitions for review of, such decision may be filed, and the time within which briefs in support of the exceptions may be filed. In addition, every initial decision shall recite that it is made under delegated authority, and contain notice of the provisions of paragraph (c) of this section. In the event the examiner certifies the record to the Board without an initial or recommended decision, he shall notify the parties of the time within which to file proposed findings and conclusions with the Board and supporting briefs.

(ii) Except where the Board directs otherwise, after the taking of evidence and the receipt of proposed findings and conclusions, if any, the examiner shall take the following action:

(1) *Cases subject to section 801 of the Act.* In cases where the action of the Board is subject to the approval of the President pursuant to section 801 of the Act, the examiner shall render a recommended decision orally on the record or in writing.

(2) *Other matters.* If the proceeding relates to any matter not provided for in subparagraph (1) of this paragraph, the examiner shall render an initial decision in writing.

(c) *Effect of initial decision.* Unless a petition for discretionary review is filed pursuant to § 302.28 or the Board issues an order to review upon its own initiative, the initial decision shall become effective as the final order of the Board 30 days after service thereof. If a petition for discretionary review is timely filed or action to review is taken by the Board upon its own initiative, the effectiveness of the initial decision is stayed until the further order of the Board.

§ 302.28 [Amendment]

6. Delete present § 302.28 and insert in lieu thereof a new § 302.28 and § 302.28a, to read:

§ 302.28 Procedure on petitions for review of initial decisions.

(a) *Petitions for review.* (1) Review by the Board pursuant to this section is not a matter of right but of the sound discretion of the Board. Any party may file and serve a petition for discretionary review by the Board of an initial decision within 15 days after service thereof.

(2) Petitions for review shall be accompanied by proof of service and shall concisely and plainly state the issues presented for review, shall show that the petitioner has a substantial interest that has been adversely affected, and shall be filed only upon one or more of the following grounds:

(i) A finding of a material fact is clearly erroneous;

(ii) A legal conclusion is contrary to law, Board rules, or precedent;

(iii) A substantial and important question of policy is involved; or

(iv) A prejudicial procedural error has occurred. Where objections are based on the record, the portions of the record relied upon shall be identified by detailed citation but without restatement of its contents. Petitions for review shall not exceed 10 pages in length, and shall otherwise comply with the formal specifications set forth in § 302.31(b).

(b) *Answer.* Within 10 days after service upon the opposing party of a petition for review, such party may file in opposition thereto an answer of not more than 10 pages, which shall otherwise comply with the formal specifications set forth in § 302.31(b).

(c) *Orders declining review.* Board orders declining the right to exercise review will specify the date upon which the examiner's decision shall become effective as the decision of the Board. No petition for reconsideration of a Board order declining review will be entertained.

§ 302.28a Proceedings on review of initial decisions.

The Board will exercise its right of review if it concludes that a petition for review raises a substantial issue involving one or more of the grounds specified in § 302.28(a)(2), or upon request of two or more Board Members. An order of the Board providing for review will:

(1) Specify the issues to which review will be limited. Such issues shall constitute one or more of the objections urged in a petition for review and/or matters which the Board desires to review on its own initiative. Only those issues specified in such order will be considered by the Board.

(2) Specify those portions of the examiner's decision which are to be stayed as well as the effective date of the remaining portions thereof;

(3) Designate the parties to the review proceeding.

§ 302.30 [Amendment]

7. Amend § 302.30 in the following respects:

a. Delete the words "initial or" from the caption and first sentence thereof.

b. Delete the word "initial," from the second sentence thereof.

§ 302.31 [Amendment]

8. Amend paragraph (a) of § 302.31 as follows:

a. Delete the words "initial or" from the first sentence.

b. Insert immediately after the first sentence the following text: "Briefs on the issues specified in the Board's orders of review of initial decisions shall be filed within 30 days after the date of service of such orders."

9. Amend the first sentence of paragraph (b)(2) of § 302.31 to read as follows: "Briefs to the Board may not incorporate by reference any portion of briefs previously submitted to the examiner assigned to the proceeding."

10. Amend § 302.33 to read as follows:

§ 302.33 Waiver of procedural steps after hearing.

The parties to any proceeding may agree to waive any one or more of the following precedural steps provided in §§ 302.25 through 302.32: Oral argument before the examiner, the filing of proposed findings and conclusions for the examiner or for the Board, a recommended decision of the examiner, a tentative decision of the Board, exceptions to a recommended decision of the examiner or a tentative decision of the Board, a petition for discretionary review of an initial decision, the filing of briefs with the Board, or oral argument before the Board.

§ 302.34 [Deletion]

11. Delete § 302.34.

12. Amend § 302.36 to read as follows:

§ 302.36 Final decision of the Board.

When a case stands submitted to the Board for final decision on the merits, the Board will dispose of the issues presented by entering an appropriate order which will include a statement of the reasons for its findings and conclusions. Such orders shall be deemed "final orders" within the purview of § 302.37(a).

§ 302.37 [Amendment]

13. Amend the first two sentences of § 302.37(a) to read as follows: "A petition for reconsideration, rehearing or reargument may be filed by any party to a proceeding within twenty (20) days after the date of service of a final order by the Board in such proceeding unless the time is shortened or enlarged by the Board. *Provided,* That no such petition shall be filed with respect to an initial decision or any portion thereof which has become final."

[F.R. Doc. 61-8832; Filed, Sept. 14, 1961; 8:53 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular No. 1065]

3½ PERCENT TREASURY BONDS OF 1980

Offering of Bonds; Additional Issue

SEPTEMBER 11, 1961.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for bonds of the United States, designated 3½ percent Treasury Bonds of 1980:

(1) At 102.25 percent of their face value in exchange for 2½ percent Treasury Bonds of 1965–70, dated February 1, 1944, due March 15, 1970; or

(2) At 103.50 percent of their face value in exchange for 2½ percent Treasury Bonds of 1966–71, dated December 1, 1944, due March 15, 1971.

The cash payments due from the subscriber on account of the issue prices of the new bonds issued in exchange for the 2½ percent Treasury bonds due March 15, 1970, and March 15, 1971 ($22.50 and $35.00 per $1,000, respectively), will be payable by the subscriber as provided in section IV hereof. Interest will be adjusted as of September 15, 1961, as set forth in section IV hereof. Delivery of the new bonds will be made on September 29, 1961. The amount of the offering under this circular will be limited to the amount of the eligible securities tendered in exchange and accepted. The books will be open for the receipt of subscriptions for this issue from all classes of subscribers from September 11 through September 15, 1961, and, in addition, subscriptions may be submitted by individuals through September 20, 1961. For this purpose individuals are defined as natural persons in their own right.

2. In addition to the offering under this circular, holders of the eligible securities are offered the privilege of exchanging all or any part of such securities for 3½ percent Treasury Bonds of 1990 (additional issue), or 3½ percent Treasury Bonds of 1998 (additional issue) which offerings are set forth in Department Circulars Nos. 1066 and 1067, respectively, issued simultaneously with this circular.

3. Nonrecognition of gain or loss for Federal income tax purposes. Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 as added by Public Law 86–346 (approved September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the eligible securities enumerated in paragraph one of this section solely for the 3½ percent Treasury Bonds of 1980. Gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. *Description of bonds.* 1. The bonds now offered will be an addition to and will form a part of the series of 3½ percent Treasury Bonds of 1980 issued pursuant to Department Circular No. 1050, dated September 12, 1960, will be freely interchangeable therewith, and are identical in all respects therewith except that interest on the bonds to be issued under this circular will accrue from September 15, 1961. Subject to the provision for the accrual of interest from September 15, 1961, on the bonds now offered, the bonds are described in the following quotation from Department Circular No. 1050:

1. The bonds will be dated October 3, 1960, and will bear interest from that date at the rate of 3½ percent per annum, payable on a semiannual basis on May 15 and November 15, 1961, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1980, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possesisons of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. Any bonds issued hereunder which upon the death of the owner constitute part of his estate, will be redeemed at the option of the duly constituted representatives of the deceased owner's estate, at par and accrued interest to date of payment:[1] *Provided:*

(a) That the bonds were actually owned by the decedent at the time of his death; and

(b) That the Secretary of the Treasury be authorized to apply the entire proceeds of redemption to the payment of Federal estate taxes.

Registered bonds submitted for redemption hereunder must be duly assigned to "The Secretary of the Treasury for redemption, the proceeds to be paid to the District Director of Internal Revenue at _____ for credit on Federal estate taxes due from estate of _____." Owing to the periodic closing of the transfer books and the impossibility of stopping payment of interest to the registered owner during the closed period, registered bonds received after the closing of the books for payment during such closed period will be paid only at par with a deduction of interest from the date of payment to the next interest payment date;[2] bonds received during the closed period for payment at a date after the books reopen will be paid at par plus accrued interest from the reopening of the books to the date of payment. In either case checks for the full six months' interest due on the last day of the closed period will be forwarded to the owner in due course. All bonds submitted must be accompanied by Form PD 1782,[3] properly completed, signed and certified, and by proof of the representatives' authority in the form of a court certificate or a certified copy of the representatives' letters of appointment issued by the court. The certificate, or the certification to the letters, must be under the seal of the court, and except in the case of a corporate representative, must contain a statement that the appointment is in full force and be dated within six months prior to the submission of the bonds, unless the certificate or letters show that the appointment was made within one year immediately prior to such submission. Upon payment of the bonds appropriate memorandum receipt will be forwarded to the representatives, which will be followed in due course by formal receipt from the District Director of Internal Revenue.

6. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Banking institutions generally may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder must be made on or before September 29, 1961, or on later allotment, and may be made only in a like face amount of the two issues of bonds enumerated in section I hereof, which should accompany the subscription.

[1] An exact half-year's interest is computed for each full half-year period irrespective of the actual number of days in the half year. For a fractional part of any half year, computation is on the basis of the actual number of days in such half year.

[2] The transfer books are closed from April 16 to May 15, and from October 16 to November 15 (both dates inclusive) in each year.

[3] Copies of Form PD 1782 may be obtained from any Federal Reserve Bank or from the Treasury Department, Washington, D.C.

2. Coupons dated September 15, 1961, should be detached from the 2½ percent Treasury Bonds of 1965–70 and 1966–71, by holders and cashed when due. Coupons dated March 15, 1962, and all subsequent coupons, must be attached to the bonds of 1965–70 and 1966–71 in bearer form when surrendered. In the case of registered bonds, interest due on September 15, 1961, will be paid by check in regular course by the Treasury.

3. Accrued interest from May 15 to September 15, 1961 ($11.69837 per $1,000), on the bonds to be issued and the payment ($22.50 per $1,000 for the bonds of 1965–70 and $35.00 per $1,000 for the bonds of 1966–71) due to the Treasury on account of the issue prices of the new bonds (paragraph 1 of section I hereof) will be charged subscribers. The total amount of such charges to be paid by subscribers, $34.19837 per $1,000 in the case of the bonds of 1965–70 and $46.69837 per $1,000 in the case of the bonds of 1966–71, should accompany the subscription.

V. *Assignment of registered bonds.* 1. Treasury Bonds of the eligible issues in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. If the new bonds are desired registered in the same name as the bonds surrendered in exchange, the assignment should be to "The Secretary of the Treasury for exchange for 3½ percent Treasury Bonds of 1980"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3½ percent Treasury Bonds of 1980 in the name of _____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3½ percent Treasury Bonds of 1980 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY H. FOWLER,
Acting Secretary of the Treasury.

[F.R. Doc. 61–8829; Filed; Sept. 14, 1961; 8:52 a.m.]

[Department Circular No. 1066]

3½ PERCENT TREASURY BONDS OF 1990

Offering of Bonds; Additional Issue

SEPTEMBER 11, 1961.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for bonds of the United States, designated 3½ percent Treasury Bonds of 1990:

(1) At 99.00 percent of their face value in exchange for 2½ percent Treasury Bonds of 1965–70, dated February 1, 1944, due March 15, 1970. The cash payment due to the subscriber on account of the issue price of the new bonds issued in exchange for the 2½ percent Treasury bonds due March 15, 1970 ($10.00 per $1,000) will be payable to the subscriber as provided in section IV hereof; or

(2) At 100.25 percent of their face value in exchange for 2½ percent Treasury Bonds of 1966–71, dated December 1, 1944, due March 15, 1971. The cash payment due from the subscriber on account of the issue price of the new bonds issued in exchange for the 2½ percent Treasury bonds due March 15, 1971 ($2.50 per $1,000) will be payable by the subscriber as provided in section IV hereof.

Interest will be adjusted as of September 15, 1961, as set forth in section IV hereof. Delivery of the new bonds will be made on September 29, 1961. The amount of the offering under this circular will be limited to the amount of the eligible securities tendered in exchange and accepted. The books will be open for the receipt of subscriptions for this issue from all classes of subscribers from September 11 through September 15, 1961, and, in addition, subscriptions may be submitted by individuals through September 20, 1961. For this purpose individuals are defined as natural persons in their own right.

2. In addition to the offering under this circular, holders of the eligible securities are offered the privilege of exchanging all or any part of such securities for 3½ percent Treasury Bonds of 1980 (additional issue), or 3½ percent Treasury Bonds of 1998 (additional issue) which offerings are set forth in Department Circulars Nos. 1065 and 1067, respectively, issued simultaneously with this circular.

3. Nonrecognition of gain or loss for Federal income tax purposes. Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 as added by Public Law 86–346 (approved September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the eligible securities enumerated in paragraph one of this section solely for the 3½ percent Treasury Bonds of 1990. Section 1031(b) of the Code, however, requires recognition of any gain realized on the exchange to the extent that money is received by the bond holder in connection with the exchange. To the extent not recognized at the time of the exchange, gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. *Description of bonds.* 1. The bonds now offered will be an addition to and will form a part of the series of 3½ percent Treasury Bonds of 1990 issued pursuant to Department Circulars Nos. 1005 and 1051, dated February 3, 1958, and September 12, 1960, respectively, will be freely interchangeable therewith, and are identical in all respects therewith except that interest on the bonds to be issued under this circular will accrue from September 15, 1961. Subject to the provision for the accrual of interest from September 15, 1961, on the bonds now offered, the bonds are described in the following quotation from Department Circular No. 1005:

> 1. The bonds will be dated February 14, 1958, and will bear interest from that date at the rate of 3½ percent per annum, payable on a semiannual basis on August 15, 1958, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature February 15, 1990, and will not be subject to call for redemption prior to maturity.
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> 2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.
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> 3. The bonds will be acceptable to secure deposits of public moneys.
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> 4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.
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> 5. Any bonds issued hereunder which upon the death of the owner constitute part of his estate, will be redeemed at the option of the duly constituted representatives of the deceased owner's estate, at par and accrued interest to date of payment: [1] *Provided:*
>
> (a) That the bonds were actually owned by the decedent at the time of his death; and
>
> (b) That the Secretary of the Treasury be authorized to apply the entire proceeds of redemption to the payment of Federal estate taxes.
>
> Registered bonds submitted for redemption hereunder must be duly assigned to "The Secretary of the Treasury for redemption, the proceeds to be paid to the District Director of Internal Revenue at _____ for credit on Federal estate taxes due from estate of _____." Owing to the periodic closing of the transfer books and the impossibility of stopping payment of interest to the registered owner during the closed period, registered bonds received after the closing of the books for payment during such closed period will be paid only at par with a deduction

[1] An exact half-year's interest is computed for each full half-year period irrespective of the actual number of days in the half year. For a fractional part of any half year, computation is on the basis of the actual number of days in such half year.

of interest from the date of payment to the next interest payment date; [2] bonds received during the closed period for payment at a date after the books reopen will be paid at par plus accrued interest from the reopening of the books to the date of payment. In either case checks for the full six months' interest due on the last day of the closed period will be forwarded to the owner in due course. All bonds submitted must be accompanied by Form PD 1782,[3] properly completed, signed and certified, and by proof of the representatives' authority in the form of a court certificate or a certified copy of the representatives' letters of appointment issued by the court. The certificate, or the certification to the letters, must be under the seal of the court, and except in the case of a corporate representative, must contain a statement that the appointment is in full force and be dated within six months prior to the submission of the bonds, unless the certificate or letters show that the appointment was made within one year immediately prior to such submission. Upon payment of the bonds appropriate memorandum receipt will be forwarded to the representatives, which will be followed in due course by formal receipt from the District Director of Internal Revenue.

6. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Banking institutions generally may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder must be made on or before September 29, 1961, or on later allotment, and may be made only in a like face amount of the two issues of bonds enumerated in section I hereof, which should accompany the subscription.

2. Coupons dated September 15, 1961, should be detached from the 2½ percent Treasury Bonds of 1965–70 and 1966–71 by holders and cashed when due. Coupons dated March 15, 1962, and all subsequent coupons, must be attached to the bonds of 1965–70 and 1966–71 in bearer form when surrendered. In the case of registered bonds, interest due on September 15, 1961, will be paid by check in regular course by the Treasury.

3. Accrued interest from August 15 to September 15, 1961 ($2.94837 per $1,000), on the bonds to be issued will be charged subscribers. In the case of the 2½ percent bonds of 1965–70, the accrued interest will be deducted from the payment ($10.00 per $1,000) due to the subscriber on account of the issue price of the new bonds (paragraph 1.(1) of section I hereof) and the difference ($7.05163 per $1,000) will be paid to subscribers. Payments to subscribers will be made in the case of bearer bonds following their acceptance and in the case of registered bonds following discharge of registration. In the case of registered bonds, the payment will be made by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District. In the case of the 2½ percent bonds of 1966–71, a cash payment of $5.44837 per $1,000 should be made by the subscriber when the subscription is tendered, which is the total of the accrued interest ($2.94837 per $1,000) and the payment ($2.50 per $1,000) due to the Treasury on account of the issue price of the new bonds (paragraph 1.(2) of section I hereof).

V. *Assignment of registered bonds.* 1. Treasury Bonds of the eligible issues in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. If the new bonds are desired registered in the same name as the bonds surrendered in exchange, the assignment should be to "The Secretary of the Treasury for exchange for 3½ percent Treasury Bonds of 1990"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3½ percent Treasury Bonds of 1990 in the name of _____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3½ percent Treasury Bonds of 1990 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY H. FOWLER,
Acting Secretary of the Treasury.

[F.R. Doc. 61–8830; Filed, Sept. 14, 1961; 8:52 a.m.]

[Department Circular No. 1067]

3½ PERCENT TREASURY BONDS OF 1998

Offering of Bonds; Additional Issue

SEPTEMBER 11, 1961.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for bonds of the United States, designated 3½ percent Treasury Bonds of 1998:

1. At 98.00 percent of their face value in exchange for 2½ percent Treasury Bonds of 1965–70, dated February 1, 1944, due March 15, 1970; or

(2) At 99.00 percent of their face value in exchange for 2½ percent Treasury bonds of 1966–71, dated December 1, 1944, due March 15, 1971.

The cash payments due to the subscriber on account of the issue prices of the new bonds issued in exchange for the 2½ percent Treasury Bonds due March 15, 1970, and March 15, 1971 ($20.00 and $10.00 per $1,000, respectively), will be payable to the subscriber as provided in section IV hereof. Interest will be adjusted as of September 15, 1961, as set forth in section IV hereof. Delivery of the new bonds will be made on September 29, 1961. The amount of the offering under this circular will be limited to the amount of the eligible securities tendered in exchange and accepted. The books will be open for the receipt of subscriptions for this issue from all classes of subscribers from September 11 through September 15, 1961, and, in addition, subscriptions may be submitted by individuals through September 20, 1961. For this purpose individuals are defined as natural persons in their own right.

2. In addition to the offering under this circular, holders of the eligible securities are offered the privilege of exchanging all or any part of such securities for 3½ percent Treasury Bonds of 1980 (additional issue), or 3½ percent Treasury Bonds of 1990 (additional issue) which offerings are set forth in Department Circulars Nos. 1065 and 1066, respectively, issued simultaneously with this circular.

3. Nonrecognition of gain or loss for Federal income tax purposes. Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 as added by Public Law 86–346 (approved September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the eligible securities enumerated in para-

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[2] The transfer books are closed from Jan. 16 to Feb. 15, and from July 16 to Aug. 15 (both dates inclusive) in each year.

[3] Copies of Form PD 1782 may be obtained from any Federal Reserve Bank or from the Treasury Department, Washington, D.C.

graph one of this section solely for the 3½ percent Treasury Bonds of 1998. Section 1031(b) of the Code, however, requires recognition of any gain realized on the exchange to the extent that money is received by the bond holder in connection with the exchange. To the extent not recognized at the time of the exchange, gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. *Description of bonds.* 1. The bonds now offered will be an addition to and will form a part of the series of 3½ percent Treasury Bonds of 1998 issued pursuant to Department Circular No. 1052, dated September 12, 1960, will be freely interchangeable therewith, and are identical in all respects therewith except that interest on the bonds to be issued under this circular will accrue from September 15, 1961. Subject to the provision for the accrual of interest from September 15, 1961, on the bonds now offered, the bonds are described in the following quotation from Department Circular No. 1052:

1. The bonds will be dated October 3, 1960, and will bear interest from that date at the rate of 3½ percent per annum, payable on a semiannual basis on May 15 and November 15, 1961, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1998, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. Any bonds issued hereunder which upon the death of the owner constitute part of his estate, will be redeemed at the option of the duly constituted representatives of the deceased owner's estate, at par and accrued interest to date of payment: [1] *Provided:*

(a) That the bonds were actually owned by the decedent at the time of his death; and

(b) That the Secretary of the Treasury be authorized to apply the entire proceeds of redemption to the payment of Federal estate taxes.

Registered bonds submitted for redemption hereunder must be duly assigned to "The Secretary of the Treasury for redemption, the proceeds to be paid to the District Director of Internal Revenue at _____ for credit on Federal estate taxes due from estate of _____." Owing to the periodic closing of the transfer books and the impossibility of stopping payment of interest to the registered owner during the closed period, registered bonds received after the closing of the books for payment during such closed period will be paid only at par with a deduction of interest from the date of payment to the next interest payment date; [2] bonds received during the closed period for payment at a date after the books reopen will be paid at par plus accrued interest from the reopening of the books to the date of payment. In either case checks for the full six months' interest due on the last day of the closed period will be forwarded to the owner in due course. All bonds submitted must be accompanied by Form PD 1782,[3] properly completed, signed and certified, and by proof of the representatives' authority in the form of a court certificate or a certified copy of the representatives' letters of appointment issued by the court. The certificate, or the certification to the letters, must be under the seal of the court, and except in the case of a corporate representative, must contain a statement that the appointment is in full force and be dated within six months prior to the submission of the bonds, unless the certifictae or letters show that the appointment was made within one year immediately prior to such submission. Upon payment of the bonds appropriate memorandum receipt will be forwarded to the representatives, which will be followed in due course by formal receipt from the District Director of Internal Revenue.

6. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Banking institutions generally may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be alloted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder must be made on or before September 29, 1961, or on later allotment, and may be made only in a like face amount of the two issues of bonds enumerated in section I hereof, which should accompany the subscription.

2. Coupons dated September 15, 1961, should be detached from the 2½ percent Treasury Bonds of 1965–70 and 1966–71 by holders and cashed when due. Coupons dated March 15, 1962, and all subsequent coupons, must be attached to the bonds of 1965–70 and 1966–71 in bearer form when surrendered. In the case of registered bonds, interest due on September 15, 1961, will be paid by check in regular course by the Treasury.

3. Accrued interest from May 15 to September 15, 1961 ($11.69837 per $1,000), on the bonds to be issued will be charged subscribers. In the case of the 2½ percent bonds of 1965–70, the accrued interest will be deducted from the payment ($20.00 per $1,000) due to the subscriber on account of the issue price of the new bonds (paragraph 1 of section I hereof) and the difference ($8.30163 per $1,000) will be paid to subscribers. Payments to subscribers will be made in the case of bearer bonds following their acceptance and in the case of registered bonds following discharge of registration. In the case of registered bonds, the payment will be made by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District. In the case of the 2½ percent Treasury Bonds of 1966–71, a cash payment of $1.69837 per $1,000 should be made by the subscriber when the subscription is tendered, which is the difference between the accrued interest ($11.69837 per $1,000) charged to the subscriber and the payment ($10.00 per $1,000) credited to the subscriber on account of the issue price of the new bonds (paragraph 1 of section I hereof).

V. *Assignment of Registered Bonds.* 1. Treasury Bonds of the eligible issues in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department, governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. If the new bonds are desired registered in the same name as the bonds surrendered in exchange, the assignment should be to "The Secretary of the Treasury for exchange for 3½ percent Treasury Bonds of 1998"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3½ percent Treasury Bonds of 1998 in the name of _____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3½ percent Treasury Bonds of 1998 in coupon form to be delivered to _____".

VI. *General Provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

[1] An exact half-year's interest is computed for each full half-year period irrespective of the actual number of days in the half year. For a fractional part of any half year, computation is on the basis of the actual number of days in such half year.

[2] The transfer books are closed from Apr. 16 to May 15, and Oct. 16 to Nov. 15 (both dates inclusive) in each year.

[3] Copies of Form PD 1782 may be obtained from any Federal Reserve Bank or from the Treasury Department, Washington, D.C.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY H. FOWLER,
Acting Secretary of the Treasury.

[F.R. Doc. 61-8831; Filed, Sept. 14, 1961; 8:53 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 72]

FUNCTIONS RELATING TO INDIAN IRRIGATION PROJECTS

Delegation of Authority

SEPTEMBER 7, 1961.

Order 551, as amended, is further amended by the addition of a new section 205 under the heading "Functions Relating to Indian Irrigation Projects," to read as follows:

SEC. 205. *Concessions on reservoir sites and other lands in Indian irrigation projects; leases for agriculture, business or grazing purposes.* The granting of concessions on reservoir sites, reserves for canals or flowage areas, and other lands which have been withdrawn or otherwise acquired in connection with the San Carlos, Fort Hall, Flathead, and Duck Valley or Western Shoshone Irrigation Projects, and to permit or lease such lands for agricultural, business or grazing purposes pursuant to 25 CFR Part 203.

JOHN O. CROW,
Acting Commissioner.

[F.R. Doc. 61-8833; Filed, Sept. 14, 1961; 8:53 a.m.]

Bureau of Land Management

CALIFORNIA

Correction Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 7, 1961.

The Notice of Proposed Withdrawal and Reservation of Lands and Partial Elimination thereof by the United States Department of Agriculture, Forest Service, Serial No. Sacramento 067461, published as F.R. Document 61-8382, on Page 8264 of the FEDERAL REGISTER, Volume 26, No. 169 of September 1, 1961, was published with land description error and is hereby corrected as of the date of publication. The lands involved in the application for Township 34 N., Range 11 W., M.D.M., should have read:

MOUNT DIABLO MERIDIAN

SHASTA-TRINITY NATIONAL FORESTS

Crazy Jim Campground and Picnic Area

T. 34 N., R. 11 W.,
Sec. 13: SE¼NW¼, E½NW¼SW¼, NE¼SW¼, SE¼SW¼.

An additional period of 30 days from the date of publication of this notice will be given all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal to present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 1000, California Fruit Building, Sacramento 14, California.

WALTER E. BECK,
Manager.

[F.R. Doc. 61-8810; Filed, Sept. 14, 1961; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

Designation of Area for Production Emergency Loans

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

TEXAS

Brazoria.	Jackson.
Calhoun.	Liberty.
Chambers.	Matagorda.
Colorado.	Montgomery.
Fort Bend.	Refugio.
Galveston.	Victoria.
Harris.	Wharton.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 12th day of September 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-8835; Filed, Sept. 14, 1961; 8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14195 etc.; FCC 61M-1485]

FRANK S. BARC, JR., ET AL.

Order Continuing Hearing

In re applications of Frank S. Barc, Jr., Mesa, Arizona, Docket No. 14195, File No. BP-13568; Maricopa County Broadcasters, Inc., Mesa, Arizona, Docket No. 14196, File No. BP-14391; Maryvale Broadcasting Company, Mesa, Arizona, Docket No. 14197, File No. BP-14574; for construction permits.

It is ordered, This 11th day of September 1961, on the Hearing Examiner's own motion, that the prehearing conference in the above-entitled proceeding now scheduled to be convened at 9:00 a.m., Wednesday, September 20, 1961, is continued to 9:00 a.m., Friday, September 22, 1961.

Released: September 12, 1961.

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

[F.R. Doc. 61-8836; Filed, Sept. 14, 1961; 8:53 a.m.]

[FCC 61-1093]

OFFICE OF OPINIONS AND REVIEW

Statement of Organization, Delegations of Authority, and Other Information

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on 12th day of September 1961;

The Commission having under consideration section 0.141 of its Statement of Organization, Delegations of Authority, and Other Information; and

It appearing that to expedite the conduct of Commission business and to provide efficiency, section 0.141 should be revised in light of the provision of section 1 of Public Law 87-192, 87th Cong., S. 2034, August 31, 1961 (see S. Rept. No. 576, 87th Cong., 1st Sess., p. 7; H. Rept. No. 723, 87th Cong., 1st Sess., p. 5).

It further appearing that the amendments adopted herein pertain to Commission management and organization, and hence that compliance with the requirements of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 USC 154(i), 303(r);

It is ordered, Effective September 12, 1961, that section 0.141 of the Commission's Statement of Organization, Delegations of Authority, and Other Information is amended to read as follows:

0.141 *The Office of Opinions and Review.* This office consists of legal, engineering accounting, and other personnel and is headed by a Chief. This office assists the Commission, individual Commissioners, and any designated reviewing authority within the Commission pursuant to a delegation under section 5(d)(1) of the Communications Act, in the disposition of matters arising in cases of adjudication (as defined in the Administrative Procedure Act and such other cases as by Commission policy are handled in the same manner) which have been designated for hearing.

Released: September 12, 1961.

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

[F.R. Doc. 61-8837; Filed, Sept. 14, 1961; 8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP61–15]

TEXAS GAS TRANSMISSION CORP.

Order Granting Appeal, Reversing Ruling of Presiding Examiner and Prescribing Procedure

SEPTEMBER 8, 1961.

This matter is before the Commission on an appeal taken by the Commission Staff from a ruling of the presiding examiner. On July 26, 1961, the examiner admitted into evidence the testimony and exhibits comprising Texas Gas Transmission Corporation's (Texas Gas) direct case. Objections to this ruling were made by Commission Staff counsel based on the contention that the evidence presented by Texas Gas was premised on an improperly selected test year.

The record and pleadings indicate that certain informal conferences between officials of Texas Gas and members of the Commission Staff were held commencing in January of 1961. Although there does not appear to be an agreement in fact between the Respondent and the Commission Staff the use of calendar year 1960 as the test period for preparation of a cost of service was discussed. Commission Staff states that in January 1961, they were informed by the company that it was departing from the test period it had utilized in its filing (one ending June 30, 1960) and was preparing certain cost data premised on a test-year period ending December 31, 1960, as adjusted. Staff further states that it adopted the test-year period ending December 31, 1960, as adjusted, as its test year to coincide with that used by the company and because it represented the most recent period possible reflecting actual costs. The Staff further states that early in January 1961, it proceeded with its work utilizing calendar year 1960, as adjusted, as the test year.

Texas Gas in its responses in opposition to the Commission Staff's appeal states that "we do not deny an informal conference was held, * * * [n]or do we deny that the use of an adjusted December 1960 test period was discussed." However, Texas Gas states, the discussions in the informal conferences of adjusted December 1960 as a test period were for settlement purposes.

The record indicates that within a few days after the issuance of the Commission's order of June 19, 1961, setting this matter for hearing, officials of Texas Gas informed the staff that the company was changing from a test-year period ending December 31, 1960, as adjusted, to a 12-month test-year period ended May 31, 1961, as adjusted. At the commencement of the hearing on July 25, 1961, the evidence presented by Texas Gas was based on the test-year period ended May 31, 1961, as adjusted.

The effect of a company unilaterally changing a test-year period some six months after the commencement of Staff's field investigation is argued by Staff in its appeal as follows:

* * * would waste months of the government's time, would require an additional period of time for the staff to arrive at its present state of investigation, and would cause a chaotic condition in all FPC staff field investigations as there would never be any assurance as to the test year to be used by the Company, which the staff must review regardless of the test year utilized by the staff itself. If this situation were allowed to exist, it would delay the administrative process in a manner contrary to the public interest.

The record of this case indicates that the field staff began its investigation some five weeks after the issuance of our suspension order. At that time the latest, and in all appearances the most logical and reasonable test year to employ in preparation of a cost of service, was that 12-month period which had just ended, calendar year 1960, as adjusted. The Staff has argued to us that to allow the company to change from this test year would be unfair and unreasonable.

We believe that once a company has selected a test period either for use in settlement conferences or for presentation in a formal proceeding, the subsequent adoption of this same test period by the staff and the preparation of Staff's case in reliance thereon are matters affecting the public interest. In such circumstances, any unilateral departure from the selected test period must be supported by reasons of compelling nature. We do not believe that the facts of this particular case warrant such a unilateral departure.

We, therefore, find that the appeal by Commission Staff should be upheld, the ruling of the presiding examiner set aside, and that the testimony and exhibits admitted in evidence by the examiner should be stricken from the record of this proceeding.

In order that this proceeding can go forward without undue delay we believe that in lieu of ordering this matter to be reconvened by the presiding examiner to allow Texas Gas to present its direct case premised on a test year of calendar 1960, as adjusted, the public interest would best be served by providing for the service by mail of prepared evidence. We, therefore, shall provide for the time when Texas Gas can serve copies of its prepared testimony and exhibits on all the parties as well as to fix a date for the cross-examination thereof. The company has indicated in its response that three weeks to a month would be sufficient time to prepare for hearing on a test-year period ended December 31, 1960, as adjusted.

Indiana Gas and Water Co., Inc., on August 29, 1961, and Louisville Gas and Electric Company on August 30, 1961, filed telegrams in this proceeding in support of Texas Gas' opposition to Staff counsel's appeal.

The Commission finds: For the reasons heretofore stated the appeal herein should be granted, the ruling of the presiding examiner admitting into evidence Texas Gas Transmission Corporation's Exhibits 1 through 8 should be reversed and the exhibits and testimony relating thereto should be stricken from the record.

The Commission orders:

(A) The appeal herein is granted, the ruling of the presiding examiner admitting into evidence Texas Gas Transmission Corporation's Exhibits 1 through 8 is hereby reversed and the exhibits and testimony relating thereto are hereby stricken from the record of this proceeding.

(B) On or before October 2, 1961, Texas Gas Transmission Corporation shall serve by mail upon all parties to this proceeding its case in chief which shall be premised on a 12-month test-year period ending December 30, 1960, as adjusted for changes in costs and revenues which are known and are measurable with reasonable accuracy.

(C) Commencing on October 24, 1961, at 10:00 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., this proceeding shall reconvene for the purpose of cross-examination of Texas Gas Transmission Corporation's case in chief.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–8800; Filed, Sept. 14, 1961; 8:48 a.m.]

[Docket No. CP61–131]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

SEPTEMBER 8, 1961.

Take notice that United Gas Pipe Line Company (United), a Delaware corporation with principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP61–131 on November 1, 1960, as supplemented on December 8, 1960, and April 4, 1961, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing United to construct and operate pipeline looping facilities and to sell and deliver about 49,865 Mcf of additional gas to its existing direct industrial and resale customers in the Pensacola, Florida, area, all as hereinafter described, subject to the jurisdiction of the Commission, as more fully represented in United's application which is on file with the Commission and open for public inspection.

United's application seeks authorization to construct and operate on its existing Mobile-to-Pensacola line approximately 39.45 miles of 24-inch loop of which 20.75 miles are proposed to be constructed in 1961 to supply its customers' increased requirements for the 1961–62 heating season and the remaining 18.7 miles are proposed to be constructed in 1962 to meet increased customer requirements for the 1962–63 heating season. Phase one of the loop is proposed to be constructed from a point in Escambia County, Florida, to a

point in Baldwin County, Alabama, in order to augment existing pipeline capacity by about 28,110 Mcf [1] per day to supply the increased requirements, totaling 18,050 Mcf, of United's firm industrial customers and to meet the increased requirements, amounting to 10,790 Mcf, of United's resale customers for the 1961–62 heating season. Phase two of the looping facilities consists of 18.7 miles of pipe to be constructed westward in Baldwin County, Alabama, from the termination of the phase-one portion of the loop so as to add about 21,025 Mcf per day of capacity for the purpose of supplying about 13,000 Mcf of increased firm industrial requirements and 8,025 Mcf of increased resale customer requirements for the 1962–63 heating season. The proposed phase-one facilities will increase the present capacity of the Mobile-Pensacola line from approximately 372,348 Mcf per day to 400,458 Mcf and the proposed phase-two facilities will further increase the line's capacity to 421,483 Mcf per day.

The total estimated cost of the proposed facilities, including overhead and contingencies, is $3,871,432 of which amount approximately $2,046,186 would be required for the phase-one facilities and $1,825,246 would be needed for the phase-two facilities. United proposes to finance the proposed project out of its current working funds.

It appears that the proposed additional service will not significantly affect United's gas supply.

Protests, petitions to intervene or notices of intervention may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 2, 1961.

A hearing regarding United's application in Docket No. CP61–131 will be held at a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D.C., on October 12, 1961, at 9:30 a.m., e.d.s.t.: *Provided, however,* That the Commission may, after a noncontested hearing, omit the intermediate decision procedure pursuant to the provisions of § 1.30(c) of the rules of practice and procedure. Unless a protest, petition to intervene, or notice of intervention is filed with this Commission in accordance with the preceding paragraph, it will be unnecessary for United to appear at or be represented at the hearing. Failure of any party to appear at and participate in the hearing shall be construed as concurrence in any request made herein for waiver of the intermediate decision procedure.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–8801; Filed, Sept. 14, 1961; 8:48 a.m.]

[1] All volumes are given at a pressure base of 14.9 pounds per square inch absolute. The present facilities apparently have about 730 Mcf of excess capacity over the market requirements for 1960–61 for which United has made allowance in proposing to construct 28,110 Mcf of capacity to supply the additional 28,840 Mcf of gas required by both direct and resale customers.

INTERSTATE COMMERCE COMMISSION

[Notice 543]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 12, 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 64086. By order of September 5, 1961, the Transfer Board approved the transfer to Brenton B. Holder and Dallas L. Shull, a partnership, doing business as Grove City Bus Lines, Grove City, Pa., of Certificates Nos. MC 59190 and MC 59190 Sub 1, issued May 9, 1942, and May 4, 1942, to Harmony Short Line Motor Transportation Company, a corporation, Pittsburgh, Pa., authorizing the transportation, over irregular routes, of passengers and their baggage, in charter operations, with stop-over privileges, from points in a specified area in Pennsylvania to points in Connecticut, Illinois, Indiana, Kentucky, Maryland, Michigan, Maine, Massachusetts, New Hampshire, New Jersey, New York, Missouri, Nebraska, Ohio, Rhode Island, Tennessee, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia, and return, and from points in a specified area in Pennsylvania to points in Maryland, New Jersey, New York, Ohio, West Virginia, and the District of Columbia, and return. H. Ray Pope, Jr., 10 Grant Street, Clarion, Pa., attorney for applicants.

No. MC–FC 64413. By order of September 7, 1961, the Transfer Board approved the transfer to Dade Trucking, Inc., Westbury, New York, of Certificate No. MC 87883, issued August 11, 1948, to Bahr Trucking Corporation, New York, N.Y., authorizing the transportation of: Boilers, uncrated and boiler parts, from Reading, Pa., to points within 25 miles of Columbus Circle, New York City; from Midland Park, N.J., to points in Connecticut and to points within 150 miles of Columbus Circle, New York City, in New York and Pennsylvania; statuary, uncrated, from New York, N.Y., to points in Connecticut and New Jersey; and heating equipment, uncreated, between New York, N.Y., on the one hand, and, on the other, points in Connecticut and New Jersey, and points within 150 miles of Columbus Circle, New York City, in New York and Pennsylvania. William D. Traub, 350 Fifth Avenue, New York 1, N.Y.

No. MC–FC 64433. By order of September 5, 1961, the Transfer Board approved the transfer to John Emmert, doing business as Emmert Transfer, Diamond Alley and Pine Street, Bangor, Mich., of Certificate No. MC 75206, issued June 20, 1949, to Charles Emmert, Diamond Alley and Pine Street, Bangor, Mich., authorizing the transportation of: Fresh fruits and vegetables, from Manistee, Onekama, and Bear Lake, Mich., and points in Berrien, Van Buren, Allegan, and Kalamazoo Counties, Mich., to Chicago, Ill.; feed and fertilizer, from Chicago Heights and Chicago, Ill., and Gary and Hammond, Ind., to points in Berrien, Van Buren, Allegan, and Kalamazoo Counties, Mich.; fruits and vegetables from Bangor, Mich., and points within 25 miles of Bangor, to Chicago, Ill.; farm machinery and fertilizer, from Chicago, Ill., to Bangor, Mich., and points within 25 miles of Bangor; empty barrels and vinegar, between Chicago, Ill., and Gary, Ind., on the one hand, and, on the other, Bangor, Mich.; canned fruits and vegetables from Hartford, Mich., to Chicago, Ill.; empty tin cans, from Chicago, Ill., to Hartford, Mich.; pickles, from Bangor, Mich., to Chicago, Ill.; glass bottles, from Chicago, Ill., to Bangor, Mich.; household goods between Bangor, Mich., and points within 15 miles of Bangor, on the one hand, and, on the other, points in that part of Illinois, on and north of U.S. Highway 6; and general commodities, excluding household goods, commodities in bulk and other specified commodities between Bangor, Mich., on the one hand, and, on the other, points in Illinois and Indiana within the Chicago, Ill., commercial zone.

No. MC–FC 64446. By order of September 7, 1961, the Transfer Board approved the transfer to Hudson Trucking Co., Inc., Kendallville, Ind., of Permits Nos. MC 47848 and MC 47848 Sub 1, issued January 28, 1942, and August 23, 1941, respectively, to Clayton Wilbur Hudson, doing business as C. W. Hudson, Kendallville, Ind., authorizing the transportation of: Cheese, dairy products, and machinery, materials, and supplies incidental to or used in, the operation and maintenance of cheese factories, over a regular route, between Kendallville, Ind., and Chicago, Ill.; and confectionery and machinery, materials and supplies incidental to or used in the manufacture and sale of confectionery over a regular route, between Kendallville, Ind., and Chicago, Ill. Wendell Tennis, 1–3 West Jackson Street, Sullivan, Ind., attorney at law.

No. MC–FC 64458. By order of September 8, 1961, the Transfer Board approved the transfer to James T. Comer, doing business as Comer Motor Express, Gastonia, N.C., of a portion of Certificate No. MC 13268, issued June 26, 1959, to Kilgo Motor Freight, Inc., Charlotte, N.C., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Charlotte, N.C., and points in North Carolina within 30 miles of Charlotte, on the one hand, and, on the other, points in North Carolina and South Carolina,

and those in Virginia, West Virginia, Ohio, and New York as specified. Guy H. Postel, 1375 Peachtree Street NE., Atlanta 9, Ga., attorney for applicants.

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

[F.R. Doc. 61-8826; Filed, Sept. 14, 1961; 8:52 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 12, 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. 37341: *Cast iron pressure pipe and fittings from Texas points.* Filed by Southwestern Freight Bureau, Agent (No. B-8078), for interested rail carriers. Rates on cast iron pressure pipe, fittings, and related articles, in carloads, from Lone Star, Tyler and Swan, Tex., to points in Alabama, Arkansas, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Tennessee.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 57 to Southwestern Freight Bureau tariff I.C.C. 4044.

FSA No. 37342: *Sugar from western points to Illinois points.* Filed by Western Trunk Line Committee, Agent (No. A-2204), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk, in carloads, from points in Trans-Continental and western trunk-line territories, also Montana, to specified points in Illinois.

Grounds for relief: Market competition.

Tariff: Supplement 81 to Western Trunk Line tariff I.C.C. A-4099, and other schedules named in the application.

By the Commission.

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

[F.R. Doc. 61-8825; Filed, Sept. 14, 1961; 8:52 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

WEST VIRGINIA

Amendment to Notice of Major Disaster

Notice of Major Disaster, published August 18, 1961, for the State of West Virginia (26 F.R. 7746), is hereby amended to include the following among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 23, 1961: Clay.

Dated: September 1, 1961.

FRANK B. ELLIS, *Director.*

[F.R. Doc. 61-8780; Filed, Sept. 14, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-1067]

CHERMIL CAPITAL CORP.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

SEPTEMBER 8, 1961.

Notice is hereby given that Chermil Capital Corporation ("Applicant"), New York, New York, a New York corporation and a closed-end, non-diversified investment company registered under the Investment Company Act of 1940 ("Act") has filed an amended application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company.

Applicant, incorporated under the laws of the State of New York on May 9, 1961, represents that as of August 11, 1961, it had 170,001 shares of common stock outstanding, all of which were owned by seven individuals. Applicant further represents that it is not making and does not propose to make a public offering of its securities and therefore comes under the exception to the definition of an investment company as provided in section 3(c)(1) of the Act.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Section 3(c)(1) of the Act provides that any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Notice is further given that any interested person may, not later than September 25, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application may be issued by the Commission upon the basis of the showing contained in said application, unless an order for a hearing upon said application shall be issued upon request or the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Secretary.*

[F.R. Doc. 61-8819; Filed, Sept. 14, 1961; 8:51 a.m.]

[File No. 70-3987]

MISSISSIPPI POWER AND LIGHT CO.

Notice of Filing Regarding Proposal to Transfer a Portion of Earned Surplus to Common Stock Capital Account

SEPTEMBER 8, 1961.

Notice is hereby given that Mississippi Power & Light Company, Jackson, Mississippi, ("Mississippi"), a public-utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and has designated sections 6(a) and 7 of the Act as applicable to the proposed transaction.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transaction therein proposed, which is summarized as follows:

Mississippi proposes to transfer from its earned surplus account to its common stock capital account an aggregate of $2,850,000 which is equivalent to one dollar per share on its outstanding no par value common stock. The common stock capital account will thereby be increased to $42,750,000. At July 31, 1961, its earned surplus amounted to $5,964,387 after reflecting net income for the 12 months period ended as of that date of $5,874,445 and the payment of dividends to its preferred and common stockholders in the aggregate amount of $3,927,160.

The declaration states that no State regulatory body or agency and no Federal commission or agency, other than this Commission, has jurisdiction over the proposed transaction, and that no fees or commissions are to be paid or anticipated in connection with the proposed transaction.

Notice is further given that any interested person may, not later than October

6, 1961, request in writing that a hearing be held in respect of such matter, 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. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after that date the declaration as filed or as amended may be permitted to become effective as provided by Rule 23 promulgated under the Act or the Commission may grant exemption from its rules under the Act as provided by Rules 20(a) and 100 thereof or take such other action as is deemed appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-8820; Filed, Sept. 14, 1961; 8:51 a.m.]

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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