

Washington, Wednesday, October 18, 1961

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Announcing first 5-year Cumulation

#### UNITED STATES STATUTES AT LARGE

TABLES OF LAWS AFFECTED in Volumes 70-74

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## Rules and Regulations

States during the calendar year 1961 pur-

# Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission
PART 6—EXCEPTIONS FROM THE
COMPETITIVE SERVICE

#### Department of Commerce

Effective upon publication in the Federal Register, subparagraph (1) of paragraph (h) of § 6.312 is revoked and subparagraph (6) is added as set out below.

#### § 6.312 Department of Commerce.

(h) Bureau of Public Roads. \* \* \*

(6) The Deputy Federal Highway Administrator.

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

UNITED STATES CIVIL SERV-ICE COMMISSION, [SEAL] WARREN B. IRONS,

Executive Director.
[F.R. Doc. 61-9939; Filed, Oct. 17, 1961; 8:48 a.m.]

## Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 820; Amdt. 3]

PART 820—REQUIREMENTS RELAT-ING TO NON-QUOTA PURCHASE SUGAR FOR THE CALENDAR YEAR 1961

#### Miscellaneous Amendments

1. Paragraph (b) of § 820.3 of Part 820 is hereby amended to read as follows:

§ 820.3 Non-quota purchases of sugar authorized.

(b) Pursuant to section 408(b) of the Act, the President by Proclamation No. 3401 established the amount of the quotas for sugar and for liquid sugar for Cuba for the calendar year 1961 at zero. At a level of consumption requirements for consumers in the United States of 10,000,000 short tons, raw value of sugar for 1961, the amount of the quotas that otherwise would have been provided for Cuba under the terms of Title II of the Act for the calendar year 1961 are 3,297,195 short tons, raw value of sugar and 7,970,558 wine gallons of liquid sugar, 72 per centum total sugar content, which represent the quantities that may be caused or permitted to be brought or imported into or marketed in the United

suant to section 408(b) of the Act. Sugar Regulation 819, effective for the period January 1, 1961, through March 1961, permitted the importation of 824,299 short tons, raw value, of nonquota sugar pursuant to section 408(b) of the Act. Thus, the amounts available for allocation to foreign countries pursuant to section 408(b) of the Act for the period April 1, 1961 through December 31, 1961, are 2,472,896 short tons, raw value of sugar and 7,970,558 wine gallons of liquid sugar. By Sugar Regulation 820, effective April 19, 1961, in § 820.4, a total of 1,263,776 short tons, raw value of non-quota purchase sugar was authorized for purchase and importation during the period April-December 1961. Amendment 1 to Part 820, effective June 6, 1961, revised § 820.4 to provide for allocations and authorizations for purchase of non-quota sugar for the period April-December 1961 in the following respects: A total of 2,272,896 short tons, raw value, was authorized for purchase during the period April-December 1961. The authorization for the purchase of 977,095 short tons, raw value of this total was based upon a proration in accordance with section 408(b)(2) of the Act to foreign countries with which the United States is in diplomatic relations and for which quotas have been established pursuant to section 202 of the Act, to the extent of their ability to supply sugar, except for Canada and the United Kingdom as provided in paragraph (c) of § 820.1. At the time Amendment 1 to Part 820 was issued, several countries that received quotas under section 202 of the Act were found to be unable to supply portions of the prorations of nonquota purchase sugar as follows: Mexico 175,090 tons; Nicaragua 95,122 tons; Peru 400,520 tons; and the Philippines 150,000 tons. These quantities totaling 820,732 tons plus the prorations for Canada and the United Kingdom totaling 6,895 tons and 468,174 tons of the Dominican Republic's proration under section 408(b)(2)(iii) of the Act or a total of 1,295,801 short tons, raw value, was authorized for purchase from foreign countries in accordance with the proviso in section 408(b)(2)(iii) of the Act. In Amendment 2 to Part 820, the quantity of non-quota sugar authorized for purchase from the Republic of the Philippines was increased by 150,000 tons to 368,048 short tons, raw value, which was the full proration under section 408 (b) (2) (ii) of the Act for that country. The allocations and authorizations for purchase of 1,295,801 short tons, raw value, from Brazil, Federation of the West Indies and British Guiana, Colombia, Costa Rica, Ecuador, El Salvador, French West Indies, Guatemala, Haiti, Formosa, India, Paraguay and Australia in accordance with the proviso in section 408(b) (2) (iii) remained unchanged. However, the 1,295,801 tons so allocated and authorized consisted of the prorations for Canada and the United Kingdom totaling 6,895 tons; 618,174 tons of the Dominican Republic proration under section 408(b)(2)(iii); and 670,732 tons which was the sum of the following portions of the prorations which the named countries having quotas under section 202 of the Act were unable to supply: Mexico 175,090 tons; Nicaragua 95,122 tons; and Peru 400,520 tons. In authorizing the purchase of the 1,295,801 short tons, raw value, from Brazil, Federation of the West Indies and British Guiana. Colombia, Costa Rica, Ecuador, El Salvador, French West Indies, Guatemala, Haiti, Formosa, India, Paraguay, and Australia, special consideration was given to countries of the Western Hemisphere and to those countries purchasing United States agricultural commodities. In section 820.4 as herein amended, the quantity of non-quota sugar authorized for purchase from Peru is reduced by 30,000 tons to 299,870 short tons, raw value, to reflect revised quantities authorized for purchase from Peru for consumption in the continental United States in 1961. Accordingly, 30,000 short tons, raw value, of the proration for Peru and 50,000 tons, raw value, of the proration for the Dominican Republic are not being authorized for purchase at this time. Also, the 7,970,558 wine gallons of liquid sugar are not allocated or authorized for purchase at this time.

#### § 820.4 [Amendment]

2. Paragraph (a) of § 820.4 of Part 820 is hereby amended by decreasing the quantities shown in the table therein for Peru from 329,870 short tons, raw value, to 299,870 short tons, raw value.

#### STATEMENT OF BASES AND CONSIDERATIONS

The Peruvian sugar producers, noting the apparent adequacy of supplies in the United States market for the balance of this year and the paucity of offshore raw sugar for arrival here in the first quarter of next year, reviewed its own situation with respect to servicing this market. Peru has the ability to fill its quota and allocation this year, nevertheless, the sugar producers have offered to have their current allocation of non-quota sugar reduced by 30,000 tons which is the quantity presently unsold and unchartered. This sugar, plus the quantities originally scheduled will be available in the early part of 1962.

Under the prevailing circumstances of sugar supplies and consumer requirements, the quantity authorized for purchase from Peru should be reduced by the amount released and the released amount should not be reallocated.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 101, 408; 61 Stat. 922, as amended, 933, as amended; 7 U.S.C. 1101, 1158; Public Law 87-15, approved March 31, 1961. Presidential Proclamation 3401 (26 F.R. 2749))

Effective date. To permit such nonquota purchase sugar to be marketed in an orderly manner it is essential that the amendments made herein be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable, and contrary to the public interest, and this amendment to the regulations shall become effective when published in the Federal Register.

Done at Washington, D.C., this 12th day of October 1961.

> CHARLES S. MURPHY. Acting Secretary.

Concurred in for the Secretary of State by:

EDWIN M. MARTIN, Assistant Secretary of State.

[F.R. Doc. 61-9930; Filed, Oct. 17, 1961; 8:47 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research [F.R. Doc. 61-9932; Filed, Oct. 17, 1961; 8:47 a.m.] Service, Department of Agriculture

SUBCHAPTER A-MEAT INSPECTION REGULATIONS

#### PART 17-LABELING

#### **Amendments Relating to Smoked Ham** and Other Smoked Meat Products

There appeared in the FEDERAL REGIS-TER on April 1, April 11, and April 26, 1961 (26 F.R. 2756, 3070, and 3570), notices of public hearings on the moisture content of certain smoked pork products permitted by regulations effective on December 30, 1960 (9 CFR 17.8, 25 F.R. 13952), under the Meat Inspection Act, which provided that certain smoked pork products may contain not more than 10 percent added moisture. Pursuant to the notices public hearings were held in eight cities throughout the United States.

Thereafter, on September 6, 1961, there was published in the FEDERAL REG-ISTER (26 F.R. 8398), a notice of proposed amendments of Part 17 of the meat inspection regulations (9 CFR Part 17). After due consideration by the Department of all relevant materials submitted at the hearings or pursvant to the notice and under the authority conferred by the Meat Inspection Act, as amended (21 U.S.C. 71-91), and section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306), Part 17 of the meat inspection regulations (9 CFR Part 17) is hereby amended as follows:

1. Section 17.8(c) is amended by adding thereto the following subparagraphs in proper numerical order:

(49) The weight of smoked product such as hams, pork shoulders, pork shoulder picnics, pork shoulder butts, beef tongues, and the like, except hams, pork shoulder picnics, and similar products prepared for canning, shall not exceed the weight of the fresh uncured article.

(54) The preparation of cooked, cured product such as hams, pork shoulders, pork shoulder picnics, pork shoulder butts, and pork loins, either by moist or dry heat, shall not result in the finished cooked product weighing more than the fresh uncured article.

(57) The preparation of a ham, pork shoulder picnic, or similar product for canning shall not result in an increase in weight of more than 8 percent over the weight of the fresh uncured article.

2. Section 17.8(e) is deleted.

The amendments reinstate the requirements made by the regulations with respect to moisture content of smoked hams, cooked and cured hams, and canned hams, and similar meat products, which were in effect prior to December 30, 1960.

These amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of October 1961.

> M. R. CLARKSON. Acting Administrator.

### Title 29—LABOR

Chapter IV-Bureau of Labor-Management Reports, Department of Labor

SUBCHAPTER A-REGULATIONS

#### PART 408—LABOR ORGANIZATION TRUSTEESHIP REPORTS

On June 14, 1961, notice was published in the FEDERAL REGISTER (26 F.R. 5324) of a proposed revision of 29 CFR Part 408 and of the availability upon request of the proposed Forms LM-15 and LM-16 discussed therein. Interested persons were given an opportunity to submit written data, views, and arguments concerning the proposed revision, and all relevant matter that was presented has been carefully considered.

Now, therefore, pursuant to section 208 of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 529; 29 U.S.C. 438) and for the purpose of implementing section 301(a) of the aforesaid Act, the proposed revision and forms are hereby adopted subject to the changes hereinafter indicated, and shall become effective 30 days from publication in the FEDERAL REGISTER.

The changes made in the proposed revision, aside from editorial changes, are as follows: (1) The adoption of a supplementary Form LM-15A to be used either (a) when there was a convention or other policy determining body to which the organization in trusteeship sent delegates or would have sent delegates if not in trusteeship, or (b) an election of the officers of the labor organization assuming or terminating the trusteeship; (2) explanations in §§ 408.4 and 408.8 of the use of Form LM-15A; and (3) the addition of a sentence in § 408.8 providing that when a Form LM-16 terminal report is filed, it is not necessary for the organization terminating the trusteeship to file a Form LM-1A. "Amendments to Labor Organization Information Report, Form LM-1" issued under Part 402 of this chapter. Section 408.7 is reserved pending disposition of a proposal published in the Federal Reg-ISTER this date to amend §403.5 of this chapter.

29 CFR Part 408 is hereby revised to read as follows:

408.1 Definitions. Intial trusteeship report. 408.2 Form of initial report 408.3 408 4 Semi-annual trusteeship report. 408.5 Annual financial report Amendments to the Labor Organiza-408.6

tion Information Report filed by or on behalf of the subordinate labor organization. 408.7

[Reserved.] 408.8 Terminal

trusteeship information report. 408.9 Personal responsibility of signatories of reports

408.10 Maintenance and retention of records

408.11 Dissemination and verification of reports.

408.12 Publication of reports required by this part.

AUTHORITY: §§ 408.1 to 408.12 issued under sec. 208, 73 Stat. 529, 29 U.S.C. 438. Interpret or apply sec. 301, 73 Stat. 530; 29 U.S.C. 461.

#### Definitions.

(a) "Corresponding principal officers" shall include any person or persons performing or authorized to perform principal executive functions corresponding to those of president and treasurer, of any labor organization which has assumed or imposed a trusteeship over a labor organization within the meaning of section 301(a) of the Labor-Management Reporting and Disclosure Act of 1959.

(b) "Trusteeship" means any receivership, trusteeship, or other method of supervision or control whereby a labor organization suspends the autonomy otherwise available to a subordinate body under its constitution or bylaws.

(c) "Policy determining body" means any body which is convened by the parent labor organization or other labor organization which is composed of delegates from labor organizations and which formulates policy on such matters as wages, hours, or other conditions of employment or recommends or takes any action in the name of the participating labor organization. Such a body includes, for example, a district council, area conference or joint board.

(d) "Bureau" means the Bureau of Labor-Management Reports.

#### § 408.2 Initial Trusteeship report.

Every labor organization which has or assumes trusteeship over any subordinate labor organization shall file with the Commissioner, Bureau of Labor-Management Reports, United States Department of Labor, Washington 25, D.C., within 30 days after the imposition of any such trusteeship, a trusteeship report, pursuant to § 408.3, together with a true copy thereof, signed by its President and Treasurer, or corresponding principal officers, as well as by the trustees of such subordinate labor organizations.

#### § 408.3 Form of initial report.

On and after the effective date of this section, every labor organization required to file an initial report under 408.2 shall file such report on United States Department of Labor Form LM-15 entitled "Trusteeship Report" in the detail required by the instructions accompanying such form and constituting a part thereof. The Statement of Assets and Liabilities of Form LM-2, Labor Organization Financial Report, issued pursuant to Part 403 of this chapter shall be utilized by the labor organization assuming the trusteeship in the manner set forth in Form LM-15, and the instructions accompanying that form, to report the financial condition of the subordinate labor organization as of the time the trusteeship was imposed.

#### § 408.4 Semiannual trusteeship report.

Every labor organization required to file an initial report under § 408.2 shall thereafter during the continuance of trusteeship over the subordinate labor organization, file with the said Bureau semiannually, and not later than six months after the due date of the initial trusteeship report, a semiannual trusteeship report on Form LM-15 containing the information required by § 408.2 except for the information required by Part F of the form relating to the financial condition of the subordinate organization as of the time trusteeship was assumed over it. If in answer to question 9 of Form LM-15, there was (a) a convention or other policy determining body to which the subordinate organization sent delegates or would have sent delegates if not in trusteeship or (b) an election of officers of the labor organization assuming trusteeship, Form LM-15A should be used to report the required information with respect thereto.

#### § 408.5 Annual financial report.

During the continuance of a trusteeship, the labor organization which has assumed trusteeship over a subordinate labor organization, shall file with the Bureau on behalf of the subordinate labor organization the annual financial report required by Part 403 of this chapter, signed by the President and Treasurer or corresponding principal officers of the labor organization which has assumed such trusteeship, and the trustees of the subordinate labor organization on Form LM-2, together with one true copy thereof.

# § 408.6 Amendments to the Labor Organization Information Report filed by or on behalf of the subordinate labor organization.

During the continuance of a trusteeship, the labor organization which has assumed trusteeship over a subordinate labor organization, shall file with the Bureau on behalf of the subordinate labor organization, any change in the information required by Part 402 of this chapter on Form LM-1A, together with one true copy thereof at the same time it files the annual financial report referred to in § 408.5. The report shall be signed by the president and treasurer (or corresponding principal officers) of

the subordinate labor organization. Where the trustee is the principal executive officer of the subordinate labor organization, he shall sign the report as the officer corresponding to the president. If the subordinate labor organization has no secretary or corresponding principal officer, the report shall so state and shall in that case be signed only by the trustee. If there are more than one trustee, all shall sign the report.

#### § 403.7 [Reserved]

## § 408.8 Terminal trusteeship information report.

There shall be filed at the same time that the terminal trusteeship financial report is filed a terminal trusteeship information report on Form LM-16 containing the details set forth in the instructions accompanying such form and constituting a part thereof. Where a Form LM-16 is filed, it is not necessary that a LM-1A also be filed under Part 402 of this chapter. If in answer to question 6 of Form LM-15, there was (a) a convention or other policy determining body to which the subordinate organization sent delegates or would have sent delegates if not in trusteeship or (b) an election of officers the labor organization assuming trusteeship, Form LM-15A should be used to report the required information with respect thereto.

## § 408.9 Personal responsibility of signatories of reports.

Each individual required to sign a report under this part shall be personally responsible for the filing of such report and for any statement contained therein which he knows to be false.

### § 408.10 Maintenance and retention of records.

Every person required to file any report under this part shall maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Bureau may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions, and shall keep such records available for examination for a period of not less than five years after the filing of the documents based on the information which they contain.

## § 408.11 Dissemination and verification of reports.

Every labor organization required to submit a report shall make available the information required to be contained in such report to all of its members, and every such labor organization and its officers shall be under a duty to permit such member for just cause to examine any books, records, and accounts necessary to verify such report.

## § 408.12 Publication of reports required by this part.

Inspection and examination of any report or other document filed as required by the provisions of this part, and the furnishing by the Bureau of copies thereof to any person requesting them,

shall be governed by the provisions of § 2.4 of this title.

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

ARTHUR J. GOLDBERG, Secretary of Labor.

[F.R. Doc. 61-9923; Filed, Oct. 17, 1961; 8:46 a.m.]

## Chapter V—Wage and Hour Division, Department of Labor

#### PART 661—BANKING, INSURANCE AND FINANCE INDUSTRY IN PUERTO RICO

#### Wage Order

Pursuant to authority in the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), and by means of Administrative Order No. 551 (26 F.R. 6127), as amended by Administrative Orders Nos. 553, 555, and 556 (26 F.R. 6305, 6939, and 7062), the Secretary of Labor appointed and convened Industry Committee No. NC-2. Administrative Order No. 551 referred to Industry Committee No. NC-2 the question of the minimum rate or rates to be paid to those employees in the banking, insurance, and finance industry in Puerto Rico who are entitled to minimum wage benefits under the Fair Labor Standards Act of 1938 for the first time by reasons of the Fair Labor Standards Amendments of 1961 (Pub. Law 87-30), and gave notice of the hearing of the committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matter referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949—1953 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), and in accordance with section 5(e) of the Fair Labor Standards Amendments of 1961 (Pub. Law 87-30), the recommendations of Industry Committee No. NC-2 are hereby published in this order amending 29 CFR Part 661.2, effective November 3, 1961, to read as set forth below.

This order also amends 29 CFR 661.2 to conform it to the 15 percent increase in certain wage rates required by proviso 1(A) of subsection 6(c) of the Fair Labor Standards Act of 1938 as amended. As this portion of the amendments made by this order involves no element of discretion, notice and public procedure thereon are deemed to be unnecessary.

Accordingly, effective November 3, 1961, 29 CFR 661.2 is amended to read as follows:

#### § 661.2 Wage rates.

(a) Wages at a rate of not less than \$1.15 an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general classification of the banking, insurance, and finance industry in Puerto Rico who

in any workweek is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as all activities included in the definition of the banking, insurance, and finance industry in Puerto Rico, when performed by employees who would have been subject to section 6 of the Act

prior to the 1961 Amendments.

(b) Wages at a rate of not less than \$1.00 an hour shall be paid under section 6(c), proviso (2) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the banking, insurance, and finance industry in Puerto Rico who in any workweek is employed in an enterprise engaged in commerce or in the production of goods for commerce and who is also engaged in the banking, insurance, and finance new coverage classification, which is defined as operations of any enterprise engaged in business whether or not for profit of banking, insurance, or other financing when performed by employees covered by section 6 of the Act, only by reason of the Fair Labor Standards Amendments of 1961 in the banking, insurance, and finance industry in Puerto

(Sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208)

Signed at Washington, D.C., this 13th day of October 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-9954; Filed, Oct. 17, 1961; 8:49 a.m.]

#### PART 671—COMMUNICATIONS, UTILITIES, AND TRANSPORTATION INDUSTRY IN PUERTO RICO

#### Wage Order

Pursuant to authority in the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), and by means of Administrative Order No. 551 (26 F.R. 6127), as amended by Administrative Orders Nos. 553 and 555 (26 F.R. 6305 and 6939), the Secretary of Labor appointed and convened Industry Committee No. NC-3. Administrative Order No. 551 referred to Industry Committee No. NC-3 the question of the minimum rate or rates to be paid to those employees in the communications, utilities, and transportation industry in Puerto Rico who are entitled to minimum wage benefits under the Fair Labor Standards Act of 1938 for the first time by reason of the Fair Labor Standards Amendments of 1961 (Public Law 87-30), and gave notice of the hearing of the committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matter referred to

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-1953 Comp., p. 1004), and General Order No. 45-A of the Secretary

of Labor (15 F.R. 3290), and in accordance with section 5(c) of the Fair Labor Standards Amendments of 1961 (Pub. Law 87-30), the recommendations of Industry Committee No. NC-3 are hereby published in this order amending 29 CFR 671.2, effective November 3, 1961, to read as set forth below.

This order also amends 29 CFR 671.2 to conform it to the 15 percent increase in certain wage rates required by Proviso 1(A) of subsection 6(c) of the Fair Labor Standards Act of 1938 as amended. As this portion of the amendments made by this order involves no element of discretion, notice and public procedure thereon are deemed to be unnecessary.

Accordingly, effective November 3, 1961, 29 CFR 671.2 is amended to read as follows:

#### § 671.2 Wage rates.

(a) Wages at a rate of not less than \$1.15 an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the communications, utilities, and transportation industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce and who is engaged in the radio broadcasting classification of that industry, which is defined as consisting of the operations carried on by any firm engaged in radio broadcasting in Puerto Rico.

(b) Wages at a rate of not less than \$1.15 an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the communications, utilities, and transportation industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce and who is engaged in the drivers, mechanics, and clerical workers in motor carrier transport and express classification of that industry, which is defined as consisting of the work or operations performed by drivers or operators of all motor vehicles, including fork-lift trucks; mechanics, body repairmen, solderers, and tinsmiths; and dispatchers and clerical workers, engaged in the transportation of property for compensation including pickup and delivery, and activities directly related to the transportation of property by motor vehicle for compensation and consolidating, forwarding, packing, crating, and boxing goods for shipment.

(c) Wages at a rate of not less than \$1.035 an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the communications, utilities, and transportation industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce and who is engaged in the other workers in motor carrier transport and express classification of that industry, which is defined as consisting of the work or operations performed by all workers other than those included in the drivers, mechanics, and clerical workers in motor carrier transport and express classifica-

tion, engaged in the transportation of property for compensation including pickup and delivery, and activities directly related to the transportation of property by motor vehicle for compensation and consolidating, forwarding, packing, crating, and boxing goods for shipment.

(d) Wages at a rate of not less than \$1.15 an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the communications, utilities, and transportation industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce and who is engaged in the general classification of that industry, which is defined as all activities included in the communications, utilities, and transportation industry in Puerto Rico as defined in § 671.1, except activities included in the other classifications of this industry.

(e) Wages at a rate of not less than \$1.00 an hour shall be paid under section 6(c), proviso (2) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the newcoverage classification of the communications, utilities, and transportation industry in Puerto Rico, who in any workweek is employed in an enterprise engaged in commerce or in the production of goods for commerce, and this classification shall be defined as all activities and operations of employees covered by section 6 of the Act, only by reason of the Fair Labor Standards Amendments of 1961 in the communications, utilities, and transportation industry in Puerto Rico.

(Sec. 8, 52 Stat. 1064 as amended; 29 U.S.C. 208)

Signed at Washington, D.C., this 13th day of October 1961.

CLARENCE T. LUNDQUIST,

Administrator.

[F.R. Doc. 61-9953; Filed, Oct. 17, 1961; 8:49 a.m.]

# PART 672—CONSTRUCTION, BUSINESS SERVICE, MOTION PICTURE, AND MISCELLANEOUS INDUSTRY IN PUERTO RICO

#### Wage Order

Pursuant to authority in the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), and by means of Administrative Order No. 551 (26 F.R. 6127), as amended by Administrative Orders Nos. 553, 555, and 556 (26 F.R. 6305, 6939, and 7062), the Secretary of Labor appointed and convened Industry Committee No. NC-2. Administrative Order No. 551 referred to Industry Committee No. NC-2 the question of the minimum rate or rates to be paid to those employees in the construction, business service, and motion picture industry in Puerto Rico who are entitled to minimum wage benefits under the Fair Labor Standards Act of 1938 for the first time by reason of the Fair Labor Standards Amendments of 1961 (Pub. Law 87-30), and gave notice of the hearing of the committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matter referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208). Reorganization Plan No. 6 of 1950 (3 CFR 1949-1953 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), and in accordance with section 5(c) of the Fair Labor Standards Amendments of 1961 (Pub. Law 87-30), the recommendations of Industry Committee No. NC-2 are hereby published in this order amending 29 CFR Part 672, effective November 3, 1961, to read as set forth below.

This order also amends 29 CFR Part 672 to conform it to the 15 percent increase in certain wage rates required by Proviso 1(A) of subsection 6(c) of the Fair Labor Standards Act of 1938 as amended. As this portion of the amendments made by this order involves no element of discretion, notice and public procedure thereon are deemed to be unnecessary.

Accordingly, effective November 3. 1961 29 CFR Part 672 is amended to read as follows:

672.1 Definition. 672.2 Wage rates. 672.3 Notices.

AUTHORITY: §§ 672.1 to 672.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply secs. 5, 6, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206.

#### § 672.1 Definition of the industry.

The construction, business service, motion picture, and miscellaneous industry in Puerto Rico is defined as follows: The design, construction, reconstruction, alteration, repair, and maintenance of buildings, structures, and other improvements; the assembling at the construction site and the installation of machinery and other facilities in or upon buildings, structures, and other improvements; the dismantling, wrecking, or other demolition of buildings, structures, and other improvements; the activity carried on by any business or nonprofit enterprise performing real estate, professional, advertising, education, or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or to the consumer, including the activities of gasoline service establishments; and the production of photographs and blueprints, the production and distribution of motion pictures and all activities incidental thereto; and all activities which are not included in the definition of other industries in Puerto Rico for which wage orders have been issued: Provided, however, That the industry shall not include any activity carried on by an establishment primarily engaged in another industry in Puerto Rico for its own use.

### § 672.2 Wage rates.

(a) Wages at a rate of not less than \$1.15 an hour shall be paid under section 6(c), proviso (1) of the Fair Labor

to each of his employees in the construction, business service, motion picture, and miscellaneous industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce and who is also engaged in the business service, motion picture, industrial and other building construction and special trades contractors, and miscellaneous industry classification, which is defined as the activity carried on by any business or nonprofit enterprise performing real estate, professional, advertising, education or research activities, or engaged in the furnishing of other facilities or service to industrial or commercial establishments or to the consumer, and the production of photographs and blueprints (except activities included in the remaining classifications of this industry); the production and distribution of motion pictures and all activities incidental thereto: all activities connected with the construction (including new work, additions, alterations, demolition, and repair) of buildings such as industrial, commercial, institutional, and public buildings, electric power plants, natural gas compressing stations, oil pumping stations and similar building construction, the installation or construction of access roads and similar facilities, furnaces, kilns, and similar appurtenances of industrial plants, and the assembling at the construction site and the installation of machinery in or upon buildings, structures, and other improvements, and with the work performed by contractors who specialize in activities such as plumbing, heating, decorating, electrical work, foundation work, the erection or servicing of building equipment, such as elevators, and other related construction specialties including the installation of insulation and air conditioning; and all activities which are not included in the definition of other industries in Puerto Rico for which wage orders have been issued: Provided, however, That this classification shall not include any activity carried on by an establishment primarily engaged in another industry for its own use, or any activity included in the other classifications of this industry, or any activity included in the definition of any industry in Puerto Rico for which a wage order has been issued.

(b) Wages at a rate of not less than \$1.09 an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the construction, business service, motion picture, and miscellaneous industry in Puerto Rico who in any workweek is engaged in commerce or the production of goods for commerce and who is also engaged in the janitorial service classification, which is defined as the activity carried on by any business providing office cleaning, floor waxing, and other janitorial services for industrial or commercial establishments or for the consumer

(c) Wages at a rate of not less than \$1.15 an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer

Standards Act of 1938 by every employer to each of his employees in the construction, business service, motion picture, and miscellaneous industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce and who is also engaged in the highway and street and other heavy construction and other service classification, which is defined as all work (including new work, additions, alterations, demolition, and repair) performed in connection with heavy construction, including, but not limited to, the construction of roads, streets, guard rails, fences, parkways, parking areas, airport runways, and related work, the construction of sewers and water mains, heavy foundations, elevated highways, bridges, overpasses and underpasses, dredging and harbor facility construction and improvements and other marine construction operations, and the activity carried on by any business providing disinfecting and exterminating custodial and watchman services, and related services for industrial or commerical establishments or for the consumer, except those included in the janitorial service classification: Provided, however, That this classification shall not include any construction activity carried on by an establishment primarily engaged in another industry for its own use.

> (d) Wages at a rate of not less than 83 cents an hour shall be paid under section 6(c), proviso (2) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the construction, business service, motion picture, and miscellaneous industry in Puerto Rico who in any workweek is employed in an enterprise engaged in commerce or the production of goods for commerce and who is also engaged in the construction classification, which is defined as operations of a construction enterprise made subject to section 6 of the Fair Labor Standards Act by the Fair Labor Standards Amendment of 1961 engaged in the design, construction, reconstruction, alteration, repair, and maintenance of roads and highways, buildings, structures, and other improvements; the assembling at the construction site and the installation of machinery and other facilities in or upon buildings, structures, and other improvements: dismantling, wrecking, or other demolition of buildings, structures and other improvements.

(e) Wages at a rate of not less than 70 cents an hour shall be paid under section 6(c), proviso (2) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the construction, business service, motion picture, and miscellaneous industry in Puerto Rico who in any workweek is employed in an enterprise engaged in commerce or the production of goods for commerce and who is also engaged in the gasoline service stations classification, which is defined as operations of any gasoline service establishment made subject to section 6 of the Fair Labor Standards Act by the Fair Labor Standards Amendents of 1961 engaged primarily in the selling of gasoline and lubricating oil.

(f) Wages at a rate of not less than \$1.00 an hour shall be paid under section 6(c), proviso (2) of the Fair Labor

Standards Act of 1938 by every employer to each of his employees in the construction, business service, motion picture, and miscellaneous industry in Puerto Rico who in any workweek is employed in an enterprise engaged in commerce or the production of goods for commerce and who is also engaged in the business service and motion picture new coverage classification, which is defined as operations of any enterprise made subject to section 6 of the Fair Labor Standards Act by the Fair Labor Standards Amendments of 1961 engaged in the production of photographs and blueprints, the production and distribution of motion pictures and all activities incidental thereto; and the performing of real estate, professional, advertising, education, or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or to the consumer.

#### § 672.3 Notices.

Every employer subject to the provisions of § 672.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 672.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 13th day of October 1961.

> CLARENCE T. LUNDQUIST, Administrator.

[F.R. Doc. 61-9955; Filed, Oct. 17, 1961; 8:49 a.m.]

#### PART 687—HOSIERY INDUSTRY IN PUERTO RICO

#### Wage Order

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and paragraph (C) of proviso (1) of subsection 6(c) of the aforementioned Act as amended by the Fair Labor Standards Amendments of 1961 (sec. 5(c), Pub. Law 87-30), the Secretary of Labor by Administrative Order No. 558 (26 F.R. 7706) appointed and convened Review Committee No. 1-B, and referred to it and duly noticed a hearing on the question of the minimum rate or rates of wages to be paid under paragraph (C) of proviso (1) of subsection 6(c) of the Fair Labor Standards Act of 1938 in lieu of those provided under paragraph (A) of proviso (1) to employees in the hosiery industry in Puerto Rico, as that industry is defined in Administrative Order No. 558.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1064; as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), section 6(c) (3) of the Fair Labor Standards Amendments of 1961 (sec. 5(c), Pub. Law 87-30), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, the recommendations of the Committee are hereby published in this order amending 29 CFR 687.2, effective November 3, 1961, to read as follows: § 687.2 Wage rates.

(a) Wages at a rate of not less than 70 cents an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the full-fashioned hosiery classification of the hosiery industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture and processing of fullfashioned hosiery, including, among other processes, the knitting, seaming, dyeing, clocking, and all phases of finishing full-fashioned hosiery.

(b) Wages at a rate of not less than 78 cents an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the seamless hosiery classification of the hosiery industry in Puerto Rico who in any workweek is engaged in commerce or the production of goods for commerce, and this classification shall be defined as the manufacture and processing of seamless hosiery of all types, including, among other processes, the knitting, seaming, looping, dyeing, clocking, and all phases of finishing seamless hosiery.

(Sec. 8, 52 Stat. 1064 as amended; 29 U.S.C.

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

> CLARENCE T. LUNDQUIST, Administrator.

[F.R. Doc. 61-9924; Filed, Oct. 17, 1961; Chapter VI-Department of the Navy 8:46 a.m.]

#### PART 689-SUGAR MANUFACTUR-ING INDUSTRY IN PUERTO RICO

#### Wage Order

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205) and paragraph (C) of proviso (1) of subsection 6(c) of the aforementioned Act as amended by the Fair Labor Standards Amendments of 1961 (sec. 5(c), Pub. Law 87-30), the Secretary of Labor by Administrative Order No. 558 (26 F.R. 7706) appointed and convened Review Committee No. 1-C, and referred to it and duly noticed a hearing on the question of the minimum rate or rates of wages to be paid under above cited paragraph (C) of proviso (1) of subsection 6(c) of the Act in lieu of those provided under paragraph (A) of proviso (1) to employees in the sugar manufacturing industry in Puerto Rico, as that industry is defined in Administrative Order No.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1064; as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), section 6(c)(3) of the Fair Labor Standards Amendments of 1961 (sec. 5(c), Pub. Law 87-30), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, the recommendations of the Committee are hereby published in this order amending 29 CFR 689.2, effective November 3, 1961, to read as follows:

#### § 689.2 Wage rates.

(a) Wages at a rate of not less than \$1.095 an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general classification of the sugar manufacturing industry in Puerto Rico who in any workweek is engaged in commerce or the production of goods for commerce, and this classification shall be defined as all activities included in the definition of the sugar manufacturing industry in Puerto Rico, when performed by employees who would have been subject to section 6 of the Act prior to the 1961 Amendments.

(Sec. 8, 52 Stat. 1064 as amended; 29 U.S.C.

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

> CLARENCE T. LUNDQUIST, Administrator.

[F.R. Doc. 61-9925; Filed, Oct. 17, 1961; 8:46 a.m.]

## Title 32—NATIONAL DEFENSE

SUBCHAPTER E-CLAIMS

#### PART 754-NAVY AFFIRMATIVE SALVAGE CLAIMS

#### Settlement

Section 754.1(b)(3) is amended to read as follows:

§ 754.1 Settlement of Navy affirmative salvage claims.

(b) \* \* \*

(3) The Assistant Supervisor of Salvage, Office of Industrial Manager USN, Third Naval District, 260 Madison Avenue, New York 16, New York.

(Secs. 5031, 7361-7367, 70A Stat. 278, 455-456, as amended; 10 U.S.C. 5031, 7361-7367)

By direction of the Secretary of the Navy.

ROBERT D. POWERS, Jr., [SEAL] Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

OCTOBER 10, 1961.

[F.R. Doc. 61-9913; Filed, Oct. 17, 1961; 8:45 a.m.l

## Title 45—PUBLIC WELFARE

Chapter I-Office of Education, Department of Health, Education, and Welfare

PART 114-FEDERAL ASSISTANCE UNDER PUBLIC LAW 815, 81ST CONGRESS, AS AMENDED, IN CON-STRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

#### Miscellaneous Amendments

The following amendments are hereby made to Part 114, 45 CFR (23 F.R. 7291, September 19, 1958, as amended by 24 F.R. 3694, May 7, 1959, 24 F.R. 7694, September 24, 1959, 25 F.R. 2531, March 25, 1960, 25 F.R. 9141, September 23, 1960, and 26 F.R. 2688, March 30, 1961), issued pursuant to Public Law 815, 81st Congress, as amended (64 Stat. 967) 20 U.S.C. 631.

1. Section 114.1 of Subpart A, definitions, is hereby amended by adding a new paragraph (t) to define the procedure for determining the "average daily membership" for applications under subsection 5(a) (3) of the Act. The new paragraph (t) reads as follows:

#### § 114.1 Definitions.

(t) Average daily membership-section 5(a)(3). For the purpose of eligibility and entitlement under section 5(a)(3) of the Act, the estimated number of children in average daily membership during the base year shall be 97 percent of the difference between (1) the total number of children in membership whose parents are employed (as determined by a parent-pupil survey made as of any specific date during the increase period) in establishments with respect to which a responsible official thereof certifies that there has been an increase in employment subsequent to the base year in order to fulfill Federal contracts or subcontracts, and (2) the number of such children whose parents moved into the applicant school district subsequent to such base year.

(Sec. 208, 64 Stat. 975, as amended; 20 U.S.C. 642)

2. Subpart B, dealing with deadline dates for filing applications, is hereby amended by adding a new § 114.26, to establish a first deadline date for filing application with respect to funds available during the 1962 fiscal year. The new § 114.26 reads as follows:

#### § 114.26 First deadline for applications with respect to funds available during fiscal year 1962.

For the purpose of sections 3 and 14 of the Act, December 11, 1961, is fixed as the date on or before which all complete applications for payments to which an applicant may be entitled under the Act from funds available for such purposes shall be filed.

No. 201-2

[SEAL] STERLING M. MCMURRIN, U.S. Commissioner of Education.

Approved: October 12, 1961.

IVAN A. NESTINGEN. Acting Secretary of Health, Education and Welfare.

[F.R. Doc. 61-9926; Filed, Oct. 17, 1961; 8:46 a.m.]

### Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14132; FCC 61-1207]

PART 4-EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERV-ICES

#### Television Broadcast Translator Stations; Power Limitation

1. On May 17, 1961, the Commission adopted a notice of proposed rule making (FCC 61-672) to amend § 4.735(a) of its rules to permit the use of more than one final radio frequency amplifier in VHF television translators where each of the additional amplifiers are to be used to serve a different and separate community or area. Interested parties were invited to comment on the proposal on or before June 19, 1961, and were given an additional 11 days to file replies to such comments.

2. Comments were filed by a number of individuals or groups engaged in the operation of VHF translators or the construction, installation, or maintenance of such equipment, merely endorsing the proposal without substantive comment otherwise. Mid-State Radio Supply of Wenatchee, Washington, suggested that the limits of permissible interaction between the separate transmitting antennas of stations employing more than one final radio frequency amplifier, be more clearly defined. Lyle O. Keys, Consulting Engineer, of Salt Lake City, Utah, showed a comparison of service from a single one-watt translator with that which could be obtained with more than one final radio frequency amplifier at the same location. The Washington Post Company of Washington, D.C., pointed out the advantages of the proposed system in a selected situation. The Washington State TV Reflector Association supported the proposal but requested that separate station identification not be required of the separate amplifiers. Pateros Brewster TV Association joined in this request. Electronics, Missiles & Communications, Inc., of Mount Vernon, New York, Manufacturers of VHF translator equipment, recommended that the rules clearly prohibit the use of a single amplifier with power output greater than one watt, where the power would be divided between more than one transmitting antenna so that no single antenna would be driven by more than 1 watt. They point out that such power division would be difficult to maintain

(Sec. 208, 64 Stat. 975, as amended; 20 in the event of damage to the radiating U.S.C. 642) system and that failure of the single high system and that failure of the single high power amplifier would result in loss of service to all of the communities served whereas with separate 1 watt amplifiers, the failure of one would only result in loss of service to the community served by that amplifier. Blonder-Tongue Laboratories, Inc., of Newark, New Jersey, in a late filing, urged that we permit the use of a single amplifier capable of power output in excess of 1 watt but designed to divide the power between 4 outlets so that each outlet would provide no more than 1 watt power output to the antenna connected thereto. They assert that their present amplifier is capable of being used in this manner. No comments opposing the proposed amendment were filed in this proceeding.

3. We have again given careful consideration to the matter of maximum power which may safely be permitted by VHF translators and believe that the limit of 1 watt is reasonable and necessary. We realize that there are places just beyond the fringe of satisfactory reception where a slight increase in power might provide better reception. But this is an endless process. Any increase in power would merely move the "fringe" out a little further. Unfortunately, any increase in power which would move the service range out a short distance would move the interference range out by a much greater distance due to the nature of radio wave propagation over the surface of the earth. Consequently, we must not only require that the maximum power ceiling be observed but also we must take adequate precautions in any rule permitting the use of more than one final radio frequency amplifier, to insure that the prescribed power ceiling is not inadvertently exceeded.

4. Therefore, we reject the proposal of Blonder-Tongue that a single amplifier with more than one watt of power output be allowed. The possibility of inadvertent or deliberate operation with exces-The rules sive power is too great. adopted herein require that the power output capability of the individual final radio frequency amplifiers be limited to

5. We have considered the suggestion of the Washington State TV Reflector Association and the Pateros-Brewster TV Association concerning station identification. Under the rules adopted herein, the translator installation, whether it has a single final radio frequency amplifier or more than one, will be licensed as a single station with one call sign. Our present rules permit a single translator to serve more than one community and the provision for multiple final amplifiers does not alter this. The licensee will be considered a single entity and where several communities join together in a translator operation, the organizational setup shall be such that it may be licensed as a single entity.

6. The language of the rule adopted herein is intended to make it clear that multiple final amplifiers shall not be used to effect the radiation of more power in any single direction than could be accomplished with a single 1 watt

amplifier. Each 1 watt final radio frequency amplifier shall be used to drive a separate transmitting antenna or antenna array and the antennas or arrays shall not be arranged so as to combine radiation in any direction in excess of that which the individual antenna would be able to supply if driven by a single 1 watt amplifier. We stress this point to impress upon prospective users of multiple final amplifiers our insistence that the overall effect of these devices be kept within the bounds we have found it necessary to prescribe.

7. The amendment herein ordered effects a relaxation of the rules. Therefore, the requirements of section 4 of the Administrative Procedure Act are

not applicable.

8. Accordingly, it is ordered, That effective October 20, 1961, § 4.735(a) of the Commission rules is amended as set forth below.

9. Authority for the amendments adopted herein is contained in sections 4(i), 303 (e), (f), and (r) of the Communications Act of 1934, as amended.

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

Adopted: October 11, 1961.

Released: October 13, 1961.

FEDERAL COMMUNICATIONS

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 4.735(a) is amended to read as follows:

#### § 4.735 Power limitation.

(a) The power output of the final radio frequency amplifier of a VHF translator shall not exceed 1 watt peak visual power. This power may be fed into a single transmitting antenna or may be divided between two or more transmitting antennas or antenna arrays in any manner found useful or desirable by the licensee. In individual cases, the Commission may authorize the use of more than one 1-watt final radio frequency amplifier at a single VHF translator station under the following conditions:

(1) Each such amplifier shall be used to serve a different community or area. More than one final radio frequency amplifier will not be authorized to provide service to all or a part of the same com-

munity or area.

(2) Each final radio frequency amplifier shall feed a separate transmitting antenna or antenna array. The transmitting antennas or antenna arrays shall be so designed and installed that the outputs of the separate radio frequency amplifiers will not combine to reinforce the signals radiated by the separate antennas or otherwise achieve the effect of radiated power in any direction in excess of that which could be obtained with a single antenna of the same design fed by a 1-watt radio frequency amplifier.

(3) VHF translators employing multiple final radio frequency amplifiers will be licensed as a single station. The

separate final radio frequency amplifiers will not be licensed to different licensees.

[F.R. Doc. 61-9946; Filed, Oct. 17, 1961; 8:48 a.m.]

[FCC 61-1208]

#### PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERV-ICES

## Special Requirements for Pre-Existing VHF Repeaters

On July 27, 1960, the Commission adopted a Report and Order in Docket No. 12116 (FCC 60-697) amending its rules to provide for the licensing of VHF television translators. At the time the rules were adopted, there was estimated to be between one and two thousand such devices operating on VHF channels without authority of the Com-Pursuant legislation mission. to adopted by Congress, the Commission provided for issuance of temporary operating authorizations to these unlicensed operations upon appropriate application therefor, with the understanding that such facilities would be brought into conformity with the newly adopted rules by October 31, 1961.

The aforementioned provision was contained in § 4.790 of the new rules and required, among other things, that all operators of the unauthorized stations must apply for the temporary operating authority by October 31, 1960, and that such modifications in the equipment as might be necessary to bring it into conformity with the new rules would not be made until a valid construction permit had been issued by the Commission. It was expected that the required application for construction permit would be filed in time to permit Commission action to issue the permit and the completion of construction by October 31, 1961.

Unavoidable delays have been encountered in securing needed equipment by permittees and in processing the hundreds of applications submitted to the Commission. The present temporary operating authority for these stations will expire October 31, 1961. It now appears doubtful that the Commission will be able to complete the processing of pending applications prior to October 31, 1961, or that those who receive such grants will be able to complete construction before severe winter conditions set in which render many of the sites almost inaccessible. The Commission does not wish the people to be deprived of service in those areas where a sincere effort has been made to comply with the rules.

Therefore, we are amending § 4.790 of our rules to extend the expiration date to April 30, 1962, on all outstanding authorizations which have been issued by the Commission pursuant to the provisions of § 4.790 of our rules, for temporary operation of VHF television repeaters and for which a construction permit has been issued to make such changes as may be necessary to bring the facility into conformity with our rules, or for which a properly executed application

for a construction permit to make such changes is on file with the Commission on or before October 31, 1961.

The amendment herein ordered is procedural in nature and effects a relaxation of the rules. Therefore, the requirements of section 4 of the Administrative Procedure Act are not applicable.

Authority for the amendment adopted herein is contained in sections 303 (f) and (r) and section 4(i) of the Communications Act of 1943, as amended.

Therefore, it is ordered, That, effective October 20, 1961, § 4.790 (a) and (f) of the Commission's rules is amended to read as follows:

#### § 4.790 Special requirements for preexisting VHF repeaters.

(a) Until April 30, 1962, the provisions of this section shall apply to repeater stations which are rebroadcasting TV signals on VHF Channels 2–13, and which were constructed on or before July 7, 1960. The term "repeater station" is used in this section to refer to low power devices for the reception, amplification and retransmission of television signals, irrespective of whether the output channel is the same as the input channel, or is a different channel as in the case of VHF translators.

(f) Temporary authorizations issued under this section will be valid until April 30, 1962, provided that the holder of such authorization has filed on or before October 31, 1961, an application on FCC Form 346 for authority to replace or modify the facility for which the temporary authority is held, so as to conform in all respects with the requirements of §§ 4.701 through 4.784. The replacement or modification authorized under the construction permits oi ssued shall be completed by April 30, 1962.

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

Adopted: October 11, 1961.

Released: October 13, 1961.

[SEAL]

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

[F.R. Doc. 61-9947; Filed, Oct. 17, 1961; 8:48 a.m.]

[Docket No. 14191 (RM-260); FCC 61-1192]

# PART 31—UNIFORM SYSTEM OF ACCOUNTS, CLASS A AND CLASS B TELEPHONE COMPANIES

#### House Service

1. On July 12, 1961, the Commission adopted a notice of proposed rule making in the above-entitled matter which was published in the Federal Register on July 19, 1961 (26 F.R. 6482) in accordance with section 4(a) of the Administrative Procedure Act. This Notice presented for comment, on or before August 25, 1961 (with allowance for reply comments on or before Septem-

ber 15, 1961), a proposal of American Telephone and Telegraph Company made on behalf of itself and its associated Bell telephone operating companies to transfer the cost of house service performed on public telephones from account 632, "Public telephone expenses," to account 605, "Repairs of station equipment."

2. The only comment received was from the GT&E Service Corporation (General), on behalf of itself and its associated operating telephone companies. It agreed that the transfer of these expenses from traffic to maintenance would be more in line with the nature of the work and would serve the purpose of administrative control. Accordingly, General requested that the Commission amend Part 31 of its rules and regulations so as to incorporate the changes as set forth in the proposed rule making.

3. It was not proposed to transfer the phrase "(Note also account 707.)," which was a part of the item in the item list under account 632, to be part of the new item under account 605 and this will not

be done. The Commission, on its own motion, suggested that a sentence be added to the existing "Note" under account 632 which would read: "House service with respect to public telephones shall be charged to account 605." This addition will be made.

4. Since no comment was received which requested amendment of Part 33 and the notice did not propose to change Part 33 in this respect unless convincing representations were received, the accompanying order amends Part 31 only.

5. In view of the foregoing: It is ordered, Under authority contained in sections 4(i) and 220(a) of the Communications Act of 1934, as amended, that Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, of the Commission's rules is amended as follows effective January 1, 1963, provided, however, that any company may at its option adopt these changes at any time before such mandatory effective date:

a. The list of items in § 31.605 is amended by adding after the fourth item

a new item reading "House service for public telephones."

b. Section 31.632 is amended by deleting "House service. (Note also account 707.)" from the list of items and by adding a second sentence to the "Note" which follows the item list. The "Note," as amended, reads as follows:

Note: Commissions, percentages of receipts, and flat sums paid for occupancy privileges for public telephones shall be charged to account 648. House service with respect to public telephones shall be charged to account 605.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 220, 48 Stat. 1078, as amended; 47 U.S.C. 220)

Adopted: October 11, 1961. Released: October 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-9948; Filed, Oct. 17, 1961; 8:48 a.m.]

## Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

I 9 CFR Part 201 1

## PROPOSED REGULATIONS UNDER PACKERS AND STOCKYARDS ACT

#### **Custodial Accounts**

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that it is proposed to amend § 201.42 (9 CFR 201.42) of the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), so as to read as follows:

#### § 201.42 Custodial accounts.

(a) Every market agency and licensee shall deposit the gross proceeds received from the sale of livestock or live poultry handled on a commission or agency basis in a separate bank account designated as "Custodial Account for Shippers' Proceeds", or by a similar identifying designation. Such account shall be drawn on only for payment of the net proceeds to the consignor or shipper, or such other person or persons whom such market agency or licensee has knowledge is entitled thereto, and to obtain therefrom the sums due the market agency or licensee as compensation for its services. and for such sums as are necessary to pay all legal charges against the consignment of livestock or live poultry which a market agency or licensee may, in its capacity as agent, be required to pay for and on behalf of the consignor or shipper. The market agency or licensee in each case shall keep such accounts and records as will at all times disclose the names of the consignors and the amount due and payable to each from funds in the Custodial Account for Shippers' Proceeds. For the proper maintenance of such accounts and in order to expedite examination thereof by duly authorized representatives of the Secretary, the market agency or licensee in each case shall keep the accounts in a manner which will clearly reflect the handling of the funds in compliance with the requirements of this subparagraph.

(b) If the Secretary finds that any market agency or licensee has used for purposes of its own any funds received for the purchase of livestock or live poultry on a commission or agency basis, or any other funds which have come into its possession in its capacity as agent of the buyer, such market agency or licensee shall thereafter deposit any such funds in a separate bank account designated as "Custodial Account for Buyers' Funds", or by a similar identifying designation. Such account shall be drawn on only for payment of the purchase price of livestock or live poultry purchased on behalf of a principal and to

obtain therefrom the sums due the market agency or licensee as compensation for its services, and for such sums as are necessary to pay all legal charges incurred in connection with the purchase of livestock or live poultry which a mar-ket agency or licensee may, in its capacity as agent, be required to pay for and on behalf of its principal. market agency or licensee in each case shall keep such accounts and records as will at all times disclose the names of the principals, the amount of funds received from such principals, and the amount paid on behalf of such principals from funds in the Custodial Account for Buyers' Funds. For the proper maintenance of such accounts and in order to expedite examination thereof by duly authorized representatives of the Secretary, the market agency or licensee in each case shall keep the accounts in a manner which will clearly reflect the handling of the funds in compliance with the requirements of this subparagraph.

The purpose of the proposed amendment is (1) to require that all market agencies and licensees selling livestock or live poultry on a commission or agency basis establish and maintain a separate bank account for the handling of proceeds received from the sale of livestock or live poultry handled on a commission or agency basis, and (2) to clarify the requirements of present § 201.42 in cases where it has been found that any market agency or licensee buying livestock or live poultry on a commission or agency basis has used for its own purposes any funds received for the purchase of livestock or live poultry or any other funds which may have come into its possession in its capacity as an agent.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 60 days after publication hereof in the Federal Register.

Done at Washington, D.C., this 13th day of October 1961.

F. R. Burke,
Deputy Administrator for
Regulatory Programs.

[F.R. Doc. 61–9949; Filed, Oct. 17, 1961; 8:48 a.m.]

#### [ 9 CFR Part 201 ]

## PROPOSED REGULATIONS UNDER PACKERS AND STOCKYARDS ACT

#### Packers and Dealers Not To Assess or Collect Commission, Yardage or Service Charges

Notice is hereby given, in accordance with section 4 of the Administrative

Procedure Act (5 U.S.C. 1003), that the Agricultural Marketing Service is proposing to promulgate as § 201.98 (9 CFR 201.98) of the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), the following regulation:

§ 201.98 Packers and dealers not to assess or collect commission, yardage, or service charges.

No packer or dealer purchasing livestock in transactions subject to the provisions of the Act, shall assess or collect from the seller of the livestock any commission, yardage, service or other charge.

The purpose of the proposed regulation is to prevent the continuation of the practice engaged in by some packers purchasing livestock for purposes of slaughter, and by some dealers purchasing livestock for their own account, of charging the producers or other sellers of the livestock a so-called commission, yardage or service fee.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 60 days after publication hereof in the Federal Register.

Done at Washington, D.C., this 13th day of October 1961.

F. R. Burke,
Deputy Administrator for
Regulatory Programs.

[F.R. Doc. 61-9950; Filed, Oct. 17, 1961; 8:48 a.m.]

## Agricultural Research Service

#### JAPANESE BEETLE QUARANTINE

#### Proposed Extension; Notice of Public Hearing

The Administrator of the Agricultural Research Service has information that the Japanese beetle, a dangerous insect which is known to exist in all or portions of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennylvania, Rhode Island, Vermont, Virginia, and West Virginia and the District of Columbia, has recently been discovered in certain parts of the States of California, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, South Carolina, and Tennessee.

Notice is hereby given that it is proposed under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162,

150ee), to quarantine the States of California, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, South Carolina, and Tennessee and to regulate. under the Japanese Beetle Quarantine and supplemental regulations (7 CFR. 301.48, 301.48-1 et seq.), the interstate movement from these States, or areas therein where the beetle has been discovered or other basis for regulation exists, into or through any other State, Territory, or District of the United States of (1) soil, humus, compost, and decomposed manure; (2) forest, field, nursery, or greenhouse-grown woody or herbaceous plants with roots; (3) grass sod; (4) plant crowns or roots for propagation; (5) true bulbs, corms, tubers. and rhizomes of ornamental plants, when freshly harvested or uncured; and (6) other farm products and trucks, wagons, railway cars, aircraft, boats, and other means of conveyance, and unlimited by the foregoing, any other products and articles of any character whatsoever, when it is determined in accordance with the supplemental regulations (7 CFR 301.48-1 to 301.48-10) that they present

A public hearing to consider the above proposals will be held before a representative of the Agricultural Research Service in the Peabody Hotel (Conference room on mezzanine floor), 149 Union Avenue, Memphis, Tenn., at 10 a.m., c.s.t., on December 5, 1961, in order that any person interested in the proposals may appear and be heard, either in person or by attorney. Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Director of the Plant Pest Control Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., on or before December 5, 1961, or with the presiding officer at the hearing.

a hazard of spread of Japanese beetles.

Further, notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that if it is determined, after hearing, that the States of California, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, South Carolina, and Tennessee should be quarantined as proposed, the Agricultural Research Service is considering amending the Japanese Beetle Quarantine and administrative instructions thereunder (7 CFR 301.48, 301.48-2a) to add these ten States to the States designated as quarantined and to specify regulated areas in these States for purposes of the regulations.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 19 F.R. 74, as amended)

Done at Washington, D.C., this 13th day of October 1961.

B. T. SHAW.

Administrator, Agricultural Research Service. [F.R. Doc. 61–9951; Filed, Oct. 17, 1961; 8:48 a.m.]

# I 7 CFR Part 301 ] WHITE-FRINGED BEETLE QUARANTINE

#### Proposed Extension to Arkansas, Kentucky, and Virginia; Notice of Public Hearing

The Administrator of the Agricultural Research Service has information that introduced species of the genus Graphognathus, commonly known as white-fringed beetles, dangerous insects which previously have been found to exist in certain parts of the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, have been discovered in certain parts of the States of Arkansas, Kentucky, and Virginia.

Notice is hereby given that it is proposed under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), to quarantine the States of Arkansas, Kentucky, and Virginia and to regulate, under the White Fringed Beetle Quarantine and supplemental regulations (7 CFR 301.72, 301.72-1 et seq.), the interstate movement from these States, or areas therein where the beetle has been discovered or other basis for regulation exists, into or through any other State, Territory, or District of the United States of (1) forest, filed, nursery, or greenhouse-grown woody or herbaceous plants with roots; (2) soil, compost, manure, peat, muck, clay, sand, or gravel, independent of or in connection with nursery stock, plants, plant products, or other products or articles; (3) grass sod; plant crowns or roots for propagation; true bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured: potatoes (Irish) when freshly harvested; peanuts in shells, peanut shells and peanut hay; (4) uncleaned grass, grain and legume seed; hay (other than peanut hay), straw, seed cotton and cottonseed; (5) scrap metal and junk; brick, tile, stone; concrete slabs, pipes, and building blocks; and cinders; (6) forest products. such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties; (7) railway cars, trucks, and other means of conveyance; construction and maintenance equipment; containers; and other articles of any character whatsoever which by reason of infestation or exposure constitute a hazard of spreading white-fringed beetles as determined in accordance with the supplemental regulations §§ 301.72-1 to 301.72-11 (7 CFR 301.72-1 to 301.72-11)

A public hearing to consider the above proposals will be held before a representative of the Agricultural Research Service in the Peabody Hotel (Conference room on mezzanine floor), 149 Union Avenue, Memphis, Tenn., at 10 a.m., e.s.t., on December 6, 1961, at which hearing any interested person may appear and be heard, either in person or by attorney, on the proposals. Any interested person who desires to submit written data, views, or arguments on the pro-

posals may do so by filing the same with the Director of the Plant Pest Control Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., on or before December 6, 1961, or with the presiding officer at the hearing.

Further, notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that if it is determined, after hearing, that the States of Arkansas, Kentucky, and Virginia should be quarantined as proposed, the Agricultural Research Service is considering amending the White-Fringed Beetle Quarantine and administrative instructions thereunder (7 CFR 301.72, 301.72–2a) to add these three States to specify regulated areas in these States for purposes of the regulations.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 19 F.R. 74, as amended)

Done at Washington, D.C., this 13th day of October 1961.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 61-9952; Filed, Oct. 17, 1961; 8:49 a.m.]

Agricultural Stabilization and Conservation Service

17 CFR Part 8151

#### PROPOSED ALLOTMENT OF 1962 DI-RECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

#### Notice of Hearing

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter called the "act", and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.), and on the basis of information before me. I do hereby find that the allotment of the quantities of sugar that may be established as the direct-consumption portion of the mainland quotas for Puerto Rico for the period January 1, 1962 through June 30, 1962, or for the calendar year 1962 or a part thereof, is necessary to prevent disorderly marketing and importation of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States. Accordingly, I hereby give notice that a public hearing will be held at Santurce. Puerto Rico, in the Board Room of the Association of Sugar Producers of Puerto Rico, Condado Building, Stop 17, on November 9, 1961, at 10:00 a.m.

The findings made above are in the nature of preliminary findings based on the best information now available. Based on the proposed determination of sugar requirements for the continental

United States for 1962 and proposed quotas for the 6-month period ending June 30, 1962 (25 F.R. 9051), the quantity of direct-consumption sugar that has been proposed to be permitted to be brought into the continental United States from Puerto Rico within the proposed quota for Puerto Rico for the 6month period ending June 30, 1962, totals 70,342 short tons, raw value. The guantities of direct-consumption sugar which will be permitted to be brought into the continental United States from Puerto Rico within the quota that may be established for Puerto Rico for the calendar year 1962 or a part thereof are still unknown. The capacity of Puerto Rican refineries to produce direct-consumption sugar exceeds the quantities of such sugar which may be marketed in the continental United States and for local consumption in Puerto Rico within probable quotas for the period January 1. 1962 through June 30, 1962, or that may be established for the calendar year 1962, or a part thereof. Under such circumstances provision should be made for the allotment of the direct-consumption portion of such Puerto Rican mainland quotas to avoid disorderly marketing and to provide all interested persons an equitable opportunity to market direct-consumption sugar in the continental United States.

At the hearing it will be appropriate to present evidence on the basis of which the Secretary may affirm, modify, or revoke such preliminary findings, and, in accordance therewith, make or withhold allotment of the direct-consumption portion of the mainland quota for Puerto Rico for the period January 1, 1962 through June 30, 1962, or of the direct-consumption portion of any mainland quota for Puerto Rico for the calendar

year 1962 or a part thereof.

The purpose of such hearing is to receive evidence that would enable the Secretary of Agriculture to make fair, efficient, and equitable allotments of the quantities of sugar constituting the direct-consumption portion of the mainland quota for Puerto Rico for the period January 1, 1962 through June 30, 1962, or the direct-consumption portion of the mainland quota for Puerto Rico that may be established for the calendar year 1962 or a part thereof, among persons who produce or refine and market directconsumption sugar to be brought into the continental United States for consumption therein.

In addition, the subject and issues of this hearing also include (1) the manner in which the statutory factors of "processings from proportionate shares," "past marketings," and "ability to market," as provided in section 205(a) of the said act, should be measured; and (2) the relative weightings which should be

given to these factors.

Notice is also given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Secretary may revise or amend the allotment of the direct-consumption portion of the mainland quotas for Puerto Rico for the period January 1, 1962, through June 30, 1962, or for the calendar year 1962 or a part thereof for

the purposes of (1) giving effect to any increase or decrease, or other changes in the direct-consumption portion of such mainland quotas, (2) allotting any deficit in the allotment for any allottee, and (3) substituting revised estimates of data or final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of the direct-consumption portion of a quota.

Issued this 12th day of October 1961.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 61–9929; Filed, Oct. 17, 1961; 8:47 a.m.]

#### [7 CFR Part 911]

[Docket No. AO 262-A7]

#### MILK IN TEXAS PANHANDLE MARKETING AREA

#### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Amarillo, Texas, on August 28, 1961, pursuant to notice thereof issued on August 18, 1961 (26 F.R. 7836).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on September 22, 1961 (26 F.R. 9081; F.R. Doc. 61–9262) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. No exceptions were filed to the recommended decision.

The material issue on the record of the hearing relates to revision of the order provisions to provide a temporary lower pricing for milk used to produce Cheddar cheese.

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

The order should be amended to provide a lower pricing for milk used to produce Cheddar cheese through February 1962. The price for milk so utilized should be determined by multiplying by 9 the average daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin—assembling points, cars or truckloads) as reported by the Department for the month and rounded to the nearest tenth of a cent.

Under the present order provisions milk disposed of for other than Class I (fluid uses) is classified as Class II milk. Such milk is priced during the months of July through February on the basis of a formula reflecting the Chicago butter price and the price of nonfat dry milk (spray and roller process) f.o.b.

manufacturing plants in the Chicago area. During the months of March, April, May, and June this price is reduced by 13 cents.

The North Texas Producers Association proposed a separate classification and pricing for milk disposed of in the manufacture of Cheddar cheese at the level herein recommended for the period through the flush production months of 1962. In support of their proposal producers pointed out that the association handles the bulk of the market's reserve supply, that because of unusually favorable weather conditions the level of production is substantially above normal, and that the only manufacturing outlets available to the association are Cheddar cheese plants located in Oklahoma. which plants are currently paying prices well below the order Class II price. Because of this situation, the association is currently incurring a loss of 16 cents per hundredweight, exclusive of additional handling and hauling costs, on all milk sold to such cheese plants. Proponents further pointed out that production conditions throughout the southwest have been extremely favorable and accordingly they foresee no probability of any significant increase in the local cheese plant pay prices during the fall and winter months ahead.

Producers on the Texas Panhandle market are producing milk for the fluid market. Because of the month-tomonth and day-to-day variations in production and Class I sales, the market must maintain a reasonable reserve supply even in the shortest production months. Such milk in excess of Class I needs must necessarily be disposed of in lower valued manufacturing uses. To the extent that the market's reserve supply does not exceed that necessary to assure a year-round supply for the fluid market any losses incurred by handlers in the disposition of such reserves may be included as a cost against the fluid

operations.

It is not intended that the level of surplus pricing under the order should be sufficiently low to assure the most inefficient plant operator at least a breakeven price. Too low a Class II pricing would encourage plants to associate with the pool solely for the purpose of retaining an assured milk supply for manufacturing uses. On the other hand, too high a Class II price may discourage handlers from accepting milk for other than Class I use and may create disorderly marketing conditions which it is the purpose of the order to prevent.

There is no indication that the existing Class II price under the order is too high. To the contrary, to the extent that the cost of alternative supplies are reflected in Midwest condensery pay prices introduced in the record, it seems likely that the price level is somewhat below the cost of procuring alternative supplies. Proprietary handlers in the Texas Panhandle market have only limited need for milk for other than Class I use. Only one local handler operates any sizable manufacturing facility and its capacity is too limited to handle the bulk of the market's current reserve supply. Hence, the burden of marketing the market's surplus or reserve supply necessarily falls on the proponent cooperative association whose membership includes the majority of the producers on the local market. Under normal circumstances the cooperative has been able to dispose of this milk to local cheese manufacturing plants at prices favorably related to the regular Class II price.

The unusually favorable weather conditions which have prevailed in the Texas Panhandle production area have brought forth unprecedented milk production. Similar production conditions have generally extended into adjacent markets with the result that manufacturing facilities throughout this area have been running at capacity and local cheese plants, which are the only available outlets for the market's excess milk have reduced their pay prices, notwithstanding the recent increase in cheese support price levels. While the record does not reveal the added handling and hauling costs that the cooperative incurs in moving milk to the available cheese plants, primarily those located at Chickasha and Mangum, Oklahoma, it is likely that at the existing average pay price of \$3.36 per hundredweight f.o.b. plant for milk of 4.0 percent butterfat which the cooperative receives for such milk, the price herein proposed will at least no more than permit the cooperative to break even on that milk disposed of for Cheddar cheese.

It cannot be predicted with any precision what prices the local cheese plant will in fact pay during the months ahead. Nevertheless, under the existing surplus milk situation it is unlikely that their pay prices will increase significantly in relation to the order Class II price in the

months immediately ahead.

Production has been running at a very high level in the market in relation to Class I use for almost a year. However, until July the association was able to divert milk to Cheddar cheese plants without undue cost at the regular Class II price. During the period March through June this situation was implemented by the fact that the Class II price under the order was below the level established for other months of the year. The seasonal price increase which occurred in July and the increase in support levels for nonfat dry milk and Cheddar cheese effective July 18, signifi-cantly increased the Class II price for July. It must be presumed that during the forthcoming fall and winter months the Class II price under the order will closely follow normal seasonal changes. Under these circumstances it is apparent that without some relief the cooperative will continue to incur a serious financial burden in the handling of the market's surplus milk.

It is the purpose of the marketwide pool that all of the dairy farmers holding producer status under the order shall share equitably in the sale of milk for the market's Class I needs as well as in carrying the burden of the market's reserve supply. Unless a lower pricing for milk disposed of for Cheddar cheese is provided the producers who are members of the cooperative association handling the market's surplus will continue

to bear a disproportionate cost in carrying this surplus.

While producers requested that the temporary lower pricing be provided at least through June 1962, it is not apparent that they will incur undue cost in the handling of surplus milk under the lower Class II pricing provided by the order for the months of March through June. Accordingly, it is concluded that the lower pricing requested should be made effective only for the months through February 1962

through February 1962.
In view of the temporary nature of this proposed action it appears unnecessary to make all of the changes in the classification, pricing, and allocation provisions requested. The effect of proponents' proposal may be accomplished by providing in the pricing provisions for an adjustment credit which would apply on that milk which it is established was utilized in the production of Cheddar cheese. The amount of the adjustment on each hundredweight of milk so utilized would be the difference between the announced Class II price and a value computed by multiplying by 9 the price of Cheddars reported at Wisconsin Primary markets. The sum of the credits so computed for each handler would then be deducted in computing such handler's pool obligation pursuant to § 911.70. The order language hereinafter set forth so provides.

No opposing testimony was offered at the hearing relative to the proposal under consideration. A brief was filed on behalf of one substantial handler requesting that no change be made in the allocation provisions which would permit shrinkage in a Cheddar cheese operation to be priced at other than Class II

Cheddar cheese is not processed at any pool plant under the order. The shrinkage experience at a nonpool plant is not considered in classifying milk diverted or transferred to any plant under the present order provisions and no change is recommended in this regard. The adoption of the suggestions set forth in the brief would require substantive changes in the accounting procedures required by the order which were not a matter of consideration at the hearing.

While no exceptions were filed to the recommended decision, the proposed order language has been revised to clarify that it was not the intent that the amendment of this order should determine the classification of milk moving from another order to a nonpool plant which also received milk from a regulated plant under this order. Under the revised language, the pricing of producer milk moving to a nonpool plant for use in Cheddar cheese would be exactly the same as would have resulted from the language set forth in the recommended decision.

Rulings on proposed findings and conclusions. A brief with proposed findings and conclusions was filed on behalf of an interested party. This brief, with proposed findings and conclusions, was carefully considered along with the evidence in the record in making the findings and conclusions set forth above. To the extent that the proposed findings

and conclusions are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

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

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

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

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

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

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

Determination of representative period. The month of August 1961 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Texas Panhandle marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in

the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on October 12, 1961.

CHARLES S. MURPHY,
Acting Secretary.

Order Amending the Order Regulating the Handling of Milk in the Texas Panhandle Marketing Area

#### § 911.0 Findings and determinations.

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

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

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the de-

clared policy of the Act;

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

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

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

1. Add a new § 911.55 immediately following § 911.54 to read as follows:

§ 911.55 Cheddar cheese credit.

On and after the effective date hereof through February 1962, any milk used to produce Cheddar cheese or transferred in the form of milk from a pool plant to a nonpool plant and there used to produce Cheddar cheese shall be assigned to such use by the market administrator and shall be subject to a credit computed as follows: Multiply the rate by which the per hundredweight Class II price for milk containing 4.0 percent butterfat exceeds the amount (rounded to the nearest tenth of a cent) obtained by multiplying by 9.0 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department during the month, by the hundredweight of Class II milk not in excess of the combined volume of skim milk and butterfat remaining after the computation specified in § 911.46(a) (7) and the corresponding step of § 911.46 (b) less any overage deducted pursuant to § 911.46(a) (9) and the corresponding step of § 911.46(b), which was either used to produce Cheddar cheese or transferred in the form of milk from a pool plant to a nonpool plant and there used to produce Cheddar cheese: Provided, That in the event the plant at which the Cheddar cheese was produced also received milk to be classified and priced under some other Federal order(s) on the basis of its specific use in Cheddar cheese and the volume of milk so used in such plant was less than the combined volume of milk to be so classified and priced under this and such other order(s), then the hundredweight of milk to which this paragraph is applicable shall be a pro rata share of such use determined by computing the percentage that the volume of milk for which Cheddar cheese use is claimed under this order is of the total volume of Federal order milk for which such use is claimed and applying that percentage to the volume of milk so used in such plant.

#### § 911.70 [Amendment]

- 2. Add a new paragraph (e) at the end of § 911.70 to read as follows:
- (e) Deduct the amount of any credits computed for such handler pursuant to § 911.55.

[F.R. Doc. 61-9928; Filed, Oct. 17, 1961; 8:47 a.m.]

### DEPARTMENT OF LABOR

Bureau of Labor-Management Reports

[ 29 CFR Part 403 ]

#### TERMINAL FINANCIAL REPORTS

## Proposed Amendment of Time for Filing

Notice is hereby given that pursuant to section 208 of the Labor-Management Reporting and Disclosure Act of 1959

(73 Stat. 529, 29 U.S.C. 438) the Secretary of Labor proposes to amend 29 CFR 403.5(b) in order to extend the time for filing terminal financial reports by each labor organization which has assumed trusteeship over a subordinate labor organization from 30 to 90 days.

Interested persons may submit written data, views, or arguments regarding the proposed amendment to the Secretary of Labor, United States Department of Labor, Washington 25, D.C., within fifteen days following the publication of this notice in the FEDERAL REGISTER.

As amended, 29 CFR 403.5(b) would read as follows:

§ 403.5 Terminal financial reports.

(b) Every labor organization which has assumed trusteeship over a subordinate labor organization shall file within 90 days after the termination of such trusteeship, or of the effective date of this section, whichever is later, on behalf of the subordinate labor organization, a terminal financial report, and one copy, with the Commissioner of the Bureau at the place aforesaid, on Form LM-2 and in conformance with the requirements of § 403.2(c).

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

ARTHUR J. GOLDBERG, Secretary of Labor.

[F.R. Doc. 61-9922; Filed, Oct. 17, 1961; 8:46 a.m.]

### FEDERAL AVIATION AGENCY

[ 14 CFR Part 600 ]

[Airspace Docket No. 61-WA-97]

#### FEDERAL AIRWAY

#### Withdrawal of Proposal to Designate

In a notice of proposed rule making published in the Federal Register as Airspace Docket No. 61–WA-97 on June 23, 1961 (26 F.R. 5629), it was stated that the Federal Aviation Agency proposed to designate intermediate altitude VOR Federal airway No. 1754 from Mormon Mesa, Utah, to Bryce Canyon, Utah

Subsequent to publication of the notice, a review of air traffic control requirements has indicated that the presently designated segment of VOR Federal airway No. 1522 in conjunction with the application of air traffic control procedures within the off route portion of the continental control area will adequately serve intermediate altitude air traffic operating between Mormon Mesa and Bryce Canyon. Accordingly, the proposed segment of Victor 1754 will not be required.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the proposal contained in Airspace Docket No. 61-WA-97 is withdrawn.

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

1348).

<sup>&</sup>lt;sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been

Issued in Washington, D.C., on October 12, 1961.

CHARLES W. CARMODY. Chief. Airspace Utilization Division.

F.R. Doc. 61-9915; Filed, Oct. 17, 1961; 8:45 a.m.]

[ 14 CFR Parts 600, 601, 608 ]

[Airspace Docket No. 61-AN-7]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND SPECIAL USE AIR-SPACE

Proposed Alteration of Federal Airway and Control Area Extension; Designation and Alteration of Restricted Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.625, 601.1275 and 608.22 of the regulations of the Administrator, the substance of which is stated below.

The Big Delta, Alaska, Restricted Area R-2202 is an area of 850 square miles assigned to the U.S. Army Arctic Test Board for the Arctic testing of Army weapons. The area is presently designated from the surface to 60,000 feet MSL between sunrise and sunset. For the past several years the U.S. Army Arctic Test Board has conducted test firings into this restricted area from firing points located east of the Big Delta river. These firings have been accomplished under controlled firing concepts. The Department of the Army has advised the Federal Aviation Agency that the mission assigned to the U.S. Army Arctic Test Board is such that most test firings must be accomplished under severe weather conditions which normally prevail in the Big Delta region during the period October 1 through March 31. During this period the restrictions of controlled firing derogates the mission of the U.S. Army Arctic Test Board.

The Federal Aviation Agency is considering a Department of the Army proposal for the alteration of the Big Delta, Alaska, Restricted Area R-2202 and the designation of a new restricted area bordering the eastern boundary of R-2202. Under this proposal, the presently designated altitudes of surface to 60,000 feet MSL would be continued for R-2202 and the altitudes of the new area would be from surface to 23,000 feet MSL. During the time of designation, October 1 through March 31, these areas would be on a joint use basis with the Federal Aviation Agency, Fairbanks ARTC Center designated as controlling agency. Modification of the special use airspace as proposed would reduce the over-all amount of restricted airspace by approximately 150 square miles.

If these actions are taken, Restricted Areas R-2202 and R-2208 would be designated as follows:

R-2202 Big Delta, Alaska: Boundaries. Beginning at latitude 64°-14'45" N., longitude 146°43'15" W.; to lati-

No. 201-3

tude 64°02'30" N., longitude 146°07'10" W.; to latitude 63°59'27" N., longitude 146°10'-51" W.; to latitude 63°59'27" N., longitude 146°10'-51" W.; to latitude 63°55'50" N., longitude 145°56'25" W.; to latitude 63°43'00" N. 145°56′25′′ W.; to latitude 63°43′00′′ N., longitude 145°54′52′′ W.; to latitude 63°42′-40′′ N., longitude 146°00′27′′ W.; to latitude N., longitude 140 00 27" W; to latitude 63°42'15" N., longitude 146°13'26" W; to latitude 63°44'00" N., longitude 146°30'00" W.; to latitude 63°50'50" N., longitude 146°47'30" W.; thence along the east bank of the East Fork of the Little Delta River to the confluence of the East Fork and the Little Delta Rivers; thence along the east bank of the Little Delta River to the point of beginning.

Designated altitudes. Surface to 60.000

feet MSL.

Time of designation. October 1 through

March 31. Controlling agency. Federal Aviation

Agency, Fairbanks ARTC Center.

Using agency. President, U.S. Army Arctic Test Board, Fort Greely, Alaska.

R-2208 Fort Greely, Alaska: Boundaries. Beginning at latitude 64°-02'30" N., longitude 146°07'10" W.; to latitude 63°56'17" N., longitude 145°49'30" W.; to latitude 63°54′20′′ N., longitude 145°50′-20" W.; to latitude 63°50'30" N., longitude 20 W., to latitude 63°50'30' N., longitude 145°50'00' N.; to latitude 63°43'00'' N., longitude 145°54'01'' W.; to latitude 63°43'-00'' N., longitude 145°54'52'' W.; to latitude 63°55'50'' N., longitude 145°56'25'' W.; to latitude 63°59'27'' N., longitude 146°10'51'' tude 63°59'27'' N., longitude 146°10'51'' to the point of beginning.

Designated altitudes. Surface to 23,000 feet MST.

Time of designation. October 1 through March 31.

Controlling agency. Federal Aviation Agency, Fairbanks ARTC Center.

Using agency. President, U.S. Army

Arctic Test Board, Fort Greely, Alaska.

Concurrently with these actions it is proposed to alter the segment of Blue Federal airway No. 25 which presently extends from Gulkana, Alaska, radio range via the intersection of the north course of the Gulkana radio range and the south course of the Big Delta radio range to the Big Delta radio range by realigning it direct from the Gulkana radio range to the Big Delta radio range, excluding the portion which would coincide with the proposed Fort Greely, Alaska, Restricted Area R-2208. This realignment of Blue 25 would provide required lateral separation with the restricted area and would also reduce the overall route mileage between Gulkana and Big Delta, Alaska.

In addition it is proposed that the description of the Fairbanks, Alaska, control area extension (§ 601.1275) be altered to bring it in agreement with the proposed changes in special use airspace. The control area extension is presently designated in part within 9 miles southwest and 20 miles northeast of a line bearing 299° and 119° from the Big Delta radio range extending from 12 miles northwest to 45 miles southeast of the radio range; and the area bounded on the northeast by Amber 2, on the southeast by a line extending from the Big Delta radio range to the northeast corner of R-2202, on the southwest by R-2202, and on the northwest by the Fairbanks 50-mile radius control area extension. The portion of this control area extension which would coincide with proposed Restricted Area R-2208 would be excluded, and the southeast and southwest boundaries of that part of the control area extension which lies between Amber 2 and the present Big Delta, Alaska, Restricted Area R-2202 would be redefined by a line extending from latitude 64°06'30" N., longitude longitude 146°03'00" W., to latitude 64°02'30" longitude 146°07′10′′ W., to latitude 64°14′00′′ W., longitude 146°41′00′′ W.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Alaskan Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on October 12, 1961.

CHARLES W. CARMODY, Chief, Airspace Utilization Division.

[F.R. Doc. 61-9916; Filed, Oct. 17, 1961; 8:45 a.m.1

[ 14 CFR Part 601 ]

[Airspace Docket No. 61-NY-941

#### FEDERAL AIRWAYS AND CON-TROLLED AIRSPACE

#### Proposed Alteration of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1149 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill the additional controlled airspace requirements for the implementation of these procedures in the Norfolk, Va., Air Route Traffic Control Center area, the FAA is considering the follow-

ing airspace action:

The Norfolk, Va., control area extension (§ 601.1149) would be altered to add the airspace northwest of the Franklin, Va., VOR bounded on the northeast by the Norfolk control area 55-mile radius area, on the south by low altitude VOR Federal airway No. 266, and on the northwest by a line 8 miles west of and parallel to the Hopewell, Va., VORTAC 199° True radial. This would provide protection for aircraft in holding patterns at the Emporia, Va., Intersection (intersection of the Hopewell VORTAC 199° and the Franklin 288° True radials)

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60-21 to the Civil Air Regulations, Part 60. Air Traffic Rules is being deferred in this instance. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert this control area extension to a transition area with an appropriate controlled air-

space floor assignment.

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

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on October 12, 1961.

CHARLES W. CARMODY, Chief, Airspace Utilization Division.

[F.R. Doc. 61-9914; Filed, Oct. 17, 1961; 8:45 a.m.]

## INTERSTATE COMMERCE COMMISSION

[ 49 CFR Part 176 ]

[Ex Parte No. MC-51]

#### TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOR-EIGN COMMERCE

Proposed Pooling by Motor **Common Carriers** 

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 5th day of October A.D. 1961.

It appearing that tentative rules have been prepared by the Bureau of Finance, as part of a proposed report served concurrently herewith, in connection with paragraph (e) of the order of June 18,

1958, 23 F.R. 5133.

It is ordered. That interested persons may file on or before February 28, 1962, with the Commission, in writing, statements containing data, views, and arguments concerning the said report and tentative rules, and may request oral hearing or oral argument thereon, in accordance with the Commission's general rules of practice.

And it is further ordered, That notice of the said report and tentative rules shall be given by depositing a copy of this order and the report and tentative rules in the office of the Secretary of the Commission for public inspection, and by filing a copy with the Director, Office

of the Federal Register.

By the Commission, Division 3.

HAROLD D. McCOY, [SEAL] Secretary.

By order of the Commission, Division 3, entered June 18, 1958, 23 F.R. 5133. a rulemaking proceeding was instituted on the Commission's own motion, for the purposes stated therein, pursuant to section 4(a) of the Administrative Procedure Act and sections 5(1), 12(1), and 204(a) (1) and (6) of the Interstate Commerce Act.

In connection with paragraph (e) of the said order, the following tentative rules are proposed by the Bureau of Finance, Interstate Commerce Commis-

1. Applicability. These rules shall apply to persons authorized to engage in the transportation of household goods, as defined by the Interstate Commerce Commission, in interstate or foreign commerce, as common carriers by motor vehicle under the Interstate Commerce Act, which have entered, or propose to enter into any contract, agreement, or

This amendment is proposed under combination with any other such common carrier or carriers for the pooling or division of traffic, or of service. or of gross or net earnings, or of any portion thereof, within the meaning of section 5(1) of the said Act, 49 U.S.C. 5(1).

2. Definitions. (a) Where terms used in these rules are defined in section 203 (a) of part II of said Act, 49 U.S.C. 303(a), such definitions shall be controlling. Where terms are used in these rules which are neither defined herein nor in said section 203(a), they shall have the ordinary practical meaning of such terms. In construing these rules, the terms "carrier agent", and "noncarrier agent" are as herein defined and are not to be confused with the defini-tions of "broker" and "agent" in the said Act. or in the Rules and Regulations prescribed in respect of Brokers of Property, 49 CFR Part 167.

(b) Pooling. Any mutual arrangement, or amendment of an existing arrangement, by two or more carriers by which, through correlative contribution. the division of competitive traffic, or gross or net earnings therefrom, or any portion thereof, is accomplished, or by which transportation services, or any portion thereof, are made jointly available to all, for use on competitive traffic, from which each shares according to some agreed formula otherwise than according to individual performance.

(c) Competing carriers. Two or more common carriers by motor vehicle authorized under the Interstate Commerce Act to engage in the transportation of household goods, in interstate or foreign commerce, from and to, or between two

or more points in common.

(d) Household goods. As defined by

the Commission in Rules and Regulations Governing Transportation of Household Goods in Interstate or Foreign Commerce, herein called the Household Goods Rules, 49 CFR 176.1(a).
(e) Accessorial services. Those serv-

ices for which rules, regulations, and charges shall be established by such carriers in the manner prescribed in section 217 of the said Act, 49 U.S.C. 317, and as required by the Household Goods Rules, 49 CFR 176.4.

(f) Augmentation and interchange of equipment. As defined in, and to the extent made applicable under the rules and regulations prescribed by the said Commission respecting Lease and Interchange of Vehicles, 49 CFR Part 207.

(g) Principal. A common carrier of household goods by motor vehicle, subject to the Interstate Commerce Act, which, under agreements with one or more other such carriers, solicits, transports, or surrenders for transportation, shipments of household goods and furnishes services in connection therewith and in whose behalf, under such agreements, shipments of household goods are solicited, transported, or surrendered for transportation, and services in connection therewith are furnished, by one or more other such carrier and noncarrier agents as defined herein.

(h) Carrier agent. A common carrier of household goods by motor vehicle, subject to the Interstate Commerce Act, which solicits, transports, or surrenders

for transportation by others, shipments, and furnishes services in connection with the transportation of household goods in interstate or foreign commerce, under agreement with and for or on behalf of, a principal carrier as defined above.

(i) Noncarrier agent. A person as described in (h) above, other than a common carrier by motor vehicle as de-

fined in the said Act.

3. Prohibitions. (a) No pooling arrangement will be approved unless all contracts or agreements involved are in writing.

(b) No pooling arrangement shall be authorized if, by any provision of the arrangement, a carrier agent proposing to participate therein, is precluded from electing to provide, if it desires, under its own direction and responsibility, within the territory which it is authorized to serve, under the provisions of section 206 or 207 of the said Act, service in the transportation of household goods in in-

terstate or foreign commerce.

(c) No common carrier of household goods by motor vehicle shall be authorized to participate in a pooling arrangement if such carrier holds a license, or controls, or is controlled in a common interest with a person holding a license issued by this Commission authorizing brokerage operations in interstate or foreign commerce in connection with the transportation of household goods.

(d) No pooling arrangement will be approved which permits the establishment by a carrier agent of rates differing

from those of its principal.

(e) No carrier agent may participate in a pooling arrangement with more than

one principal.

(f) No pooling arrangement, or the addition of any carrier agents as participants in a pooling plan will be approved, if, as a result thereof, the principal will have more than two agents, carrier or noncarrier, with booking or sales offices at the same point, except upon a finding that the holding of more than two agents at such point will not unduly restrain competition and will be in the interest of better service to the public.

(g) No pooling arrangement will be approved if it includes a provision that in the event a participating carrier agent sells or otherwise disposes of its operating authority and ceases to be a carrier as defined in the Act, it may continue to function as a noncarrier agent of

the same principal.

Applications—(a) Form and contents. The application for approval of a pooling arrangement under these rules, and the supporting exhibits, of which the verified original and five copies of each are required, shall conform to § 1.15 of the general rules of practice, 49 CFR 1.15, and shall show, in the order indicated and under section numbers and letters corresponding to those under this section, the following information:

(1) A certificate of service showing that copies of the application have been served on the Director of Districts of the Bureau of Motor Carriers in which are located the headquarters of the carriers involved in the application and to the Board, Commission or Official (or to the Governor where there is no Board, Commission or official) having authority to regulate the business of transportation in the states where such headquarters are located.

(2) It is not intended that these applications will be assigned for oral hear-Notice of any affirmative action taken thereon, however, will be published in the FEDERAL REGISTER and opportunity afforded for the filing of petitions by any interested person.

(3) Full and correct name and business address of each applicant, which should be identified as the carrier principal and the carrier agent or agents (giving street and number, city and zone,

county and State).

(4) State whether each applicant is a corporation, partnership, association, individual, or trustee, receiver, assignee, or other fiduciary, and the trade name or style, if any, under which it does business, and if applicant is a corporation, the date of incorporation, and the Government, State, or territory under the laws of which it is organized.

If applicant is a partnership, give the date or dates on which the partnership was formed and the names and business address of all present partners, including silent partners and their present in-

terest or interests.

If applicants are trustees, receivers, assignees, or other fiduciaries, the names and addresses of the courts, if any under the direction of which the applicants are acting, and the nature or natures of the proceeding, if any, in which the applicants were appointed.

(5) The principal docket number assigned by this Commission under which applicants are authorized to operate in interstate or foreign commerce as common carriers by motor vehicle in the transportation of household goods.

(6) The facts and circumstances upon which the applicants rely to establish that the proposed pooling arrangement will be in the interest of better service to the public or of economy in operations, and will not unduly restrain competition, including an affirmative showing of assent to the proposed pooling arrangement by all the participants therein.

(7) Applicants agree (i) to furnish such additional information as the Commission may require, and (ii) promptly to notify the Commission, in writing, of the termination of, and withdrawal from. an approved pooling arrangement, and the date or dates thereof, of any participating carrier.

(8) The name, title, and post office address of counsel, officer, or other person to whom correspondence in regard to the application is to be addressed.

(b) Required exhibits. There shall be filed with and made a part of each original application and with each copy thereof the following:

(1) As exhibit 1, copies of all agreements between the principal, on the one hand, and its carrier and noncarrier agents, on the other, or between carriers where the arrangement is one in which there is no principal-agent relationship. for the soliciting, transportation, and surrender of shipments of household goods, and for the providing of services in connection therewith, including but not limited to, accessorial services, augmentation and interchange of motor vehicles, the leasing or subleasing of terminals, warehouses, or of space in terminals and warehouses. Reference shall be made in exhibit 1 to the appropriate tariff publication and/or supplement thereof which establishes rules, regulations and charges for accessorial serv-The required instruments shall show fully the compensation and/or fees. payable and receivable thereunder. All such agreements shall provide affirmatively that their terms are not subject to revision unilaterally by one party. The principal shall furnish copies of any rules and regulations, service manuals, brochures, or the like, which it has established and issued to its carrier and noncarrier agents in connection with the transportation of household goods in interstate or foreign commerce.

If applicants are trustees, receivers, assignees, or other fiduciaries, copies of orders of the court, or instruments appointing such fiduciaries and authorized the participation in the proposed pooling arrangement and the filing of the appli-

cation, shall be furnished.

(2) As exhibit 2, a list of all noncarrier agents of the principal, and of its carrier agents other than those which are applicants, showing their business addresses, and indicating whether sales offices are maintained at each, and, in the case of such other carrier agents, the principal docket numbers assigned by this Commission under which they are authorized to operate in interstate or foreign commerce as motor common carriers of household goods.

(3) As exhibit 3, a list showing the number of shares and the percentage which such number bears to the total number of shares of the outstanding capital stock of the principal that are held by carrier and noncarrier agents,

respectively.

(4) As exhibit 4, the total number of noncarrier agents which the principal has added, or for which agency arrangements have been terminated, during the preceding calendar year and for the current year to the latest available date.

(5) As exhibit 5, the number of motor vehicles suitable for the transportation of household goods owned by applicants; and the number of such vehicles. as of the latest available date, which the principal leases from (i) its carrier agents, (ii) its noncarrier agents, and (iii) others on a basis of 30 days or

(6) As exhibit 6, a list showing all points at which the principal maintains offices for the soliciting of shipments of household goods.

(7) As exhibit 7, balance sheet of the principal, as of the latest available date.

(8) As exhibit 8, income statements of the principal for the preceding calendar year and for the current calendar year from January 1 to the latest available date. Revenues and expenses should be segregated to show the amounts recorded for transportation and soliciting of household goods, accessorial services, augmentation of motor vehicles, commissions for services performed by carrier and non-carrier agents, ware-housing, other fees, and the declaration and payment of dividends.

(9) As exhibit 9, balance sheet of each carrier agent applicant, as of the latest available date. If there are two or more such applicants, the exhibit may

be marked "9(a)," "9(b)," etc. (10) As exhibit 10, income statements of each carrier applicant for the preceding calendar year, and for the current calendar year to the latest available date. If there are two or more such applicants, the exhibit may be marked "10(a)," "10(b)," etc. Each such carrier agent should, to the extent possible, segregate revenues and expense items in the manner set forth herein under (8).

(11) As exhibit 11, the total number of shipments of household goods transported by the principal during the 6month period immediately preceding the

filing of the application.

(12) As exhibit 12, for each carrier agent applicant, the number of shipments booked and transported by it for its principal, booked and transported under its own rights, and booked by it for transportation by others, during the 6-month period immediately preceding the filing of the application. If there are two or more carrier agent applicants, the exhibit may be marked "exhibit 12(a)," "12(b)," etc.

8:48 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 3 ]

[Docket No. 14267]

#### DEINTERMIXTURE OF SPRINGFIELD, ILLINOIS

#### Order Extending Time for Filing Comments

1. The Commission has before it for consideration a motion filed in this proceeding on October 6, 1961, by Sangamon Valley Television Corporation, seeking an extension of time for filing comments herein from October 16 until December 4, 1961 and reply comments from October 30 until January 8, 1962.

2. Among the reasons given in support thereof, it is stated that Sangamon's principals, legal counsel, and engineering counsel need additional time to properly prepare material which will assist the Commission in arriving at a decision of what course will best serve the public interest. The petitioner notes that no party will be adversely affected by such extension.

3. It appears that the request sets forth good cause for extending the time for filing comments and replies and that such extension would be in the public interest. Accordingly, the petition is granted: And it is ordered, This 11th day of October 1961, that the time for filing comments herein is extended from October 16, 1961 until December 4, 1961 and that the time for filing reply comments herein is extended from October 30, 1961 until January 8, 1962.

Released: October 12, 1961.

[SEAL]

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

[F.R. Doc. 61-9937; Filed, Oct. 17, 1961; [F.R. Doc. 61-9920; Filed, Oct. 17, 1961; 8:45 a.m.]

## **Notices**

### DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 61-42]

## EQUIPMENT, INSTALLATIONS, OR MATERIALS

## Approval and Termination of Approval Notice and Amendment of Prior Document

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant. United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q-Specifications), detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted and terminations of approvals were made, as described in this document, during the period from July 28, 1961, through August 22, 1961. These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–14, dated November 26, 1954 (19 F.R. 8026), 167–15, dated January 3, 1955 (20 F.R. 840), 167–20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659). or 167-38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333 (e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

suspended by proper authority.
7. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of items of equipment as listed in Part II such equipment may be used so long as such equipment is in good and serviceable condition.

8. In Part III of this document are the corrections to the Coast Guard document CGFR 61-30, regarding equipment, installations, or materials, approved August 9, 1961, and published in the FEDERAL REGISTER of August 16, 1961 (26 F.R. 7609-7613), which shall be made as indicated.

PART I—APPROVALS OF EQUIPMENT, IN-STALLATIONS OR MATERIALS

#### LIFEBOATS

Approval No. 160.035/401/0, 26.0′ x 9.0′ x 3.83′ steel, hand-propelled lifeboat, 53-person capacity, identified by construction and arrangement dwg. No. G-2653-H dated April 1957, revised August 2, 1961, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, New York, effective August 16, 1961.

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

Note: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/511/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, for Herter's, Inc., Waseca, Minnesota, effective August 21, 1961.

Approval No. 160.047/512/0, Type I, Model CKM-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Ayenue,

Brooklyn 1, New York, for Herter's, Inc., Waseca, Minnesota, effective August 21, 1961.

Approval No. 160.047/513/0, Type I, Model CKS-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, for Herter's, Inc., Waseca, Minnesota, effective August 21, 1961.

Approval No. 160.047/514/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Safeguard Corp., Box 66, Station B, Cincinnati 22, Ohio, for Life Products Company, 930 York Street, Cincinnati 22, Ohio, effective August 21, 1961.

Approval No. 160.047/515/0, Type I, Model CKM-1, child kopak buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio, for Lifo Products Company, 930 York Street, Cincinnati 22, Ohio, effective August 21, 1961.

Approval No. 160.047/516/0, Type I, Model CKS-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio, for Lifo Products Company, 930 York Street, Cincinnati 22, Ohio, effective August 21, 1961.

BUOYANT CUSHIONS, KAPOK OR FIBROUS
GLASS

Note: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/206/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160. 048-4(c)(1)(i), manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, for Herter's, Inc., Waseca, Minnesota, effective August 22, 1961.

Approval No. 160.048/207/0, special approval for 13" x 18" x 2" rectangular, ribbed-type kapok buoyant cushion, 21-oz. kapok, dwg. No. 81562, dated August 15, 1961, manufactured by Atlantic-Pacific Mfg. Corp., 124 Atlantic Avenue, Brooklyn 1, New York, effective August 22, 1961.

Approval No. 160.048/208/0, special approval for 13'' x 18'' x 2'' rectangular, ribbed-type kapok buoyant cushion, 21-oz. kapok, Atlantic-Pacific Mfg. Corp.'s dwg. No. 81562, dated August 15, 1961, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, for Herter's, Inc., Waseca, Minnesota, effective August 22, 1961.

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/30/0, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and B. F. 9790 NOTICES

Goodrich Co. dwg. 12874, dated March 6, 1959, revised July 15, 1959, buoy bodies made by B. F. Goodrich Co., Sponge Products Division, Sheldon, Connecticut, for Atlantic-Pacific Mfg. Corp., 124 Atlantic Avenue, Brooklyn 1, New York, effective August 22, 1961.

Approval No. 160.050/31/0, 24-inch

Approval No. 160.050/31/0, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and B. F. Goodrich Co. drawing 12874, dated March 6, 1959, revised July 15, 1959, buoy bodies made by B. F. Goodrich Co., Sponge Products Division, Sheldon, Connecticut, for Atlantic-Pacific Mfg. Corp., 124 Atlantic Avenue, Brooklyn 1, New York, effective August, 22, 1961.

York, effective August 22, 1961.

Approval No. 160.050/32/0, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and B. F. Goodrich Co. drawing 12874, dated March 6, 1959, revised July 15, 1961, buoy bodies made by B. F. Goodrich Co., Sponge Products Division, Sheldon, Connecticut, for Atlantic-Pacific Mfg. Co., 124 Atlantic Avenue, Brooklyn 1, New York, effective August 22, 1961.

#### WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/2/1, Models DWV-2 and WV-2, unicellular plastic foam work vest, dwg. No. DWV-2 and WV-2, Alt. B, dated July 7, 1961, and Bill of Material dated July 10, 1961, manufactured by Protection Equipment Company, 100 Fernwood Avenue, Rochester 2, New York (Plant: Sunbury, Pennsylvania), effective August 15, 1961. (It supersedes Approval No. 160.053/2/0 dated August 31, 1960.)

#### FIRE PROTECTIVE SYSTEMS

Approval No. 161.002/5/0, supervised automatic fire alarm and manual fire alarm system consisting of a Control Unit (Dwgs. B-257-9F, Alt. 1 and B-257-1, Alt. 1), Manual Fire Alarm Boxes (Dwgs. B-262, Alt. 4 and B-262-2, Alt. 4), an Engine Room Fire Alarm Bell (Dwg. D-103-2, Alt. 0), and Fenwal, Inc. Thermostats, Type 27021-2, this system is approved only for installation on Bethlehem-Sparrows Point Shipyard Hulls 4585-4587 incl., manufactured by Sig-Trans, Inc., Amesbury, Massachusetts, effective July 28, 1961.

PART II—TERMINATIONS OF APPROVAL OF EQUIPMENT, INSTALLATIONS OR MATERIALS

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

Note: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.047/451/0 Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Hettrick Manufacturing Company, 1401 Summit Street, Toledo 1, Ohio, effective August 23, 1961. (Notice of approval No. 160.047/451/0 published in the Federal Register May 2, 1961. Approval terminated August 23, 1961. Item no longer manufactured.)

Termination of Approval No. 160.-047/452/0, Type I, Model CKM-1, child kapok buoyant vest, U.S.C.G. Specifica-

tion Subpart 160.047, manufactured by Hettrick Manufacturing Company, 1401 Summit Street, Toledo 1, Ohio, effective August 23, 1961. (Notice of approval No. 160.047/452/0 published in the Federal Register May 2, 1961. Approval terminated August 23, 1961. Item no longer manufactured.)

Termination of Approval No. 160.-047/453/0, Type I, Model CKS-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Hettrick Manufacturing Company, 1401 Summit Street, Toledo 1, Ohio, effective August 23, 1961. (Notice of approval No. 160.047/453/0 published in the FEDERAL REGISTER May 2, 1961. Approval terminated August 23, 1961. Item no longer manufactured.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

Note: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.-048/85/1, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c) (1) (i), manufactured by The Hettrick Manufacturing Co., 1401 Summit Street, Toledo 1, Ohio, effective August 23, 1961. (Approved in FEDERAL REGISTER August 3, 1957. Terminated August 23, 1961. Item no longer manufactured.)

Termination of Approval No. 160.-048/135/1, special approval for 15" x 15" x 2" rectangular buoyant cushion with heat-sealed seams, 20-oz. kapok, dwg. No. 430M dated May 14, 1959, and bill of material dated October 23, 1958, manufactured by The Hettrick Manfacturing Co., 1401 Summit Street, Toledo 1, Ohio, (Plant: Andrews, Indiana), effective August 23, 1961 (Approved in Federal Register July 28, 1959. Terminated August 23, 1961. Item no longer manufactured.)

Termination of Approval No. 160.048/150/1, special approval for 15" x 15" x 2" rectangular buoyant cushion with heat-sealed seams, 20-oz. kapok, The Hettrick Manufacturing Co., dwg. No. 430M dated May 14, 1959, and bill of material dated October 23, 1958, manufactured by The Hettrick Manufacturing Co., 1401 Summit Street, Toledo 1, Ohio (Plant: Andrews, Indiana), for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Illinois, effective August 23, 1961. (Approved in Federal Register July 28, 1959. Terminated August 23, 1961. Item no longer manufactured.)

## PART III—AMENDMENT OF A PRIOR DOCUMENT

The Coast Guard Document CGFR 61-30 and Federal Register Document 61-7826 published in the FEDERAL REGISTER of August 16, 1961, are corrected by making the following changes:

1. Substitute "C-113-5-C" for "C-11-3-5-C" in the fourth line of 160.014/3/0. (26 F.R. 7609, 3d column.)

2. Substitute "radio" for "radion" in the third line of 160.035/110/1. (26 F.R. 7610, 1st column.)

3. Substitute "(1)" for second "(c)" in the reference table in the sixth line of 160.048/71/0. (26 F.R. 7611, 3d column.)

Dated: October 11, 1961.

[SEAL] A. C. RICHMOND,

Admiral, U.S. Coast Guard,

Commandant.

[F.R. Doc. 61-9940; Filed, Oct. 17, 1961; 8:48 a.m.]

### DEPARTMENT OF THE INTERIOR

Office of the Secretary

#### NATURAL GASOLINE ROYALTIES AC-CRUING FROM CERTAIN FEDERAL AND RESTRICTED INDIAN LANDS

Notice is hereby given that, effective the first of the month following date of publication of this document in the Federal Register, the value of natural gas gasoline for the purpose of computing royalty accruing under oil and gas leases on Federal and restricted Indian lands shall be the price received by the lessee unless a greater value is established by the Secretary of the Interior or the Regional Oil and Gas Supervisor of the Geological Survey pursuant to the terms of the lease or the operating regulations (30 CFR Part 221). The above notice is applicable to the following area:

Colorado and Utah, except that portion covered by the Southern Ute and Ute Mountain Indian Reservation in southwestern Colorado and the Navajo Indian Reservation in southeastern Utah, and all lands in Idaho, Montana, Nebraska, Nevada, North Dakota, South Dakota, and Wyoming.

Federal and restricted Indian lands in Arizona, New Mexico, Southern Ute, Ute Mountain, and the Navajo Indian Reservation have previously been covered by the Secretary's notice of October 17, 1951.

Application of the minimum price formula of September 1, 1927, as amended, for computing natural-gas gasoline royalties in the areas above designated shall be discontinued concurrently.

Dated: October 11, 1961.

JAMES K. CARR, Under Secretary of the Interior. [F.R. Doc. 61-9921; Filed, Oct. 17, 1961; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14280, 14281; FCC 61M-1644]

#### BARREN COUNTY BROADCASTING CO. AND JOHN M. BARRICK

#### Order Scheduling Hearing

In re applications of Lewis M. Owens, John A. Hartnett and Carl R. Thomale, d/b as Barren County Broadcasting Company, Glasgow, Kentucky, Docket No. 14280, File No. BP-13996; John M. Barrick, Glasgow, Kentucky, Docket No. 14281, File No. BP-14641; for construction permits.

It is ordered, This 11th day of October 1961, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 13, 1961, in Washington, D.C.: And it is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, November 6, 1961.

Released: October 12, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,

Acting Secretary.

[F.R. Doc. 61–9917; Filed, Oct. 17, 1961; 8:45 a.m.]

[Docket No. 13019; FCC 61M-1645]

## BATAVIA BROADCASTING CORP. (WBTA)

#### Order Scheduling Hearing

In re application of Batavia Broadcasting Corporation (WBTA), Batavia, New York, Docket No. 13019, File No. BP-12235; for construction permit.

It is ordered, This 11th day of October 1961, that a hearing on WBTA's application is scheduled for Tuesday, October 31, 1961, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: October 12, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE

Acting Secretary.

[F.R. Doc. 61-9918; Filed, Oct. 17, 1961; 8:45 a.m.]

[Docket Nos. 12488, 12489; FCC 61M-1635]

## YOUNG PEOPLE'S CHURCH OF THE AIR, INC., AND WJMJ BROADCAST-ING CORP.

#### Order Scheduling Hearing

In re applications of the Young People's Church of the Air, Inc., Philadelphia, Pennsylvania, Docket No. 12488, File No. BPH–2394; WJMJ Broadcasting Corporation, Philadelphia, Pennsylvania, Docket No. 12489, File No. BPH– 2423; for construction permits.

The Hearing Examiner having under consideration agreement of parties participating at prehearing conference on October 11, 1961, regarding date for hearing:

It is ordered, This 11th day of October 1961, that the hearing is scheduled for November 14, 1961, at 10 a.m.

Released: October 11, 1961.

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

[F.R. Doc. 61-9919; Filed, Oct. 17, 1961; 8:45 a.m.]

[Docket No. 14151; FCC 61M-1640]

## LOUISE E. AND GERALD K. MANN (KTKR)

#### **Order Continuing Hearing**

In re application of Louise E. and Gerald K. Mann (KTKR), Taft, California, Docket No. 14151, File No. BP-13757; for construction permit.

The Hearing Examiner having under consideration the written request of counsel for Louise E. and Gerald K. Mann for a continuance of the hearing presently scheduled for October 16, 1961:

It appearing, that a "Petition for Reconsideration and Grant Without Hearing" has been filed by the above-named applicant and is now pending before the Commission; and

It further appearing, that further steps in this proceeding should await Commission action upon said petition; and

It further appearing, that all the parties to the proceeding agree to the requested continuance, and that good cause has been shown therefor;

It is ordered, This 11th day of October 1961, that the written request is granted and that the hearing presently scheduled for October 16, 1961, be, and the same is, hereby continued without date.

Released: October 12, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,

Acting Secretary.

[F.R. Doc. 61-9941; Filed, Oct. 17, 1961; 8:48 a.m.]

[File Nos. BP-13695, BP-14087; FCC 61-1203]

## WILLIAM B. NEAL AND JAMES R. WILLIAMS

#### Memorandum Opinion and Order

In re application of William B. Neal, Joplin, Missouri, File No. BP-13695, Requests: 1560 kc., 250 w., day; James R. Williams, Lamar, Missouri, File No. BP-14087, Requests: 1560 kc., 250 w., day.

1. The Commission has before it (1) the subject applications; (2) a joint request filed by the applicants May 29, 1961, pursuant to section 311(c) of the Communications Act of 1934, as amended, seeking Commission approval of an agreement between Neal and Williams whereby the latter will withdraw his application and the former will reimburse Williams for expenses incurred in connection with preparing and filing his application; and (3) a petition by William B. Neal, filed July 28, 1961, seeking approval of the joint request above and grant of his application.

2. In an affidavit accompanying the Joint Request, William B. Neal states that several weeks prior to the date of the agreement he contacted Mr. Williams, explained that he was prepared to prosecute his own application through a hearing with the mutually exclusive Williams application, and offered to reimburse Mr. Williams for his expenses

in prosecuting his application in exchange for Mr. Williams agreement to withdraw the Lamar application. Mr. Neal states further that he believes the elimination of a hearing will allow the construction of a new broadcast service at an earlier date and will thus serve the public interest.

3. Mr. Williams, in another affidavit accompanying the Joint Request, states that his application was originally filed in good faith, that the negotiations resulting in the Joint Agreement were carried out as reported in the Neal affidavit, that he realizes any reimbursement from Mr. Neal will not include compensation for his own time but only for out-of-pocket expenses, and that the itemized sum total of these out-of-pocket expenses was \$194.06. (Mr. Williams has acted as his own engineer and has employed no attorney in connection with his application.)

4. The Commission finds that the amount claimed by Williams was legitimately and prudently expended and that the agreement submitted by the parties is otherwise in proper form. We must conclude, however, that the public interest would not be served by final approval of the agreement at this time. We find, for the reasons set forth below and pursuant to § 1.316(b) of the rules, that further opportunity must be afforded for other persons to apply for the facilities specified in the Lamar application which is to be withdrawn.

5. Joplin, Missouri and Lamar, Missouri are thirty-two miles apart and the subject co-channel proposals are, therefore, mutually exclusive. A prime factor in any choice between the two applications would be determination, pursuant to section 307(b) of the Communications Act, as to which proposal would better provide a fair, efficient, and equitable distribution of radio service. Since Joplin presently has three existing local stations and Lamar has none, a strong presumption of need for a first service arises in the case of the latter application. Under these circumstances, we must conclude that immediate approval of the subject agreement between the parties would unduly impede achievement of a fair, efficient, and equitable distribution of radio service between the communities involved.

6. Accordingly, pursuant to § 1.316(b) of the rules, James R. Williams will be required to publish notice of his intended withdrawal for two weeks in a newspaper of general circulation published in Lamar or, if no such newspaper exists, in the daily newspaper having the greatest general circulation in the community. As part of such notice, it shall be stated that new applications for a broadcast station on 1560 kc., for Lamar, with substantially the same engineering characteristics and proposing to serve substantially the same service area as the application sought to be withdrawn will be entitled to comparative consideration with other mutually exclusive applications if filed no later than thirty days following the last date of publication of the notice required above.

9792 NOTICES

In view of the foregoing: It is ordered, That the request for Commission approval of the agreement between William B. Neal and James R. Williams is hereby denied and, the petition filed July 28, 1961 by William B. Neal is hereby denied; and

It is further ordered, That James R. Williams shall, pursuant to § 1.316(b) (2) of the Commission's rules, make publication within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by said rule; and

It is further ordered, That any application for a broadcast station to operate on a frequency of 1560 kc., at Lamar, Missouri, having substantially the same engineering characteristics and proposing to serve substantially the same service area as the subject Lamar application of James R. Williams and filed no later than thirty days following the last date of publication specified above, shall be entitled to comparative consideration with any other pending mutually exclusive application.

Adopted: October 11, 1961. Released, October 13, 1961.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION, BEN F. WAPLE,

Acting Secretary.

[F.R. Doc. 61-9942; Filed, Oct. 17, 1961; 8:48 a.m.]

[Docket No. 14279; FCC 61M-1643]

#### QUINCY VALLEY BROADCASTERS

#### Order Scheduling Hearing

In re application of Donald R. Nelson, L. D. Adcox, Gene R. Johnsick, and Richard C. Singleton, d/b as Quincy Valley Broadcasters, Quincy, Washington, Docket No. 14279, File No. BR-3607; for renewal of license of Station KPOR.

It is ordered, This 11th day of October 1961, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 13, 1961, in Washington, D.C.; and it is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, November 6, 1961.

Released: October 12, 1961.

Federal Communications
Commission,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-9943; Filed, Oct. 17, 1961; 8:48 a.m.]

[Docket Nos. 13736; 14282; FCC 61M-1639]

WINDBER COMMUNITY BROADCAST-ING SYSTEM AND RIDGE RADIO CORP.

## Order Scheduling Prehearing Conference

In re applications of Dr. E. Z. Eperjessy, Louis Popp, and William H. Myers

d/b as Windber Community Broadcasting System, Windber, Pennsylvania, Docket No. 13736, File No. BP-13475; Ridge Radio Corporation, Windber, Pennsylvania, Docket No. 14282, File No. BP-13682; for construction permits.

The Hearing Examiner having under consideration order of the Commission released October 10, 1961 (FCC 61-1185) consolidating the application of Ridge Radio Corporation with the application of Windber Community Broadcasting System and designating issues on which the hearing on the two applications is to be held;

It is ordered, This 11th day of October 1961, that a prehearing conference for the purpose of establishing a date for the commencement of the hearing and the procedural ground rules to govern, pursuant to 47 CFR 1.111, is hereby scheduled for 9 a.m., Friday, November 3, 1961; and the parties or their counsel are directed to attend such conference.

Released: October 12, 1961.

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

[F.R. Doc. 61-9944; Filed, Oct. 17, 1961; 8:48 a.m.]

[FCC 61-1209]

## SYRACUSE, ROCHESTER, AND GRAND RAPIDS

## Procedure Concerning TV Applications

OCTOBER 13, 1961.

The Commission has had many inquiries concerning the possible dates of designation for hearing of pending applications for new television broadcast stations to operate on VHF channels recently assigned to Syracuse, New York, Rochester, New York, and Grand Rapids, Michigan. Because of the widespread interest in this matter, the Commission announces that orders of designation for hearing of pending applications for Channel 9, Syracuse, Channel 13, Rochester, and Channel 13, Grand Rapids, will not issue prior to November 1, 1961. The attention of prospective applicants is called to the provisions of § 1.361(c)(1) of the Commission's rules which provides, in substance, that in order to be entitled to comparative consideration with an application or applications already on file, an application must be tendered for filing in substantially complete form by the close of business on the day preceding the day on which the Commission takes action with respect to the application or applications already on file for the particular channel involved.

Adopted: October 11, 1961.

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

[F.R. Doc. 61-9945; Filed, Oct. 17, 1961; 8:48 a.m.]

### FEDERAL POWER COMMISSION

[Docket No. G-117, etc.]

## TEXAS GAS UTILITIES CO. AND TEXAS GAS UTILITIES CORP.

Notice of Application and Consolidation

OCTOBER 13, 1961.

Texas Gas Utilities Company, Docket Nos. G-117, G-239, and G-358; Texas Gas Utilities Corporation, Docket Nos. CP61-280 and CP61-281.

Take notice that Texas Gas Utilities Corporation (Applicant), a corporation organized and existing under the laws of the State of Texas and with principal office located at Del Rio, Texas, filed a combination petition and application in Docket No. CP61–280 and in Docket No. CP61–281, respectively, on April 25, 1961, as hereinafter described, seeking certain relief or, alternatively, certain authority and other relief as hereinafter indicated, all as more fully set forth in said documents which are on file with the Commission and open for public inspection.

Applicant's filing in Docket No. CP61-280 consists of: (1) A petition for an order, pursuant to § 1.7(c) of the Commission's rules of practice and procedure (rules) and section 16 of the Natural Gas Act (Act), declaring that authorization heretofore granted Applicant's corporate predecessor, Texas Gas Utilities Company, in Docket No. G-117 to export natural gas from the United States to the Republic of Mexico, pursuant to section 3 of the Act, was validly transferred to Applicant under stated facts and circumstances; (2) an application in the alternative for an original order in Docket No. CP61-280, pursuant to section 3 of the Act, authorizing Applicant to export natural gas from the United States to the Republic of Mexico together with a supplemental order in Docket No. G-117, pursuant to section 3 of the Act, revoking the section 3 export authorization heretofore issued to Applicant's predecessor in Docket No. G-117 on the ground that Applicant is the successor in all respects to Texas Gas Utilities Company under a plan of reorganization approved by a court in 1955 as a result of bankruptcy proceedings involving Texas Gas Utilities Company; and (3) a petition for an order, pursuant to § 1.7(a) of the rules and section 16 of the Act, rescinding the order of the Commission issued on January 14, 1947, In the Matter of Texas Gas Utilities Company, Docket Nos. G-239 and G-358, 6 FPC 321, wherein Applicant's predecessor was issued a certificate of public convenience and necessity in Docket No. G-358, pursuant to section 7(c) of the Act, authorizing the continued operation of the existing facilities described in the application in Docket No. G-358 for the transportation and sale of natural gas subject to the jurisdiction of the Commission and wherein a petition filed by Applicant's predecessor in Docket No. G-239 for a ruling that it was not subject to the provisions of the Act, other than with respect to section 3 thereof, was denied.

Applicant's filing in Docket No. CP61-281 consists of: (1) A petition for an order, pursuant to § 1.7(c) of the rules and section 16 of the Act, declaring that the Presidential Permit heretofore reissued Applicant's corporate predecessor, Texas Gas Utilities Company, on September 5, 1940, pursuant to Executive Order No. 8202 of July 13, 1939, to connect, operate and maintain facilities at the border of the United States and Mexico at or near Eagle Pass, Texas, for the exportation of natural gas from the United States to the Republic of Mexico was validly transferred to Applicant under stated facts and circumstances; and (2) an application in the alternative for an original Presidential Permit, pursuant to Executive Order No. 10485 of September 3, 1953, authorizing the construction, operation, maintenance and connection of existing facilities at the border of the United States and Mexico at or near Eagle Pass, Texas, for the exportation of natural gas from the United States to the Republic of Mexico together with an order, pursuant to Executive Order No. 10485 of September 3, 1953, revoking the Presidential Permit heretofore granted Applicant's predecessor as aforesaid.

The foregoing related matters should be disposed of under the applicable rules and regulations and to that end: Take notice that protests or petitions to intervene may be filed with the Federal Power Commission, 441 G Street NW., Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 1, 1961.

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 61-9967; Filed, Oct. 17, 1961; 8:49 a.m.]

## GENERAL SERVICES ADMINIS-TRATION

CHROMITE ORE HELD IN NATIONAL STOCKPILE

#### **Proposed Disposition**

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 1,890 long tons of subspecification chromite ore now held in the national stockpile.

The Office of Emergency Planning has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98a(a), that there is no longer any need for stockpiling said chromite ore. The revised determination was based upon the finding of the Office of Emergency Planning that said chromite ore is excess to stockpile needs and of such quality as to be of little or no use in time of emergency.

Since the revised determination is not by reason of obsolescence of the chromite ore for use in time of war, this proposed disposition is being referred to the Congress for its express approval, as required by section 3(e) of the Strategic and Critical Materials Stock Piling Act.

General Services Administration proposes to transfer said chromite ore to other Government agencies, or to offer the material for sale on a competitive basis or otherwise to dispose of it in the best interest of the Government upon the express approval by the Congress of this proposed disposition or six months after the date of publication of this notice in the Federal Register, whichever is later.

This plan and the dates of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: October 11, 1961.

JOHN L. MOORE, Administrator.

[F.R. Doc. 61–9931; Filed, Oct. 17, 1961; 8:47 a.m.]

# HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

#### ACTING REGIONAL ADMINISTRATOR, REGIONAL II (PHILADELPHIA)

#### Designation

The officers appointed to the following listed positions in Region II are hereby designated to act in the place and stead of the Regional Administrator for Region II, with the title of "Acting Regional Administrator" and with all the powers, functions, duties, and responsibilities delegated or assigned to the Regional Administrator, during the absence or disability of the Regional Administrator, provided that no officer shall have authority to act as "Acting Regional Administrator" unless all those whose titles appear before his in this designation are unable to act by reason of absence or disability:

- 1. Deputy Regional Administrator. 2. Regional Director of Urban Renewal
- 3. Regional Director of Community
- Facilities Activities.

4. Regional Counsel.

This designation supersedes the designation effective September 26, 1960 (25 F.R. 9312, September 29, 1960), which is hereby revoked.

(Housing and Home Finance Administrator's delegation effective April 1, 1960 (25 F.R. 3438, April 20, 1960))

Effective as of the 18th day of October 1961.

[SEAL] WARREN P. PHELAN, Regional Administrator, Region II.

[F.R. Doc 61–9938; Filed, Oct. 17, 1961; 8:48 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 181]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 13, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PROPERTY

No. MC 40858 (Deviation No. 5), THE SILVER FLEET MOTOR EXPRESS., INC., P.O. Box 969, Kingport, Tenn., filed October 4, 1961. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, moving in express service, over a deviation route as follows: Between Nashville, Tenn. and Birmingham, Ala. over Interstate Highway 65, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route between Nashville and Birmingham over U.S. Highway 31.

No. MC 52746 (Deviation No. 4). KNAUS TRUCK LINES, INC., 715 South 25th Avenue, Bellwood, Ill., filed October 2, 1961. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Osceola, Iowa, over U.S. Highway 34 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction U.S. Highway 24 (formerly U.S. Highway 40) at or near Topeka, Kans... and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Kansas City, Kans., as follows: From Kansas City, Kans., over U.S. Highway 69 via Osceola, Iowa, to Des Moines, Iowa; from Kansas City, Mo., over U.S. Highway 40 via Victory Junction, Kans., to junction U.S. Highway 24 at or near Wamego, Kans., thence

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over U.S. Highway 24 (formerly U.S. Highway 40) to junction Kansas Highway 18, (formerly U.S. Highway 40) to Junction City, Kans., thence over U.S. Highway 40 to Salina, Kans., thence over U.S. Highway 81 to McPherson, Kans., thence over U.S. Highway 50N (now U.S. Highway 56) to Great Bend, Kans., thence over Kansas Highway 45 (now U.S. Highway 56) to Dodge City, Kans., thence over U.S. Highway 283 to Minneola, Kans., (also from McPherson over Kansas Highway 17 via Hutchinson, Kans. to junction U.S. Highway thence over U.S. Highway 54 to Minneola), and thence over U.S. Highway 54 to Liberal, Kans., and return over the same routes.

No. MC 72140 (Deviation No. 1), SHIP-PERS DISPATCH, INC., 1216 West Sample Street, South Bend 24, Ind., filed October 2, 1961. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Detroit, Mich., over Interstate Highway 94 to junction U.S. Highway 20 at Michigan City, Ind., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago, Ill., over U.S. Highway 12 to Michigan City, thence over U.S. Highway 20 to South Bend, Ind., thence over U.S. Highway 31 to Niles, Mich., thence over Michigan Highway 60 to Jackson, Mich., thence over U.S. Highway 12 to Detroit; from Chicago over U.S. Highway 12 to junction Michigan Highway 60, thence over Michigan Highway 60 to Jackson, Mich., thence over U.S. Highway 12 to Detroit, and return over the same routes.

No. MC 74120 (Deviation No. 1) STRICKLAND MOTOR FREIGHT LINES, INC., 3011 Gulden Avenue, Post Office Box 5689, Dallas 2, Tex., filed October 5, 1961. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: Between Boston, Mass., and Cleveland, Ohio, over Interstate Highway 90, for operating convenience, only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Boston, over U.S. Highway 20 to Springfield, Mass., thence over U.S. Highway 5 to New Haven, Conn., thence over U.S. Highway 1 to Newark, N.J., thence over U.S. Highway 9 to junction New York Highway 9J, thence over New York Highway 9J to Albany, N.Y., thence over New York Highway 5 to Batavia, N.Y.; thence over New York Highway 33 to junction New Highway 78; thence over New York Highway 78 to junction U.S. Highway 20; thence over U.S. Highway 20 to Ashtabula, Ohio; thence over Ohio Highway 46 to junction Ohio Highway 84;

thence over Ohio Highway 84 to Cleveland, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCoy, Secretary.

[F.R. Doc. 61-9934; Filed, Oct. 17, 1961; 8:47 am.]

[Notice 402]

#### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 13, 1961.

The following publications are govthe Interstate Commerce by Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

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

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 151 (Sub-No. 12), filed September 18, 1961. Applicant: LOVELACE TRUCK SERVICE, INC., 425 North Second Street, Terre Haute, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Findlay, Ill. as an off-route point in connection with applicant's authorized regular-route operations in Certificate MC 151.

HEARING: December 4, 1961, at the Midland Hotel, Chicago, Ill., before Joint

Board No. 149. No. MC 730 (Sub-No. 197), filed August 15, 1961. Applicant: PACIFIC IN-TERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. Applicant's representative: C. F. Zeebuyth, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum and petroleum products, in bulk, in tank vehicles, between points in California on the one hand, and, on the other, points in New Mexico.

HEARING: December 6, 1961, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 868 (Sub-No. 3), filed August 16, 1961. Applicant: SIGNAL TRUCK-ING SERVICE, LTD., a corporation, 4455 Fruitland Avenue, Los Angeles 58, Calif. Applicant's attorneys: Berol, Loughran & Geernaert, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and those injurious or contaminating to other lading), between Los Angeles, Calif., and San Diego, Calif.

Note: Applicant states that it presently has authority to transport General Com-modities, with the same exceptions as above, from Long Beach and Los Angeles Harbor, Calif., to San Diego, Calif. Applicant fur-ther states that no duplicating authority is herein requested.

HEARING: December 7, 1961, at the Federal Building, Los Angeles, Calif., before Joint Board No. 75, or if the Joint Board waives its right to participate before Examiner F. Roy Linn.

No. MC 7750 (Sub-No. 10), filed October 2, 1961. Applicant: WILLIAM H. WEBB, 2780 Jefferson Davis Highway, Arlington, Va. Applicant's attorney: Paul A. Sherier, 613 Warner Building, 13th and E Streets NW., Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Crushed stone, stone dust and gravel in dump vehicles, from Texas, Md., to Washington, D.C., and (2) slag in dump vehicles from Sparrows Point, Md., to Washington, D.C.

HEARING: November 17, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint

Board No. 68.

No. MC 29886 (Sub-No. 183), filed October 4, 1961. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Trucks, truck tractors, and truck chassis, in initial movements, in truckaway service, from Portland, Oreg., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, West Virginia, and the District of Columbia.

Note: Applicant states it controls Robertson Truck-A-Ways, Inc.

HEARING: November 20, 1961, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner

F. Roy Linn.

No. MC 30047 (Sub-No. 8), filed October 9, 1961. Applicant: PENNSYL-VANIA TRANSFER CO., a corporation, 631 South Cascade Street, New Castle, Applicant's attorney: Marshall G. Matheny, 332 First National Bank Building, New Castle, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plumbers' Goods, from Camden, N.J., and points in New Jersey within five (5) miles thereof, to New Castle, Pa. and points within five

(5) miles thereof, and returned, rejected and damaged shipments of the abovespecified commodity, on return.

HEARING: November 7, 1961, at the

Offices of the Interstate Commerce Commission. Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 31444 (Sub-No. 48), filed September 14, 1961. Applicant: SCHREI-BER TRUCKING CO., INC., 1315–99 Washington Boulevard, Pittsburgh, Pa. Applicant's attorney: Donald W. Smith, Suite 511, Fidelity Building, Indianap-olis 4, Ind. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives. livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of the Hooker Glass and Paint Manufacturing Company at Bradley, Ill., as an off-route point in connection with applicant's presently authorized regular route op-

HEARING: December 7, 1961, at the Midland Hotel, Chicago, Ill., before

Joint Board No. 149.

No. MC 40007 (Sub-No. 72), filed Sep tember 25, 1961. Applicant: RELIABLE TRANSPORTATION COMPANY, a corporation, 4817 Sheila Street, Los Angeles 22, Calif. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum lubricating oils in bulk, in tank trucks and trailers from El Segundo, Calif., to Santa Rita, N. Mex., and points within 25 miles thereof.

Note: Applicant states that the two principal stockholders of this company also hold fifty percent stock interest in Consolidated Copperstate Lines, an interstate carrier through ownership of the stock of Service Tank Lines, therefore common control may be involved.

HEARING: November 16, 1961, at the New Mexico State Corporation Commission, Santa Fe, New Mexico, before Joint Board No. 167, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 45194 (Sub-No. 4) (CLARIFI-CATION), filed August 28, 1961, published issue of October 4, 1961, amended October 12, 1961, and republished as clarified this issue. Applicant: LATTAVO BROTHERS, INC., 1620 Cleveland Avenue SW., Canton, Ohio. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel articles, and contractors' and builders' supplies and equipment, between Pittsburgh, Pa., and points within 25 miles of Pittsburgh, Pa., on the one hand, and, on the other, points in West Virginia and that part of Ohio on and east of U.S. Highway 23.

Note: Applicant states it presently may serve the territory requested for the named commodities. It now must traverse the Neville Island (Pittsburgh), Pa. gateway. The purpose of this application is to elimithis gateway and its traffic congestion and consequent safety hazards. The purpose of this republication is to include Pittsburgh, Pa.

HEARING: Remains as assigned November 29, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59.

No. MC 45813 (Sub-No. 9), filed September 19, 1961. Applicant: THE DUM-FORD TRUCKING COMPANY, a corporation, 1700 Plum Avenue, Middletown, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 Le Veque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Corrugated containers, partitions, pads, sheets, and liners, (1) from Marion, Ind., to points in Illinois and Ohio; and (2) from Chicago, Ill., to Marion, Ind.; and pallets and skids used in the transportation of the above-described commodities, on return, in connection with (1) and (2) above.

Note: Applicant states the service as proposed, would be under continuing contract with Hankins Container Company, Division of the Flintkote Company of New York, N.Y.

HEARING: December 13, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 58.

No. MC 48533 (Sub No. 8), filed September 11, 1961. Applicant: ALFRED L. ROOT, doing business as A. L. ROOT TRANSPORTATION, 12 Fairground Road, Box 142, Brattleboro, Vt. Applicant's representative: Arthur M. Marshall, 145 State Street, Springfield 3, Mass. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber, (a) from Norwich, Conn., and points in Connecticut on and north of U.S. Highway 6 and on and west of Connecticut Highway 10 and points in Massachusetts on and west of U.S. Highway 5 to Baltimore and Fredericksburg, Md., points in Maine, New Jersey, New York, Pennsylvania, Vermont, and Ports of Entry on the International Boundary line between the United States and Canada at or near Highgate Springs, Beecher Falls, and Derby Line, Vt., and Champlain, N.Y., (b) from Norwich, Conn., and points in Connecticut on and north of U.S. Highway 6 and on and west of Connecticut Highway 10 to points in Massachusetts, (c) from points in Massachusetts on and west of U.S. Highway 5 to points in Connecticut, (d) from points in Pennsylvania to points in Massachusetts, New Hampshire, Vermont, and Ports of Entry on the International Boundary Line between the United States and Canada at or near Highgate Springs, Beecher Falls and Derby Line, Vt., and Champlain, N.Y., and (e) between points in Vermont on the one hand, and, on the other, points in Maine, and rejected shipments and empty containers or other such incidental facilities (not specified) used in transporting the above-specified commodity, on return.

HEARING: November 16, 1961, at the Federal Building, Albany, N.Y., before Examiner Abraham J. Essrick.

No. MC 52473 (Sub-No. 8), filed September 29, 1961. Applicant: CARL H. BEHNKE, doing business as BEHNKE, 77 South Monroe Street, Battle Creek, Mich. Applicant's attorney: L. F. Richardson, Michigan National Tower, Lansing 8, Mich. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Waste paper, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to Kalamazoo, Mich., and points within three (3) miles thereof, and rejected shipments of the above-specified commodity, on return.

HEARING: November 29, 1961, at the

Federal Building, Lansing, Mich., before

Joint Board No. 73. No. MC 61403 (Sub-No. 68), filed October 5, 1961. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Chemicals, in bulk, in tank vehicles; from Norco, La., to points in Tennessee on and east of U.S. Highway 27.

HEARING: October 24, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Ex-

aminer A. Lane Cricher.
No. MC 69116 (Sub No. 63), filed October 5, 1961. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Akron, Ohio as an off-route point in connection with applicant's authorized regular-route op-RESTRICTION: Applicant erations. states no traffic shall originate at or be destined to Akron, Ohio. Service is to be restricted to the transportation of traffic which has an immediately prior or subsequent movement in applicant's trailers on rail cars in substituted rail-for-motor service. Authority presently held by applicant on the same commodities shall be construed as comprising a single operating authority.

HEARING: December 15, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 69695 (Sub-No. 7), filed September 27, 1961. Applicant: RAY L. BRANDT, 460 West Philadelphia Street, York, Pa. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Limestone, crushed, ground, or pulverized, from Thomasville, Pa., and points within ten miles thereof, to points in Delaware, Maryland, New Jersey, points in the New York, N.Y., Zone as defined in 53 M.C.C. 451, and Washington, D.C. (except limestone, crushed, ground, or pulverized, in bulk, from West Manchester Township, York, Pa., to Seaford, Milford, Millsboro, and Smyrna, Del.).

Note: Applicant states that he now holds authority to transport ground limestone and lime from Thomasville, Pa., and a two-mile radius thereof, to Baltimore and five counties in Maryland, and that such authority will be surrendered for cancellation if the authority requested herein is granted.

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HEARING: November 17, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Ex-

aminer Isadore Freidson.

No. MC 70437 (Sub No. 7), filed June 20, 1961. Applicant: Y. E. L. P. SERV-ICE, INC., River Road, East Liverpool, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) serving Lisbon, Ohio, as an off-route point in conjunction with carrier's regular route service to Salem and Columbiana, Ohio. (2) Between Wellsville, Ohio, and Salineville, Ohio; from Wellsville over Ohio Highway 39 to Salineville, and return over the same route, serving all intermediate points.

HEARING: December 12, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 61.

No. MC 73464 (Sub-No. 88), filed September 25. 1961. Applicant: JACK COLE COMPANY, a corporation, 1900 Vanderbilt Road, P.O. Box 274, Birmingham, Ala. Applicant's attorney: W. G. Hardwick, 205 Penney Building, Dothan, Ala. Authority sought to operate as a common carrier, by motor vehicle, over a regular route, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Dothan, Ala., and Cedar Springs, Ga., from Dothan over U.S. Highway 84 to Saffold, Ga., thence over unnumbered highway to Cedar Springs, and return over the same route, serving the intermediate points of Ashford and Gordon, Ala., and Saffold, Ga., and points within five (5) miles of Cedar Springs, Ga., as off-route points.

Note: Applicant states that Jack Cole Company is temporarily operating the Certificate of the Middlesex Transportation Co., in Docket MC 61707 pursuant to order of I.C.C. dated October 11, 1960, pending purchase in Docket No. MC-F 7673

HEARING: November 2, 1961, at the U.S. Court Rooms, Montgomery, Ala.,

before Joint Board No. 157.

No. MC 77340 (Sub-No. 1), filed Sep-25, 1961. Applicant: E. J. DICKIE TRUCKING COMPANY, a corporation, Box 265, Bagdad, Ariz. Authority sought to operate as a contract carrier, by motor vehicle, over irregular froutes, transporting: Scrap tin cans, from the site of the Los Angeles By-Products plant located approximately eight (8) miles from Las Vegas, Nev., to Bagdad, Ariz.

HEARING: December 12, 1961, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 168, or, if the Joint Board waives its right to participate before Examiner F. Roy Linn,

No. MC 78786 (Sub-No. 236), filed August 7, 1961. Applicant: PACIFIC MO-

TOR TRUCKING COMPANY, a corporation, 110 Market Street, San Francisco 11 Calif Applicant's attorney: John MacDonald Smith, 65 Market Street, San Francisco 5, Calif. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Automobiles and trucks, in truckaway service, from Phoenix and Tucson, Ariz., to Ajo, Hayden, and Superior, Ariz.

Note: (1) Applicant states the proposed operation will be in service auxiliary to or supplemental of railroad service of Southern Pacific Company, Magma Arizona Railroad, or Tucson, Cornelia & Gila Bend Railroad Company, and transporting only shipments under a through bill of lading covering, in addition to the movement by applicant, a prior movement by railroad. (2) Common control may be involved.

HEARING: December 13, 1961, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 240, or, if the Joint Board waives its right to participate before Examiner F. Roy Linn.

No. MC 92983 (Sub-No. 400), filed October 11, 1961. Applicant: ELDON MIL-LER, INC., 330 East Washington Street. Iowa City, Iowa. Applicant's attorney: Marshall Young (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Animal fats, animal oils, and vegetable oils, including products and blends of said commodities, in bulk, in tank vehicles, (1) from Bradley, Ill., to points in Connecticut, Colorado, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Wisconsin, and the District of Columbia; and (2) from points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Tennessee, and Wisconsin, to Bradley, Ill.

HEARING: October 25, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Ex-

aminer Alfred B. Hurley.

No. MC 101075 (Sub-No. 70), filed October 2, 1961. Applicant: TRANSPORT, INC., P.O. Box 396, Moorhead, Minn. Applicant's attorney: Ronald B. Pitsenbarger (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fertilizer compounds, fertilizer ingredients, fertilizer, fertilizer ammoniating and phosphatic solutions, in bulk, from Minneapolis and St. Paul, Minn., and points within 10 miles thereof, to points in Wisconsin, Iowa, South Dakota, North Dakota, Nebraska, Illinois, and the Upper Peninsula of Michigan, and rejected shipments of the above described commodities, on

HEARING: December 14, 1961, Room 393, Federal Building, and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner

Lacy W. Hinely.

No. MC 103191 (Sub-No. 12), filed September 20, 1961. Applicant: THE GEO. A. RHEMAN CO., INC., P.O. Box 2095, Station A 2019 Elgin Street, Charleston, S.C. Applicant's attorney: Frank A.

Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sand, pulverized or otherwise processed, in bulk, in tank or hopper semitrailers, from points in Lexington County, S.C., to points in North Carolina and Georgia.

HEARING: November 7, 1961, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint

Board No. 130.

No. MC 108449 (Sub-No. 129) (COR-RECTION), filed September 5, 1961, published issue of October 4, 1961, and republished as corrected this issue. plicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, 13. Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a common carrier, by motor vehicle. over irregular routes, transporting: Fertilizer compounds, fertilizer ingredients, fertilizer, fertilizer ammoniating solutions and phosphatic solutions, in bulk, from Minneapolis and St. Paul, Minn., and points within ten miles thereof, to points in Wisconsin, Iowa, North Dakota, South Dakota, Illinois, Nebraska, Minnesota, and the Upper Peninsula of Michigan.

Note: The purpose of this republication to remove the comma used in previous publication after ammoniating solutions in the commodities proposed to be transported, and also, to add the State of South Dakota as a destination State inadvertently omitted from previous publication.

HEARING: Remains as assigned, December 14, 1961 at the Federal Building, Room 393, 110 South Fourth Street, Minneapolis, Minn., before Examiner Lacy

W. Hinely.

No. MC 109584 (Sub-No. 95), filed Sep tember 11, 1961. Applicant: ARIZONA PACIFIC TANK LINES, a corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: Arthur H. Glanz, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Vegetable oils and vegetable oil products, in bulk, in tank vehicles, from points in Fresno County, Calif., to points in Colorado, and returned, rejected and contaminated shipments, on return.

HEARING: December 8, 1961, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

MC 109689 (Sub-No. (AMENDMENT), filed August 7, 1961, published FEDERAL REGISTER issue of September 27, 1961, amended October 11, 1961, republished as amended this issue. Applicant: W. S. HATCH COMPANY, a corporation, 643 South 800 West, Wood Cross, Utah. Applicant's attorney: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Acids and chemicals, from points in Mohave and Yavapai Counties, Ariz., points in California, Nevada, and

Note: Applicant states it does not propose to transport paint, lacquer and lacquer thinner, varnish, turpentine, liquid fertilizer, insecticides, vinegar, phosphoric acid, and vegetable oils, from points in Mohave and Yavapai Counties, Ariz., to points in Cali-

HEARING: Remains as assigned November 1, 1961, at 10:30 o'clock a.m. United States standard time, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner C. Evans

No. MC 110420 (Sub-No. 296), filed October 13, 1961. Applicant: QUALITY CARRIERS, INC., Calumet Street, Bur-Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: (1) mal and vegetable oils and animal fats, including products and blends thereof, in bulk, in tank vehicles, from Bradley, Ill., to points in Connecticut, Colorado, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Wisconsin, and the District of Columbia, (2) Animal fats and animal oils, in bulk, in tank vehicles, from points in Illinois, Iowa, Kansas, Nebraska, Minnesota, Missouri, and Wisconsin, to Bradley, Ill., and (3) Vegetable oils, in bulk, in tank vehicles, from points in Iowa, Illinois, Minnesota, Missouri, Tennessee, and Wisconsin, to Bradley, Ill.

Note: Applicant states it also controls Bulk Transport Co., and Beaver Transport Co.

HEARING: October 25, 1961, at the Offices of Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 110525 (Sub-No. 467), filed September 25, 1961. Applicant: CHEM-ICAL TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Concrete telephone conduit from Ross, Ohio, to points in Indiana and Kentucky, with rejected shipments of above commodity on return

Note: Applicant holds contract authority under MC 117507 and subs thereunder, so dual operations may be involved. Also common control or management may be involved as described in MC-F-3880.

HEARING: December 12, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 111196 (Sub-No. 24) (COR-RECTION), filed August 1, 1961, published issue of October 4, 1961, and republished as corrected this issue. plicant: R. KUNTZMAN, INC., 1805 West State Street, Alliance, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. As previously published, the notice of filing of the application indicated that applicant proposed to transport electrical appliance among other commodities. purpose of this republication is to show properly the commodities proposed to

be transported as electrical appliances, etc. Accordingly, this republication is to correct the designation of the commodities proposed to be transported under the referred-to designation wherever it appears in the notice as electrical appliances.

HEARING: Remains as assigned November 28, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 312.

No. MC 112063 (Sub-No. 6), filed September 28, 1961. Applicant: P.I. & I. MOTOR EXPRESS, INC., 836 South Irvine Avenue, Masury, Ohio. Applicant's representative: J. C. Schriner, 5275 Ridge Road, Cleveland 29, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Iron and steel products, from Sharon, Pa., and points in Ohio within five (5) miles of Sharon, to points in Illinois and Indiana; and (2) Empty containers or other such incidental facilities (not specified ) used in transporting iron and steel products, from points in Illinois and Indiana to Sharon, Pa., and points in Ohio within five (5) miles of Sharon.

Note: Applicant states it presently holds authority to serve Sharon, Pa., and points in Pennsylvania within 5 miles of Sharon, Pa., under MC 112063, and that the point of Sharon, Pa., used in the authority sought under this application is only for reference purposes.

HEARING: November 17, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D Moran.

No. MC 112828 (Sub-No. 1), filed September 18, 1961. Applicant: LYNN GANTZ, Route 3, St. Louis, Mich. Applicant's attorney: L. F. Richardson, Michigan National Tower, Lansing 8, Mich. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Farm implements, from La Porte, Ind., and points within two miles thereof, to points in Michigan, and returned, damaged, and rejected shipments, of above commodities, on return.

HEARING: November 30, 1961, at the Federal Building, Lansing, Mich., before

Joint Board No. 23.

No. MC 113267 (Sub-No. 45), filed September 18, 1961. Applicant: CEN-TRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular transporting: Canned routes. goods. from Austin, Ind., to points in Florida, and refused and rejected shipments and containers that have been used in prior shipments, on return.

Note: Applicant states that its officers are stockholders and officers in the following motor carrier of passengers: Industrial Bus Lines, Inc., MC114168, Vandalia Bus Lines, Inc., MC2698 in addition thereto, Kathryn and Oliver Anderson are officers and stockholders in Caseyville Bus Line, Inc., MC 110845.

HEARING: November 1, 1961, at the U.S. Court Rooms, Knoxville, Tenn., before Examiner James A. McKiel.

No. MC 114098 (Sub-No. 18) (COR-RECTION), filed August 14, 1961. Published issue September 27, 1961 and republished as corrected this issue. plicant: LOWTHER TRUCKING COM-PANY, a corporation 521 Penman Street. P.O. Box 2110, Charlotte, N.C. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Tanks, boilers and fittings on flat trailers, between Charlotte, N.C., and points in South Carolina and Virginia.

Note: The purpose of this republication is to correct the commodity description inadvertently set forth in previous publication.

HEARING: Remains as assigned. November 8, 1961, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 196.

No. MC 115577 (Sub-No. 8), filed September 25, 1961. Applicant: SCHWER-MAN TRUCKING CO. OF ILL., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Cement. in bulk, and in packages, from the plant sites of the Huron Portland Cement Company and the Marquette Cement Manufacturing Company, located at or near Waukegan, Ill., to points in La-fayette, Green, Rock, Walworth, Racine, Kenosha, Milwaukee, Waukesha, Jefferson, and Dane Counties, Wis., and empty containers or other such incidental facilities (not specified), used in transporting the above-specified commodity, on return.

NOTE: Applicant states this operation is to be performed under a continuing contract or contracts with Huron Portland Cement Company and Marquette Cement Manufacturing Company. Applicant is controlled by Schwerman Trucking Co. (Wisconsin parent corporation).

HEARING: December 6, 1961, at the Midland Hotel, Chicago, Ill., before Joint Board No. 13. No. MC 115669 (Sub No. 17),

May 15, 1961. Applicant: HOWARD N. DAHLSTEN, doing business as DAHL-STEN TRUCK LINE, Clay Center, Nebr. Applicant's representative: C. A. Ross, 1004-1005 Trust Building, Lincoln 8, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sodium montmorillinite, dry, in bulk, bags or other containers, from points in Butte County, S. Dak., and Crook and Weston Counties, Wyo., to points in Kansas, Nebraska, Oklahoma, and Armstrong, Carson, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, and Wheeler Counties, Tex., and empty containers or other such incidental facilities (not specified) used in transporting the commodity specified above, exempt commodities on return

HEARING: November 6, 1961, at the Sheraton-Warrior Hotel, Sioux City, Iowa, before Examiner Gordon M.

No. MC 116077 (Sub-No. 110), filed August 29, 1961. Applicant: ROBERT-SON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, Eperson Building, Suite 1535, Houston 2, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sulphur, in bulk, from Cincinnati, Ohio, to points in Kentucky.

HEARING: December 11, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 37.

No. MC 116254 (Sub-No. 6) (REPUB-LICATION), filed May 2, 1961, published Federal Register, issue of May 17. 1961, and republished this issue. Applicant: CHEM-HAULERS, INC., P.O. Box 245, Sheffield, Ala. Applicant's attorney: Lon P. MacFarland, Middle Tennessee Bank Building, Columbia, Tenn. As originally filed May 2, 1961, and noticed in the FEDERAL REGISTER, applicant sought authority as a common carrier by motor vehicle, over irregular routes, transporting liquid chlorine, in ton containers, from Evans City, Ala., to Counce, Tenn., and empty containers or other such incidental facilities (not specified) used in transporting above-specified commodity, on return, The joint board recommended a grant of authority to transport liquid chlorine in steel containers of one ton capacity which require specialized equipment, to wit; a flatbed trailer mounting a special steel cradle, from Evans City to Counce and that the application in all other respects be denied. At the request of a potential protestant, the applicant amended the application to its present form. In a report and order dated September 22, 1961, and served October 3, 1961, the Commission, division 1, states: "We do not favor the imposition of restrictions as to kind of container and mounting or to flatbed trailers. Moreover, such a modified vehicle does not constitute specialized equipment. See St. Johnsbury Trucking Co., Inc., Extension-Heavy Hauling, 53 M.C.C. 277. We are not bound by any restriction or amendment which achieves results inconsistent with the public interest and practicable and effective regulation. See J. E. Bejin Cartage Co. Contract Carrier Application, 53 M.C.C. 255. Inasmuch as the removal of restrictions on the type of container enlarges the scope of the application beyond that published in the FEDERAL REGISTER, members of the public who relied upon the notice as published may have an interest which has been prejudiced by lack of proper notice. We shall, therefore, republish in the FEDERAL REGISTER the authority sought to transpert liquid chlorine in containers, from Evans City, Ala., to Counce, Tenn. Any person believing himself to have been prejudiced by our grant here may file an appropriate pleading within 30 days of such publication."

No. MC 117119 (Sub-No. 21), filed August 17, 1961. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: A.

Alvis Layne, Pennsylvania Building, Washington 4, D.C., and John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, from Modesto, Calif., to points in Arizona, and New Mexico, and empty containers or other such incidental facilities (not specified) used in transporting the above-described commodities, on return.

HEARING: November 17, 1961, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 167, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 117561 (Sub-No. 4) (AMEND-MENT), filed July 12, 1961, published FEDERAL REGISTER issue September 27, 1961, amended October 4, 1961, republished as amended this issue. Applicant: NORTHERN MOTOR CARRIERS, INC., Route 9, Saratoga Road, Fort Edward, Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Kaolin clay, between Monkton and New Haven Junction, Vt., on the one hand, and, on the other, points in Maine, Massachusetts, New Hampshire, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania, and Ports of Entry along the International Boundary Line between the United States and Canada. in the States of Vermont and New York.

Note: The purpose of the republication is to delete the restriction recited in the "Note" appended to the previous publication.

HEARING: Remains as assigned, November 13, 1961, at the Federal Building, Albany, N.Y., before Examiner Abraham J. Essrick.

No. MC 117642 (Sub-No. 3), filed September 5, 1961. Applicant: F. P. NIEL-SON, WILLIS F. NIELSON, IVAN R. NIELSON, AND LARS P. NIELSON, doing business as ARIZONA SALES COMPANY, P.O. Box 787, 116 West Fourth Avenue, Mesa, Ariz. Applicant's attorney: Stephen W. Langmade, 34 West Monroe, Phoenix, Ariz. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Chemical fertilizer, in bags, from points in Orange and Los Angeles Counties, Calif., and from Fontana, Brea, Nitroshell, Vernon, and San Diego, Calif., and points in the Los Angeles, Calif., Harbor Commercial Zone, as defined by the Commission, to points in Maricopa, Pinal, Cochise, Yuma, and Graham Counties, Ariz.; and (2) Empty containers or other such incidental facilities (not specified) used in transporting the above-described commodities, from points in Maricopa, Pinal, Cochise, Yuma, and Graham Counties, Ariz., to the above-specified origin points.

Note: Applicant states that the above will be subject to the restriction that liquid chemical fertilizer is not proposed to be transported.

HEARING: December 14, 1961, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 47,

or, if the Joint Board waives its right to participate before Examiner F. Roy Linn.

No. MC 117821 (Sub-No. 1), filed September 15, 1961. Applicant: JOHN McCABE, 1804 South 27th Avenue, Phoenix, Ariz. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Lumber, from points in Del Norte, Humboldt, Trinity, Mendocino, Solano, Sonoma, Shasta, Tehama, Siskiyou, Los Angeles and Orange Counties, Calif., and points in Josephine, Curry, Jackson, Klamath, Douglas, Coos, Lane, Lincoln, and Linn Counties, Oreg., to points in Apache, Cochise, Coconino, Maricopa, Navajo, Pima, and Yavapai Counties, Ariz.

HEARING: December 11, 1961, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 225, or, if the Joint Board waives its right to participate before Examiner F. Roy Linn.

No. MC 119389 (Sub-No. 2), filed July 3, 1961. Applicant: WARREN TRUCK-ING CO., INC., 316 Weber Street, Compton, Calif. Applicant's attorney: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Newsprint paper, printing paper used in the publication of newspapers, and other printed matter, in flat stock and in rolls, from Los Angeles Harbor and Long Beach, Calif., and points in the Los Angeles Harbor, Calif., Commercial Zone, as defined by the Commission, to points in Santa Barbara, Ventura, Los Angeles, Orange, San Bernardino, Riverside, Imperial, and San Diego Counties, Calif.

Note: Applicant states the proposed operation is to be limited to minimum shipments of 4,000 pounds to any one consignee if approved by the Commission. See, however, Osborne, 64 M.C.C. 553.

HEARING: December 4, 1961, at the Federal Building, Los Angeles, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate before Examiner F. Roy Linn.

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No. MC 119957, filed July 29, 1960. Applicant: D. D. ALDERDYCE, Delta, Iowa. Applicant's representative: Kenneth F. Dudley, 106 North Court Street, P.O. Box 557, Ottumwa, Iowa. Authority sought to operate as a common carrier, by motor vehicle over regular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between New York, N.Y., and San Francisco, Calif., from New York, N.Y., over U.S. Interstate Highway 80 to San Francisco, Calif., and return over the same route, serving all intermediate points.

Note: This application is assigned at the same time and place for pre-hearing conference together with a companion application covering the transportation of Passengers, etc., in the territory described above. The issues to be discussed at the conference in regard to the instant application are those outlined in the notice of filing of the com-

panion application No. MC 119956 published in the Federal Register issue of September 13, 1961.

PRE-HEARING CONFERENCE: October 20, 1961, at the Midland Hotel, Chicago, Ill., with Examiner James C. Cheseldine presiding.

No. MC 123490 (AMENDMENT), filed March 8, 1961, published issue March 22, 1961, amended October 9, 1961, and republished as amended this issue. Applicant: CHIP CARRIERS, INC., 306 South 24th Street, Omaha 2, Nebr. Applicant's attorneys: Viren, Emmert, Hilmes & Gunderson, 904 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a contract carrier. by motor vehicle, over irregular routes, transporting: (1) Foodstuffs; beverages or beverage preparations; chips, twists or puffs, flour or meal, plain or flavored, requiring no further cooking; kernels, popped corn, plain, salted or cheese flavored; peanuts; gums and candy; potato chips; cereal food preparations, cooked, flaked or shredded, granulated, popped or puffed; (2) advertising, display and merchandise material used for or in connection with all of the abovedescribed items; and (3) empty containers or other such incidental facilities (not specified) used in transporting the commodities specified in this application, and rejected, damaged and unsaleable shipments of the above-specified commodities, between points in Illinois, Iowa, Kansas, Missouri, Nebraska, South Dakota, North Dakota, Colorado, Wyoming, and Oklahoma, under contract with Fritos Midwest Company of Omaha, Nehr

Note: Applicant states that all or some of the items in (1) above are known by the trade names of Fritos, Corn Chips, Cheetos, Cheese Chips, and Tatoes.

Note: The purpose of this republication is to add the States of North Dakota, Colorado, Wyoming, and Oklahoma.

HEARING: November 14, 1961, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Gordon M. Callow.

No. MC 123825 (AMENDMENT), filed July 21, 1961, published Federal Regis-TER issue September 27, 1961, amended October 4, 1961, republished as amended this issue. Applicant: FROST MOTOR EXPRESS, INC., 1037 East Fifth Avenue, Columbus, Ohio. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 14, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Buildings, knocked down or in sections, including component parts, materials, supplies and fixtures, and when shipped with such buildings, accessories, used in the erection, construction and completion thereof, between Columbus, and Newark, Ohio, on the one hand, and on the other, points in Indiana, Michigan, Illinois, Wisconsin, Missouri, Kentucky, Tennessee, West Virginia, Virginia, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, North Carolina, Maryland and the District of Columbia.

Note: The purpose of this republication is to include "Virginia" as a destination

state which was inadvertently omitted from previous publication, and to clarify the transportation to show the accessories will move with the buildings being shipped.

HEARING: Remains as assigned, November 15, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner Parks M. Low.

No. MC 123891, filed August 22, 1961. Applicant: BEKINS VAN & STORAGE CO., a corporation, 601 North Main Street, Las Vegas, Nev. Applicant's representative: Jackson W. Kendall, 1335 South Figueroa Street, Los Angeles 15, Calif. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods as defined by the Commission, between points in Nevada.

HEARING: December 11, 1961, at the Nevada Public Service Commission, Room 204 State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 128.

No. MC 123923, filed September 13, 1961. Applicant: CLARENCE R. MEYER, P.O. Box 289, East Beltline, Madison, Wis. Applicant's attorney: John Falk Murphy, P.O. Box 289, Madison 1, Wis. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Residual fuel oils, in bulk, in tank vehicles, from Lemont and Lockport, Ill., to points in the State of Wisconsin on and south of a line extending along U.S. Highway 16 from La Crosse to Sparta, thence along Wisconsin Highway 21 to Oshkosh, thence along U.S. Highway 41 to Appleton, and thence along U.S. Highway 10 to Manitowoc, and damaged and rejected shipments on return.

HEARING: December 5, 1961, at the Midland Hotel, Chicago, Ill., before Joint Board No. 141.

No. MC 123929, filed September 15, 1961. Applicant: NELSON TRUCKING SERVICE, INC., 443 North Racine Avenue, Chicago, Ill. Applicant's attorney: Themis N. Anastos, 343 South Dearborn Street, Chicago 4, Ill. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Wearing apparel and piece goods, between Chicago, Ill., and Rochester, Ind.

HEARING: December 7, 1961, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 123959, filed September 29, 1961. Applicant: HOWARD C. HOLTZ doing business as HOLTZ BROTHERS MOVING, 1026 Harrison Street, Monroe, Mich. Applicant's attorney: Eugene C. Ewald, Guardian Building, Detroit 26, Mich. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: crated furniture, appliances (not specified), and floor coverings from points in Frenchtown Township, Monroe County, Mich., to points in Defiance, Fulton, Henry, Huron, Lucas, Paulding, Putnam, Wood, Sandusky, Erie Ottawa and Seneca Counties, Ohio, and empty containers, or other such incidental facilities (not specified), used in transporting the commodities specified in this application, on return.

HEARING: November 28, 1961, at the Federal Building, Lansing, Mich., before Joint Board No. 57.

#### MOTOR CARRIER OF PASSENGERS

No. MC 228 (Sub-No. 32), filed Octo-1961. Applicant: HUDSON ber 3. TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, (1) between Ridgefield Park, N.J., and Hackensack, N.J., from junction of New Jersey Turnpike and Interstate Highway 95 in Ridgefield Park, over Interstate Highway 95 to its junction with Interstate Highway 80 in Teaneck, N.J., thence over Inter-state Highway 80 to New Jersey Highway 17 in Hackensack using access roads, ramps and streets providing connection between Interstate Highway 80 and New Jersey Highway 17 in Hackensack, and return over the same route, serving all intermediate points; and (2) between Teaneck, N.J., and Fort Lee, N.J., from junction Interstate Highway 80 and Interstate Highway 95 in Teaneck, over Interstate Highway 95 and access roads to the George Washington Bridge Plaza in Fort Lee, and return over the same route, serving all intermediate points. RESTRICTION: No passenger shall be picked up in New York City for discharge at points on the aforesaid Routes (1) and (2), and no passenger shall be picked up at points on the afosesaid Routes (1) and (2) for discharge in New York City.

Note: Applicant states that one of its officers who manages and controls applicant, also manages and controls West Fordham Transportation Corp., MC 116921, and Limousine Rental Service, Inc., MC 115456.

HEARING: October 30, 1961, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board 119.

#### APPLICATION FOR BROKERAGE LICENSE

#### MOTOR CARRIER OF PASSENGERS

No. MC 12766, filed August 28, 1961. Applicant: ELLIOTT C. SCHUBINER AND JARED M. SCHUBINER, a partnership, doing business as AMERICANA TOURS, 18663 Livernois, Detroit 21, Mich. For a license (BMC 5) to engage in operations as a broker at Detroit. Mich., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of Passengers and their baggage, in the same vehicle with passengers, both as individuals and groups. in round-trip special and charter allexpense conducted sightseeing and pleasure tours, beginning and ending at Detroit, Southfield, and Livonia, Mich., and extending to points in the United States.

HEARING: November 27, 1961, at the Federal Building, Lansing, Mich. at 1:00 p.m., before Joint Board No. 76.

No. MC 12767, filed September 7, 1961. Applicant: BARKER TRAVEL SERV-ICE, INC., 17 South High Street, Columbus 15, Ohio. For a ligense (BMC 5) to 9800 NOTICES

engage in operations as a *broker* at Columbus, Ohio, in arranging for the transportation by motor vehicle in interstate or foreign commerce of *passengers*, as groups, in charter operations, in roundtrip, all expense tours, beginning and ending at points in Ohio, and extending to points in New York, New Jersey, Pennsylvania, Washington, D.C., and New Orleans, La.

HEARING: December 14, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 12771, filed September 25, 1961. Applicant: KLARE KAY KILTY, doing business as KILTY'S TOUR AGENCY, Kervon Kourt No. 3, Berrien Springs, Mich. For authority to engage in operations as a broker at Berrien Springs, Mich., in arranging for the transportation of groups of passengers and their baggage, in charter operations, beginning and ending at St. Joseph, Mich., and extending to New York, N.Y., and Washington, D.C.

HEARING: December 1, 1961, at the Federal Building, Lansing, Mich., before

Joint Board No. 76.

Applications In Which Handling Without Oral Hearing is Requested

MOTOR CARRIERS OF PROPERTY

No. MC 504 (Sub-No. 45), filed October 5, 1961. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga., Applicant's attorney: Reuben G. Crimm, 1375 Peachtree Street NE., Suite 693, Atlanta 9, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Granite, from Elberton, Ga., and points within 25 miles thereof, to points in Delaware, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, the District of Columbia, Illinois, Iowa, and Wisconsin, and St. Louis, Mo. and points within 25 miles thereof

NOTE: Applicant states it presently holds authority to transport this same commodity to these same destinations from Elberton and fifteen (15) miles thereof, except to Illinois where the present authority is from Elberton only. The sole purpose of this application is to extend the origin area a few miles to permit service from quarry sites as they expand their area. Applicant now holds the same 25 mile origin area here sought as to other destination states.

No. MC 10872 (Sub-No. 37), filed October 6, 1961. Applicant: BE-MAC TRANSPORT COMPANY, INC., 7400 North Broadway, St. Louis 15, Mo. Applicant's attorney: Charles M. M. Shepherd, 20 South Central Avenue, Clayton (St. Louis) 5, Mo. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between intersection U.S. Highway 66 with Illinois Highway 140 and Alton, Ill.; from intersection U.S. Highway 66 with Illinois Highway 140 over Illinois Highway 140 to Alton, and return over the same route, serving no intermediate

points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations.

No. MC 37918 (Sub No. 7), filed October 3, 1961. Applicant: DIRECT WIN-TERS TRANSPORT LIMITED, a corporation, 207 Queen's Quay West, Toronto, Ontario, Canada. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk. and those requiring special equipment), between Wellesley Island (Jefferson County), N.Y., and the Port of Entry on the International Boundary between the United States and Canada, at or near the Thousand Islands International Bridge, Jefferson County, N.Y.

Note: Applicant states the proposed operation is restricted to traffic originating at or destined to points in Canada.

No. MC 58156 (Sub-No. 3), filed October 5, 1961. Applicant: HOWARD ABBOTT, doing business as ABBOTT TRANSFER LINE, Second and Main Streets, La Grange, Ky. Applicant's attorney: Ollie L. Merchant, 140 South Fifth Street, Suite 202, Louisville, 2, Ky. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between Cincinnati, Ohio, and Eminence, Ky.

No. MC 66663 (Sub-No. 3), filed October 6, 1961. Applicant: MASS. DE-LIVERIES, INC., 80 Kendall Park, Waltham 54, Mass. Applicant's attorney: Joseph A. Kline, 185 Devonshire Street, Boston, Mass. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Such merchandise as is dealt in by Mail-Order Houses and in connection therewith equipment, materials and supplies used in the conduct of such business, from Saugus, Mass., to Cape Neddick, York Beach, York Harbor, York Village, Kittery, and Brunswick, Maine, and points in Massachusetts and New Hampshire within thirty (30) miles of Lawrence, Mass., and rejected, returned and repossessed merchandise, on return.

No. MC 112668 (Sub-No. 22), filed October 5, 1961. Applicant: HARVEY R. SHIPLEY & SONS, INC., Finksburg, Md. Applicant's representative: Donald E. Freeman, 97 Uniontown Road, Westminister, Md. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sand, washed and dry, in bulk, in dump vehicles, from White Marsh, Md., to points in Virginia, and the District of Columbia within 125 miles of the District of Columbia.

Note: Applicant states it holds authority to points in Virginia beyond 125 miles of the District of Columbia.

No. MC 112750 (Sub-No. 74), filed October 9, 1961. Applicant: ARMORED

CARRIER CORPORATION, DeBevoise Building, 222–17 Northern Boulevard, Bayside, Long Island, N.Y. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Punched I.B.M. cards and embossed plastic credit cards, between Perth Amboy, N.J., and New York, N.Y.

Note: Applicant states it is affiliated with Southern Carriers, Inc.

No. MC 113573 (Sub-No. 8), filed October 6, 1961. Applicant: HERDA ALASKA TRUCK LINES, INC., 2265 St. Anthony Avenue, St. Paul 4, Minn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Milk and milk products, in bulk, in stainless steel containers and fibreboard containers, from points in Minnesota, North Dakota, and Wisconsin to Anchorage, Fairbanks, and Palmer, Alaska.

No MC 113642 (Sub No. 12), filed October 5, 1961. Applicant: JAMES I. WINN, JR., doing business as WINN TRUCKING SERVICE, Horse Cave, Ky. Applicant's attorney: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville 2, Ky. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Asphalt, in bulk, in tank vehicles, from Lawrenceville, Ill., to Horse Cave, Ky.

No. MC 123615 (Sub-No. 1), filed September 29, 1961. Applicant: TRANS-PET, INC., 32 Cooper Square, New York, Applicant's attorney: A. David N.Y. Millner, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Live fish, live birds and related aquarium and pet materials and supples, (1) from Allendale, N.J., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont; New York, N.Y.; points in Albany, Broome, Cayuga, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Her-kimer, Madison, Monroe, Montgomery, Nassau, Oneida, Onondaga, Orange, Oswego, Otsego, Putnam, Rennselaer, Rockland, Saratoga, Schenectady, Schoharie, Schuyler, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Washington, Wayne, and Westchester Counties, N.Y.; points in Berks, Bucks, Carbon, Chester, Columbia, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Lucerne, Montgomery, Northampton, Monroe. Northumberland, Philadelphia, Pike, Schuylkill, and York Counties, Pa.; and points in Anne Arundel, Baltimore, Caroline, Carroll, Frederick, Harford, Howard, Kent, Montgomery, Prince Georges, Queen Anne, and Talbot Counties, Md.; (2) from New York, N.Y. to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island and Vermont; points in Albany, Broome, Cayuga, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Herkimer, Madison, Monroe, Montgomery, Nassau, Oneida, Onondaga, Orange, Os-

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wego, Otsego, Putnam, Rennselaer, Rockland, Saratoga, Schenectady, Schoharie, Schuyler, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Washington, Wayne, and Westchester Counties, N.Y.; points in Berks, Bucks, Carbon, Chester Columbia, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Lucerne. Monroe, Montgomery, Northampton, Northumberland, Philadelphia, Pike, Schuylkill, and York Counties, Pa.; and points in Anne Arundel, Baltimore, Caroline, Carroll, Frederick, Harford, Howard, Kent, Montgomery, Prince Georges, Queen Anne, and Talbot Counties, Md.; (3) from Camden, N.J. to points in New Jersey and Delaware; points in Berks, Bucks, Carbon, Chester, Columbia, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Lucerne, Montgomery, Northampton, Northumberland, Philadelphia, Pike, Schuylkill and York Counties, Pa.; and points in Anne Arundel, Baltimore, Caroline, Carroll, Frederick, Harford, Howard, Kent, Montgomery, Prince Georges, Queen Anne, and Talbot Counties, Md.; and (4) from Springfield and Boston, Mass., and Providence, R.I. to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; and damaged and rejected merchandise on return.

No. MC 123966, filed October 5, 1961. Applicant: J. R. COX, Johnson, Ark. Applicant's attorney: Thomas Harper, P.O. Box 297, Fort Smith, Ark. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Concrete and lightweight building blocks, together with metal wall ties and joint reinforcers used therewith for construction purposes, between Springdale, Ark., on the one hand, and, on the other, points in Missouri on and south of U.S. Highway 40 and on and west of U.S. Highway 63; points in Kansas on and south of U.S. Highway 40 and on and east of U.S. Highway 81; and points in Oklahoma on and east of U.S. Highway 81.

No. MC 123967, filed October 5, 1961. Applicant: E. C. EVERSOLE, doing business as E. C. EVERSOLE STAVE COM-PANY, 105 West Olive, Rogers, Ark. Applicant's attorney: Thomas Harper, P.O. Box 297, Fort Smith, Ark. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Concrete and lightweight building blocks, together with metal wall ties and joint reinforcers, used in connection therewith for construction purposes, between Springdale, Ark., on the one hand, and, on the other, points in Missouri on and south of U.S. Highway 40 and on and west of U.S. Highway 63; points in Kansas on and south of U.S. Highway 40 and on and east of U.S. Highway 81; and points in Oklahoma on and east of U.S. Highway 81.

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#### MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 244), filed October 5, 1961. Applicant: THE GREY-HOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Peter K. Nevitt (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transport-

ing: Passengers and their baggage, and express, newspapers and mail, in the same vehicle with passengers, between junction North Carolina Highway 1532 and North Carolina Highway 55 near Angier, N.C., and Erwin, N.C.; from junction North Carolina Highway 1532 and North Carolina Highway 55 near Angier, over North Carolina Highway 1532 to Buies Creek, N.C., thence over U.S. Highway 421 to Erwin, and return over the same route, serving all intermediate points.

No. MC 13300 (Sub-No. 71), filed October 9, 1961. Applicant: CAROLINA COACH COMPANY, a corporation, 1201 South Blount Street, Raleigh, N.C. plicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW. Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Dunn. N.C., and junction North Carolina Highway 55 and U.S. Highway 401, approximately three miles east of Fuguay-Varina, N.C., from Dunn over U.S. Highway 421 to Buies Creek, N.C., thence over North Carolina Highway 1532 to junction North Carolina Highway 55, thence over North Carolina Highway 55 to junction North Carolina Highway 55 and U.S. Highway 401 approximately three miles east of Fuquay-Varina, and return over the same route, serving all intermediate points.

## Applications Under Sections 5 and 210a(b)

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

#### MOTOR CARRIERS OF PROPERTY

No. MC-F-7978. Authority sought for purchase by SHAMROCK VAN LINES, INC., 8808 Sovereigh Row, P.O. Box 5447, Dallas 7, Tex., of the operating rights of LAGRETA LOWMAN REELY, Lagreta Lowman Reely, doing business as Reely's Storage and FREIGHT TERMINAL, 734 West Broadway, Missoula, Mont., and for acquisition by R. C. DAWE, also of Dallas, of control of such rights through the purchase. Applicants' attorneys: Walter D. Matson, 1625 K Street NW., Washington 6, , and Max G. Morgan, 450 American National Building, Oklahoma City, Okla. Operating rights sought to be transferred: Household goods, as defined in Practices of Motor Common Carriers of Household goods, 17 M.C.C. 467, as a common carrier, over irregular routes. between points in Montana, on the one hand, and, on the other, points in Idaho, Oregon, Washington, California and Nevada, and between points in Montana on and west of U.S. Highway 89, on the one hand, and, on the other, points in Wyoming, Colorado, Utah, Arizona, and North Dakota. Vendee is authorized to operate as a common carrier in Texas, New Mexico, Araknsas, Missouri, Kansas, Florida, Oklahoma, Louisiana, Colorado, Mississippi, Tennessee, Georgia, North Carolina, South Carolina, Virginia, Pennsylvania, Delaware, New Jersey, New York, Massachusetts, Connecticut, Maryland, West Virginia, Ohio, Indiana, Illinois, Alabama, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7979. Authority sought for purchase by SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louis-ville, Ky., of the operating rights and certain property of ALABAMA TANK LINES, INC., 4107 Bells Lane, Louisville, and for acquisition by J. F. BEAIRD, P.O. Box 2127, Louisville, Ky., and J. A. GAMMON, 4107 Bells Lane. Louisville, Ky., of control of such rights and property through the purchase. Applicants' representative: H. N. Nun-Vice-President, SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Operating rights sought to be transferred: Asphalt and fuel oils, both in bulk, in tank vehicles, as a common carrier over irregular routes, from Tuscaloosa, Ala., to points in Mississippi, Tennessee, and Georgia; liquid coal tar products, in bulk, in tank vehicles, from Birmingham and Fox, Ala., to points in Georgia, Tennessee, Florida, Mississippi, Kentucky, Louisiana, North Carolina, South Carolina, and Arkansas; liquid glue, in bulk, in tank vehicles, from Fox, Ala., to points in Louisiana, Mississippi, Arkansas, Georgia, and Florida; petroleum and petroleum products, except asphalt and fuel oils, in bulk, in tank vehicles, from Tuscaloosa, Ala., to points in Tennessee and Georgia; asphalt, asphalt products, and fuel oils, in bulk, in tank vehicles, from Birmingham and Birmingport, Ala., to points in Georgia, Tennessee, and that part of Mississippi on and north of U.S. Highway 80; toluene, in bulk, in tank vehicles, from Gadsden, Ala., to Copperhill, Tenn.; acids and chemicals (except caustic soda), in bulk, in tank vehicles, from McIntosh, Ala., to points in South Carolina, Georgia, Ohio, Tennessee (except Kingsport), Florida (except Foley); Restriction: The authority granted herein shall not be tacked to any other authority held by carrier or procured or obtained by carrier in the future; liquid acids, chemicals, and cleaning compounds (except caustic soda), in bulk, in tank vehicles, from McIntosh, Ala., to points in Arkansas and North Carolina: liquid chemicals, as described in The Maxwell Co., Extension-Addyston, 63 M.C.C. 677, in bulk, in tank vehicles, from Birmingham, Ala., and points within ten miles thereof (except from Mineral Springs and Birmingport, Ala., and points within three miles of each point), to points in Georgia, Florida, Mississippi, and Louisiana; liquid coal tar and coal tar products, in bulk, in tank vehicles, from Gadsden, Ala., and points within ten miles thereof, to points in Tennessee, Georgia, North Carolina, South Carolina, Florida, and Mississippi (except toluene from Gadsden, Ala., to Copperhill, Tenn.); latex compounds, in bulk, in tank vehicles, from Chattanooga, Tenn., to points in Arkansas; acids, chemicals, and cleaning compounds, in

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bulk, in tank vehicles, from points in Washington County, Ala., to points in Missouri; mineral oil, in bulk, in tank vehicles, from Karns City, Pa., to Birmingham, Ala.; lime, in bulk, from points in Shelby and Blount Counties, Ala., to points in Fulton County, Ga.; petroleum and petroleum products (except asphalt, asphalt products, and fuel oils), as described in Appendix XIII to the report in Description in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, from Birmingport, Ala., to points in Florida, Mississippi, North Carolina, South Carolina and Georgia (except points in Bartow, Carroll, De-Kalb, Douglas, Floyd, Fulton, Haralson, Paulding, Polk, Muscogee, Troup, and Barrow Counties, Ga.); liquid chemicals (except liquid caustic soda), as defined in The Maxwell Co., Extension-Addyston, 63 M.C.C. 677, in bulk, in tank vehicles, from the site of the Geigy Chemical Corporation plant, near McIntosh, Ala., to points in Louisiana and Mississippi (except shipments of spent sulphuric acid, in bulk, to the site of the plant of the Coastal Chemical Corporation, at or near Pascagoula, Jackson County, Miss.). Vendee is authorized to operate as a common carrier in Illinois, Kentucky, Indiana, Iowa, Missouri, Louisiana, Ohio, Tennessee, Georgia, Florida, Massachusetts, Minnesota, Ala-Michigan, Mississippi, North Carolina, South Carolina, Texas, West Virginia, Virginia, Wisconsin, New Jer-sey, California, New York, and Nebraska. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7980. Authority sought for purchase by CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, N.C., of a portion of the operating rights of KILGO MOTOR FREIGHT, INC. (JERRY C. GRIGGS, RECEIVER), P.O. Box 3433, Delworth Station, Charlotte, N.C., and for acquisition by C. G. BEAM, 207 South Elm Street, Cherryville, N.C., F. D. BEAM, 400 South Elm Street, Cherryville, N.C., and JOHN L. FRALEY, 404 Farris Drive, Cherryville, N.C., of control of such rights through the purchase. Applicants' attorney: James K. Knudson, 1821 Jefferson Place NW., Washington, Operating rights sought to be transferred: General commodities, excepting, among others, household goods and commodities in bulk, as a common carrier over regular routes, between Kings Mountain, N.C., and New York, N.Y., and between Charlotte, N.C., and New York, N.Y., serving certain intermediate and off-route points; linoleum carpets, linoleum paste, linoleum and mats and rugs, and felt base, over regular and irregular routes, between Salem, N.J., and points within one mile thereof, on the one hand, and, on the other, certain points in Virginia, North Carolina and South Carolina, serving no intermediate points on the following specific regular routes, from Salem and points within one mile thereof, over irregular routes via the Chester Pa.-Bridgeport, N.J., Ferry and the Delaware Memorial Bridge, to certain points in Delaware, Maryland, and Virginia; general commodities, excepting, among others, household goods and commodities

in bulk, over irregular routes, between Charlotte, N.C., and points in North Carolina, within 30 miles of Charlotte, on the one hand, and, on the other, certain points in Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, and the District of Columbia. Vendee is authorized to operate as a common carrier, in North Carolina, South Carolina, New York, New Jersey, Virginia, Maryland, Pennsylvania, Florida, Georgia, Rhode Island, Delaware, Massachusetts, and the District of Columbia. Application has been filed for authority under section temporary 210a(b)

No. MC-F-7981. Authority sought for merger into ARROW TRAILWAYS, INC., Room 2211, New York Port Authority Terminal, 625 Eighth Ave., New York 18, N.Y., of the operating rights and property of THE PROVIDENCE ARROW LINE, INC., 21 Cliff St., Providence, R.I., and for acquisition by THOMAS STELMASZEK, EDWARD EDWARD STELMASZEK and SOPHIE STEL-MASZEK, all of Route 35, South Amboy, N.J., of control of such rights and property through the transaction. Applicants' attorney: John R. Sims, Jr. 804 Ridge Place, Falls Church, Va. Operating rights sought to be merged: Passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, as a common carrier over a regular route, between Hartford, Conn., and Providence, R.I., serving all intermediate points; and between Hartford, Conn., and Providence, R.I., as an alternate route for operating convenience only in connection with carrier's regular route operations; passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, over irregular routes, from points within 20 miles of the above-specified regular route to points in Connecticut, Rhode Island, and Massachusetts. ARROW TRAILWAYS, INC., is authorized to operate as a common carrier in New York and Connecticut. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

HAROLD D. McCOY. [SEAT.] Secretary.

[F.R. Doc. 61-9935; Filed, Oct 17, 1961; 8:47 a.m.]

[Notice 555]

#### MOTOR CARRIER TRANSFER **PROCEEDINGS**

OCTOBER 13, 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 general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. 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 pe-

titions with particularity.

No. MC-FC 63723. By order of October 11, 1961, Division 3 approved the transfer to Calhoun Trucking Corp., East Newark, N.J., of Permit No. MC 59113, issued June 28, 1949, to Steven A. Zakovic, doing business as J. M. Truckman, Middlesex, N.J., authorizing the transportation of: Boilers, radiators, furnaces, air conditioning units, and parts for boilers, radiators, furnace and air conditioning units, between Newark and Garwood, N.J., on the one hand, and, on the other, Scranton, Tunkhannock, Honesdale, Philadelphia, West Hazelton, and Hazelton, Pa., New York, N.Y., points in Orange, Rockland, Ulster, Greene, Albany, Schenectady, Rensselaer, Columbia, Dutchess, Putnam, Westchester, Nassau, and Suffolk Counties, N.Y., and that part of Connecticut west of the Connecticut River. Bert Collins, 140 Cedar Street, New York 6, N.Y., Representative for applicants.

[SEAL] HAROLD D. McCoy. Secretary.

[F.R. Doc. 61-9936; Filed, Oct. 17, 1961; 8:48 a.m.]

#### FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 13, 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. 37399: Asphalt from Catlettsburg, Ky., to Starkey, Va. Filed by O. W. South, Jr., Agent (No. A4134), for interested rail carriers. Rates on asphalt (asphaltum), natural, by-product, or petroleum (other than paint, stain or varnish), in tank-car loads, from Catlettsburg, Ky., to Starkey, Va.

Grounds for relief: Market competi-

Tariff: Supplement 64 to Southern Freight Association tariff I.C.C. S-116.

FSA No. 37400: Motor vehicles from Kenosha, Wis., to Texas points. Filed by Kenosha Auto Transport Corporation, Agent (No. 2), for interested carriers. Rates on motor vehicles, freight or passenger, in truckloads, as described in the application, from Kenosha, Wis., to points in Texas.

Grounds for relief: Rail-motor competition.

Tariff: Kenosha Auto Transport Cor-

poration tariff I.C.C. 1.

FSA No. 37401: Substituted service-Rail carrier service for motor carrier service. Filed by Middle Atlantic Conference, Agent (No. 35), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between points in middle Atlantic territory, between points in middle Atlantic territory, on the one hand, points in New England territory, on the other, and between points in

these territories on the one hand, and other points in the United States, on the other.

Grounds for relief: Motor-truck comnetition.

FSA No. 37402: Chemicals from Houston, Tex., to Chicago and Lemont, Ill. Filed by Southwestern Freight Bureau, Agent (No. B-8092), for interested rail carriers. Rates on ethyl acrylate, methyl acrylate and methyl methacrylate, in tank-car loads, from Houston, Tex., to Chicago, Ill., applicable only for deliveries on railroad tracks serving the General American Tank Storage Terminals at Argo, Ill., Lemont, Ill., applicable only for deliveries on railroad tracks serving the North American Car Corp., at Lemont, Ill.

Grounds for relief: Unregulated barge

competition.

Tariff: Supplement 62 to Southwestern Freight Bureau tariff I.C.C. 4370.

FSA No. 37404: Soda ash from Corpus Christi and Freeport, Tex., to Coronet, Fla. Filed by Southwestern Freight Bureau, Agent (No. B-8090), for interested rail carriers. Rates on soda ash, in bulk, in carloads, from Corpus Christi and Freeport, Tex., to Coronet, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 829 to Southwestern Freight Bureau tariff I.C.C. 4139. FSA No. 37405: Silica from Hot Springs, Ark., to Georgia points, Filed by Southwestern Freight Bureau, Agent (No. B-8096), for interested rail carriers. Rates on silica, noibn, crushed, ground, powdered or pulverized, in bulk or in packages, in carloads, from Hot Springs,

Ark., to specified points in Georgia.

Grounds for relief: Market competition

Tariff: Supplement 262 to Southwestern Freight Bureau tariff I.C.C. 4187.

FSA No. 37406: Salt from Texas and Louisiana to Rosslyn, Va. Filed by Southwestern Freight Bureau, Agent (No. B-8091), for interested rail carriers. Rates on salt, as described in the application, in carloads, from specified points in Louisiana and Texas, to Rosslyn, Va.

Grounds for relief: Market com-

Tariff: Supplement 4 to Southwestern Freight Bureau tariff I.C.C. 4411.

FSA No. 37407: Iron or steel plate or sheet from Cincinnati, Ohio to Greenville, Miss. Filed by O. W. South, Jr., Agent (No. A4135), for interested rail carriers. Rates on plate or sheet, iron or or steel, NOIBN, galvanized, painted or plain, corrugated, or not corrugated, and strip steel, NOIBN, in carloads, from Cincinnati, Ohio, to Greenville, Miss.

Grounds for relief: Rate relationship. Tariff: Supplement 18 to Southern Freight Association tariff I.C.C. S-163.

#### AGGREGATE-OF-INTERMEDIATES

FSA No. 37403: Chemicals from Houston, Tex., to Chicago and Lemont, Ill. Filed by Southwestern Freight Bureau, Agent (No. B-8093), for interested rail carriers. Rates on ethyl acrylate, methyl acrylate and methyl methacrylate, in tank-car loads, from Houston, Tex., to Chicago Ill., applicable only for deliveries on railroad tracks serving the General American Tank Storage Terminals at Argo, Ill., Lemont, Ill., applicable only for deliveries on railroad tracks serving the North American Car Corp., at Lemont, Ill.

Grounds for relief: Maintenance of depressed rates published to meet unregulated water competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 62 to Southwestern Freight Bureau tariff I.C.C. 4370.

By the Commission.

[SEAL] HAROLD D. McCoy, Secretary.

[F.R. Doc. 61-9933; Filed, Oct. 17, 1961; 8:47 a.m.]

#### CUMULATIVE CODIFICATION GUIDE—OCTOBER

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