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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (25) of paragraph (a) of § 6.302 is amended as set forth below.

§ 6.302 Department of State.

(a) *Office of the Secretary.* * * *
(25) Two Staff Assistants and one Private Secretary to the Chief of Protocol.

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

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F.R. Doc. 61-11288; Filed, Nov. 28, 1961; 8:52 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 4, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Barley Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 5195, 5565, 7007, 7572, 8097, 8559, and 9308, and containing the specific requirements for the 1961-crop barley price support program are hereby amended as follows:

Section 421.187(b) is amended by increasing the following basic county support rates.

ARIZONA

County	Rate per bushel	
	From—	To—
Cochise.....	\$0.94	\$0.95
Santa Cruz.....	.95	.97

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

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 22, 1961.

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

[F.R. Doc. 61-11297; Filed, Nov. 28, 1961; 8:53 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 3, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Grain Sorghums Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 5107, 5569, 7252, 8413 and 9899, and containing the specific requirements for the 1961-crop grain sorghums price support program are hereby amended as follows:

Section 421.337(b) is amended by increasing the following basic county support rates:

ARIZONA

County	Rate per hundredweight	
	From—	To—
Cochise.....	\$2.08	\$2.09
Santa Cruz.....	2.09	2.14

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

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 22, 1961.

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

[F.R. Doc. 61-11296; Filed, Nov. 28, 1961; 8:53 a.m.]

PART 464—TOBACCO

Subpart—Tobacco Loan Program

Set forth below are schedules of advance rates, by grades, for the 1961 crop of types 42-44 and 51-55 tobacco under the tobacco loan program published July 6, 1960 (25 F.R. 6323).

Sec.

464.1341 1961 crop; Ohio Filler Tobacco, Types 42-44, advance schedule.

464.1342 1961 crop; Connecticut Valley Broadleaf Tobacco, Type 51, and Connecticut Valley Havana Seed Tobacco, Type 52, advance schedule.

464.1343 1961 crop; New York and Pennsylvania Havana Seed Tobacco, Type 53, and Southern Wisconsin Tobacco, Type 54, advance schedule.

464.1344 1961 crop; Northern Wisconsin Tobacco, Type 55, advance schedule.

§ 464.1341 1961 crop; Ohio Filler Tobacco, Types 42-44, Advance Schedule.¹

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Fillers (farm wrappers):	
C1MB.....	28
C1M.....	28
C2M.....	25
C3M.....	24
C4M.....	23

Crop run (stripped together):

X1.....	28
X2.....	25
X3.....	23
X4.....	21
X5.....	19

Farm fillers:

Y1.....	19
Y2.....	17
Y3.....	15

§ 464.1342 1961 crop; Connecticut Valley Broadleaf Tobacco, Type 51, and Connecticut Valley Havana Seed Tobacco, Type 52, advance schedule.²

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1M.....	47
B2M.....	44
B3M.....	40
B4M.....	38
B5M.....	36
Nonbinder:	
X1M.....	32

¹The Cooperative Association through which price support is made available is authorized to deduct from the amount paid the grower fifty cents per hundred pounds to apply against receiving and overhead costs, plus a fee of \$5.00 for each lot of tobacco received for sample grading purposes. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded W (doubtful keeping order), U (unsound), or N (nondescript).

²The Cooperative Association through which price support is made available is authorized to deduct from the amount paid the grower not more than the larger of \$1.00 per hundred pounds or \$10.00 per consignment to apply against receiving and overhead costs. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded N1 (first quality nondescript), N2 (second quality nondescript), S (scrap), or No-G (no grade).

§ 464.1343 1961 crop; New York and Pennsylvania Havana Seed Tobacco, Type 53, and Southern Wisconsin Tobacco, Type 54, advance schedule.³

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1 -----	33
B2 -----	32
B3 -----	30
Strippers:	
C1 -----	28
C2 -----	27
C3 -----	26
Crop-run:	
X1 -----	31
X2 -----	28
X3 -----	23
Farm Fillers:	
Y1 -----	24
Y2 -----	22
Y3 -----	20
Nondescript:	
N1 -----	16

§ 464.1344 1961 crop; Northern Wisconsin Tobacco, Type 55, advance schedule.³

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1 -----	45
B2 -----	41
B3 -----	37
Strippers:	
C1 -----	34
C2 -----	31
C3 -----	27
Crop-run:	
X1 -----	31
X2 -----	28
X3 -----	23
Farm fillers:	
Y1 -----	24
Y2 -----	22
Y3 -----	20
Nondescript:	
N1 -----	16

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054; 74 Stat. 6; 15 U.S.C. 714c, 7 U.S.C. 1441, 1445, 1421, 1423; sec. 125, 70 Stat. 198, 7 U.S.C. 1813)

Effective date: Date of signature.

Signed at Washington, D.C., on November 22, 1961.

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

[F.R. Doc. 61-11298; Filed, Nov. 28, 1961; 8:53 a.m.]

³The Cooperative Association through which price support is made available is authorized to deduct from the amount paid the grower \$1.00 per hundred pounds on tobacco of the B grade group and fifty cents per hundred pounds on tobacco of all other grade groups to apply against receiving and overhead costs, plus a fee of \$5.00 for each lot of tobacco received for sample grading purposes. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded No-G (no grade), N2 (second quality nondescript), or S (scrap).

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—SPECIAL PROGRAMS

[1962 Wheat Stabilization Program, Supp. 2]

PART 776—WHEAT STABILIZATION PROGRAM

Subpart—1962 Wheat Stabilization Program

Sec.	
776.61	Purpose.
776.62	Form of payment.
776.63	Set-offs and assignments.
776.64	Negotiation of sight drafts.
776.65	Exchange of sight drafts for wheat.
776.66	Where to apply.
776.67	Wheat under farm storage price support loan.
776.68	Wheat under warehouse storage price support loan.
776.69	Deliveries of wheat in warehouses to payee.
776.70	Deliveries to payee of wheat from CCC bin sites.
776.71	Issuance of balance sight drafts.
776.72	Inadvertent over-deliveries.

AUTHORITY: §§ 776.61 to 776.72, issued under sec. 124, 75 Stat. 297; secs. 4, 5, 62 Stat. 1070-1072, as amended; 15 U.S.C. 714(b) and (c).

§ 776.61 Purpose.

Sections 776.61 to 776.72 supplement the 1962 Wheat Stabilization Program Regulations which provide terms and conditions under which payments are made to producers in the commercial wheat producing area who divert acreage from the production of wheat in 1962. This supplement provides for the issuance of CCC sight drafts as the form of payment under such program and the method by which such sight drafts may be redeemed in cash or exchanged for wheat owned by the Commodity Credit Corporation.

§ 776.62 Form of payment.

A producer entitled to payment under the 1962 Wheat Stabilization Program (hereinafter called "payee") shall receive payment in the form of a negotiable CCC sight draft (hereinafter called "sight draft") issued by the county office.

§ 776.63 Set-offs and assignments.

(a) *Producer indebtedness.* Set-offs against amounts due the producer under this program shall be made as provided in the Secretary's Set-Off Regulations, Part 13 of this title (23 F.R. 3757) and any amendments thereto. A sight draft shall be issued to each creditor agency for the amount to be set-off in payment of the debts for which payment is set-off.

(b) *Right to contest.* A set-off shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness against which the set-off is made either by administrative appeal or by legal action.

(c) *Assignments.* Payments earned under this program cannot be assigned.

§ 776.64 Negotiation of sight drafts.

Sight drafts shall be redeemed in cash upon presentation by the payee or any holder in due course at the Federal Reserve Bank or Branch Bank designated thereon. Such presentation shall be made through regular banking channels.

§ 776.65 Exchange of sight drafts for wheat.

The payee may exchange sight drafts issued to him in whole or in part for wheat. Only the payee will have such option. CCC reserves the right to determine the class, grade, or quality of wheat for which sight drafts may be exchanged or to restrict the availability of any class, grade, or quality of wheat in any area whenever such action is deemed necessary either to effectuate the purpose of the program or in the interest of CCC inventory management. At the option of CCC the wheat to be delivered will be wheat located in warehouses or CCC bin sites in the county in which the sight draft was issued or in the nearest county in which wheat is made available in exchange for sight drafts. Sight drafts may also be exchanged for wheat delivered by the payee under such price support loans as may be designated by CCC. Wheat delivered by CCC in exchange for sight drafts will be valued at the market price as determined by CCC at point of delivery. Such wheat shall not be eligible for tender to CCC under the price support program. The payee may sell such wheat to a subsequent buyer free from the Marketing Quota Regulations wheat penalty, if identified by a properly executed producer's copy of a delivery order issued by the county office.

§ 776.66 Where to apply.

Payees who wish to exchange sight drafts for wheat to be delivered by them under a price support loan must apply to the county office which approved the loan. Payees who wish to exchange sight drafts for other CCC-owned wheat must apply to the county office which issued the sight draft. If CCC-owned wheat is not available in such county, the county office will direct the payee to the nearest county office having wheat available for exchange.

§ 776.67 Wheat under farm storage price support loan.

(a) Subject to the provisions of this subpart, in case of wheat which a payee has under a farm storage price support loan, including any reseed or extended reseed loan, upon the request of the payee, CCC will (1) accelerate the maturity date of the loan, (2) permit delivery to CCC on the farm where stored of the payee's wheat mortgaged to CCC in settlement of such loan, and (3) permit the payee to exchange sight drafts issued to him under the program for such wheat on the farm where stored. An inspection of the wheat will be made by a representative of the county committee prior to acceleration of the maturity date of the loan. If it is determined that all the wheat under loan is still in storage, not-

withstanding the provisions of the applicable price support bulletin, settlement of the loan will be made on the basis of the quantity and quality set forth in the loan documents. If on inspection of the wheat a shortage is discovered, the commodity will be ordered delivered by CCC to a point where weights can be obtained and settlement with the producer shall be made on the basis of such weights in the manner provided in the loan documents and price support bulletin.

(b) In computing storage payments due under a resale loan, the prorata payments to which the producer is entitled shall be based on the storage period ending on the date the commodity is delivered to CCC in satisfaction of the loan.

(c) Subject to the provisions of this subpart, delivery of a portion of the wheat under loan will be permitted if a payee wishes to deliver to CCC a portion of the wheat under loan and exchange sight drafts for such wheat. In such event, CCC will credit the note with the settlement value of the quantity and quality delivered in accordance with the settlement provisions of the loan documents. The quantity so obtained must be removed from the storage structure and segregated from the wheat which remains as collateral for the outstanding balance of the loan. The provisions as to inspection and adjustment for storage charges in paragraphs (a) and (b) of this section shall apply to any grain so delivered. If on inspection a shortage is discovered, the maturity date of the entire loan shall be accelerated.

§ 776.68 Wheat under warehouse storage price support loan.

(a) Subject to the provisions of this subpart, in the case of wheat which a payee has under a warehouse storage loan, at the request of the payee, CCC will (1) accelerate the maturity date of the loan, (2) acquire title to such wheat in satisfaction of the loan, and (3) permit the payee to exchange sight drafts issued to him by delivery to him of the warehouse receipts representing such wheat. Settlement of such warehouse storage loan will be made as provided in the applicable loan documents and price support bulletin.

(b) Subject to the provisions of this subpart, CCC will acquire title to a portion of the wheat a payee has under a warehouse storage loan and will deliver such wheat in exchange for sight drafts issued under this program if a payee wishes to exchange sight drafts for such wheat. CCC will only honor such requests by payees as to the entire quantity of wheat represented by a warehouse receipt. If the value of sight drafts tendered held by the payee is not equivalent to the value of all the wheat represented by a warehouse receipt, CCC will honor the payee's request as to the portion of the wheat represented by a warehouse receipt for which he has sight drafts, provided that at the time of exchange he repays in cash the balance of the amount due on the loan in connection with such receipt as computed under the loan documents and price support bulletin. CCC shall credit the loan with the settlement

value of the quantity and quality of the wheat acquired by it and with any amount paid on the loan, in accordance with the settlement provisions of the loan documents and price support bulletins.

(c) The provisions of this section apply only to warehouse storage loans on wheat with no transit privileges. Title and risk of loss shall pass to the payee on delivery to him of the warehouse receipts. Any difference in class, grade, quality (including protein content), and quantity of wheat delivered by the warehouseman to the payee from that described on the warehouse receipts shall be settled between the payee and the warehouseman.

(d) In the case of wheat delivered to a payee which had been under a warehouse storage loan, the payee shall be responsible to the warehouseman for payment of all warehouse charges on the wheat. CCC will refund to the payee any storage charges which had been deducted by it from the loan proceeds on the quantity of wheat delivered in exchange for sight drafts and will pay to the payee the receiving and load out charge applicable to such wheat in an amount not to exceed the rate specified in the Uniform Grain Storage Agreement.

§ 776.69 Deliveries of wheat in warehouse to payee.

(a) *Use of delivery orders.* Warehouse stored wheat shall be delivered to payees "in store." If delivery is to be made of warehouse-stored wheat other than deliveries under § 776.68, the county office shall issue a Delivery Order to the payee setting forth the net quantity, class, grade, and quality, including protein content of the commodity to be delivered to the payee, and the warehouse in which the wheat is to be delivered. The payee may obtain the wheat by presenting the Delivery Order to the warehouseman. Such Delivery Orders shall not be transferable and may be presented to the warehouseman only by the payee to whom issued.

(b) *Delivery provisions.* Title and risk of loss to the wheat specified in the Delivery Order shall pass to the payee on the date of issuance of the Delivery Order by the county office. CCC shall be responsible for all warehouse charges accruing through the date of issuance of the Delivery Order. CCC shall also pay the warehouseman the load out charge applicable to the wheat in an amount not to exceed the amount specified in Uniform Grain Storage Agreement. The producer shall be responsible for all other warehouse charges accruing after the date of issuance of the Delivery Order.

(c) *Grade, quality and quantity differences.* Any difference in the value of the class, grade, quality (including protein content) and net quantity of the wheat delivered by the warehouseman to the payee from that shown in the Delivery Order shall be settled between the payee and the warehouseman.

(d) *Transit billing.* Wheat transferred to payees will be wheat with no transit privileges.

§ 776.70 Deliveries to payee of wheat from CCC bin sites.

(a) Exchange of sight drafts for bin site stored wheat shall be on the basis of delivery f.o.b. the payee's conveyance at the bin site.

(b) Title and risk of loss on such exchanges shall pass to the payee when the wheat is placed in his conveyance at the bin site, unless the payee removes the wheat from the bins, in which event risk of loss shall pass to the owner at the time he takes possession of the wheat.

(c) On such exchanges, CCC shall be responsible for bin emptying charges and the cost of weighing. Delivery weights shall be obtained at a usual weighpoint for the bin site determined by the county office. Trucking costs to such weighpoint shall be for the account of the payee.

(d) Applicable bin emptying, and weighing services on such exchanges shall be performed under the usual county office agreement and the prevailing rates in the county, or by ASC personnel, at the option of CCC.

(e) Bin site wheat shall be delivered "as is" unless the payee requests that delivery be made on a grade and quality basis. The value of wheat on deliveries "as is" shall be based on the market price for the class, grade, and quality of wheat in the bin from which delivery will be made, including applicable protein content, as determined by CCC, with no adjustment for the class, grade and quality, including protein content, actually delivered. CCC does not warrant the class, grade, quality or protein content of any wheat delivered "as is." On deliveries made on a grade and quality basis, the value shall be subject to adjustment for the class, grade, and quality including protein content, delivered. The quantity delivered on all bin site exchanges shall be adjusted for dockage content.

§ 776.71 Issuance of balance sight drafts.

If the full amount of the face value of a sight draft is not exchanged by the payee, a balance sight draft shall be issued to the payee for the unused amount. If the amount is \$3.00 or less no balance sight draft will be issued unless requested. Balance sight drafts may be negotiated or tendered to CCC for exchange in wheat in the same manner as provided in §§ 776.64 and 776.65.

§ 776.72 Inadvertent over-deliveries.

In the event of the inadvertent over-delivery by CCC under the program of a quantity of wheat which is not in excess of a carload or a truckload lot, as applicable, payment may be made in cash for such excess quantity at the applicable market price, as determined by CCC.

Issued at Washington, D.C. this 13th day of November 1961.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 61-11294; Filed, Nov. 28, 1961; 8:53 a.m.]

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

PART 900—GENERAL REGULATIONS

Administrator; Definition

By virtue of the authority vested in the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and by Executive Order No. 10199, December 22, 1950 (15 F.R. 9217), the general regulations issued thereunder (7 CFR 900.1 et seq.), as amended, are hereby further amended as follows:

Sections 900.2(e), 900.51(e), and 900.200(e) are each amended to read as follows:

(e) The term "Administrator" means: As to programs relating to fruits, vegetables and tree nuts, the Director of the Fruit and Vegetable Division of the Agricultural Marketing Service and as to programs relating to all other commodities and their products, except functions with respect to a program which may be reassigned by the Assistant Secretary, Agricultural Stabilization, the Administrator of the Agricultural Stabilization and Conservation Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act in their stead.

Done at Washington, D.C., this 22d day of November 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-11271; Filed, Nov. 28, 1961; 8:49 a.m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

General Cull Regulation

Findings. (a) Pursuant to Marketing Order No. 58, as amended (7 CFR Part 958) regulating the handling of potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby found that the restatement of the General Cull Regulation, hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and unnecessary to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) this regulation has been in effect since July 1949; (2) it is in effect at the present time and has continued so under the amended order; (3) the restatement involves only proforma changes essential to conforming the General Cull Regulation to the amended order; (4) notice is unnecessary because the General Cull Regulation is already in effect and no additional obligation is imposed upon han-

dlers, (5) the rule has been in effect as above stated and will continue in effect regardless of the changes herein stated.

§ 958.301 Potatoes; limitation of shipments, Colorado—Regulation No. 1.

(a) *General Cull Regulation.* No handler shall handle potatoes grown in the State of Colorado which do not meet the requirements of U.S. No. 2 or better grade, or are less than 1½ inches in diameter.

(b) The restatement of the General Cull Regulation is pursuant to § 958.20 (a), and it continues Regulation No. 1, issued June 14, 1949 (14 F.R. 2979, July 16, 1949), effective on and after July 18, 1949.

(c) The General Cull Regulation shall remain in effect until suspended or modified pursuant to § 958.20 (a) (2).

(d) The U.S. No. 2 grade shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556, inclusive, of this title), or amendments thereto or modifications thereof.

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

Dated: November 24, 1961.

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

[F.R. Doc. 61-11292; Filed, Nov. 28, 1961; 8:53 a.m.]

PART 1034—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Limitation of Shipments; Correction

Subdivision (i) in the fifth paragraph of findings preceding § 1034.304 *Limitation of shipments*, published in the FEDERAL REGISTER November 18, 1961 (26 F.R. 10793), is hereby corrected to read as follows: "(i) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the handling of lettuce in the manner set forth below on and after the effective date of this section."

Dated: November 24, 1961.

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

[F.R. Doc. 61-11291; Filed, Nov. 28, 1961; 8:53 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 916; Amdt. 373]

PART 507—AIRWORTHINESS DIRECTIVES

Convair Models 22 and 22M Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring a modification to provide cockpit indicating means on Convair Models 22

(880) and 22M (880M) aircraft to determine that the engine starter has been de-energized after each start was published in 26 F.R. 9680.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments were received relative to accomplishment of the modification at starter overhaul. Since this can be handled satisfactorily only at time of base overhaul, the reference to starter overhaul is being deleted. Also, a comment was received regarding the use of instructions other than a cockpit placard for providing interim starting procedures. The AD will now permit the option of a placard or a revision in the Airplane Flight Manual pending completion of the modification.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CONVAIR. Applies to all Model 22 (880) and Model 22M (880M) aircraft.

Compliance with paragraphs (a) and (b) required within 4,000 hours' time in service after effective date of this directive.

Compliance with paragraph (c) is required on effective date of this directive.

An inflight engine pod explosion occurred on a Model 22 airplane causing the loss of a nose cowl and portions of the side cowl panel doors. This incident has been attributed to an open starter bleed air supply valve causing continued rotation and subsequent overheating and disintegration of the air turbine starter.

The following modifications and procedures are required to prevent the recurrence of this incident:

(a) Provide a FAA approved cockpit indicating means by which it can be determined that each engine starter is de-energized. Approval of this item shall be processed through the FAA, Flight Standards Service, Engineering and Manufacturing Branch, Western Region.

(b) Concurrently with the incorporation of the modification described in paragraph (a), the Normal Procedures Section of the Models 22 and 22M FAA Approved Airplane Flight Manual, under that portion entitled "Engine Starting Procedure—Ground", shall be revised to include a provision that the flight crew determine that the cockpit indicating means required by paragraph (a) indicates that the starter is de-energized after each engine start.

(c) Pending completion of the modifications required by paragraph (a) of this AD either install placard in the flight compartment on the pilot's start switch panel to read as follows: "Engine ground starts shall be made according to Convair Alert Service Bulletin No. 80-3", or revise the Normal Procedures Section of the Models 22 and 22M FAA Approved Airplane Flight Manual, under that portion entitled "Engine Starting Procedure—Ground", to provide for engine ground starts to be made according to Convair Alert Service Bulletin No. 80-3 or FAA approved equivalent.

This amendment shall become effective December 29, 1961.

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

Issued in Washington, D.C., on November 22, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-11236; Filed, Nov. 28, 1961; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-99]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On July 7, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6103) stating that the Federal Aviation Agency proposed to designate intermediate altitude VOR Federal airway No. 1758.

No adverse comments were received regarding this proposal.

The notice proposed that Victor 1758 be designated as a 16-mile wide airway from the Santa Fe, N. Mex., VOR to the Cimarron, N. Mex., VOR, thence 10-mile wide airway to the Tobe, Colo., VOR. The Federal Aviation Agency has reevaluated this proposal and has determined that this airway segment, as proposed, should be designated by extending intermediate altitude VOR Federal airway No. 1715 from the Tobe VOR via Cimarron to Santa Fe. This will simplify the air route structure and facilitate flight planning by providing a single numbered route between Santa Fe and Hugo, Colo.

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

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, § 600.1715 (26 F.R. 1079) is amended to read:

§ 600.1715 VOR Federal airway No. 1715 (Santa Fe, N. Mex., to Hugo, Colo.).

From the Santa Fe, N. Mex., VOR to the Cimarron, N. Mex., VOR; thence 10-mile wide airway to the Tobe, Colo., VOR; thence to the Hugo, Colo., VOR.

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

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

Issued in Washington, D.C. on November 21, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-11237; Filed, Nov. 28, 1961; 8:45 a.m.]

[Airspace Docket No. 61-WA-195]

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

PART 608—SPECIAL USE AIRSPACE

Designation of Restricted Area and Alteration of Continental Control Area

On October 17, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9754) stating

that the Federal Aviation Agency (FAA) was considering the designation of a new restricted area near Madison, Ind., to be known as R-3403 Jefferson Proving Ground, Ind., and the alteration of the description of the continental control area to include this new restricted area.

Mr. John T. Pritchard, Township Trustee and member of the Chamber of Commerce Aviation Board of the city of Madison, Ind., objected to the designation of the restricted area due to the proximity of the restricted area to the Madison Airport. Mr. Pritchard recommended that the southern boundary of R-3403 be established as latitude 38°50'35" N., in order to provide an additional ½ mile of airspace for egress from and ingress to the Madison Airport. Mr. Richard Cunningham of the Indiana State Aeronautics Commission supported the position taken by Mr. Pritchard. The FAA coordinated this recommendation with the Department of the Army. In reply, the Army advised that the recommended realignment of the southern boundary of the restricted area would uncover the test firing positions and would derogate the purpose for which the restricted area is designated. However, the Army has also advised that, according to an agreement with Mr. Pritchard, the north-south runway at Madison will be closed except to emergency traffic. Upon receipt of information from the Madison Airport authorities that an emergency situation exists which dictates the use of the north-south runway, the Army has agreed to suspend firing until such time as the emergency no longer exists. Therefore, R-3403 is being designated as published in the notice.

No adverse comments were received regarding the proposed amendments.

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

Subsequent to publication of the notice, the Department of the Army advised the Federal Aviation Agency that the proof testing of artillery ammunition mentioned in the notice is scheduled to commence on December 1, 1961, and that it is urgent and essential to the national defense that this schedule not be delayed.

For the reasons stated above, the Administrator finds that a condition exists which requires expeditious action in the interests of national defense and safety and that good cause exists for making these amendments effective on less than 30 days' notice.

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

1. In § 608.34 Indiana (26 F.R. 7194) the Jefferson Proving Ground, Ind., Restricted Area R-3403 is added to read:

R-3403 Jefferson Proving Ground, Ind.:
Boundaries. Beginning at latitude 39°02'57" N., longitude 85°27'42" W.; to latitude 39°02'00" N., longitude 85°22'00"

W.; to latitude 38°56'06" N., longitude 85°22'00" W.; to latitude 38°50'35" N., longitude 85°22'50" W.; to latitude 38°50'00" N., longitude 85°24'00" W.; to latitude 38°50'00" N., longitude 85°27'42" W.; to the point of beginning.

Designated altitudes. Surface to 43,000 feet-MSL.

Time of designation. 0700 to 1900 CST, Monday through Saturday.

Controlling agency. Federal Aviation Agency, Indianapolis ARTC Center.

Using agency. Commanding Officer, Jefferson Proving Ground, Madison, Ind.

2. In the text of § 601.7101 (26 F.R. 1399), the following is added:

R-3403 Jefferson Proving Ground, Ind.

These amendments shall become effective 0001 e.s.t., December 1, 1961.

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

Issued in Washington, D.C., on November 24, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-11285; Filed, Nov. 28, 1961; 8:52 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8382 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Hypo Surgical Supply Corp. et al.

Subpart—Concealing, obliterating or removing law-required and informative marking: § 13.510 Foreign source. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 Source or origin: § 13.1900-30 Foreign in general.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Hypo Surgical Supply Corp. et al., New York, N.Y., Docket 8382, Sept. 15, 1961]

In the Matter of Hypo Surgical Supply Corp., a Corporation, and Augustus Hament, Alfred E. Rosenhirsch, Max Zisson, and Melvin Wallik, Individually and as Officers of Said Corporation

Consent order requiring New York City distributors to cease selling without clear disclosure of foreign origin, hypodermic needles manufactured in Japan which, when imported, bore the word "JAPAN", but in many cases in too small and indistinct letters to constitute adequate notice, and in others concealed or obscured in the packaging or assembling.

The order to cease and desist, including also the provision requiring report of compliance therewith, is as follows:

It is ordered, That respondents Hypo Surgical Supply Corp., a corporation, and its officers, and Augustus Hament, Alfred E. Rosenhirsch, Max Zisson, and Melvin Wallik, individually and as officers of the said corporation, and respondents'

agents, representatives and employees, directly or through any corporate device, in connection with the offering for sale, sale or distribution of hypodermic needles or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing any product without affirmatively and clearly disclosing on the product itself the country of origin thereof and, if any product should be packaged in a manner which would cause the mark identifying the country of origin to be not readily visible, without clearly disclosing the country of origin on the package or container thereof.

2. Placing in the hands of others any means or instrumentalities by or through which they may mislead the public as to any of the matters and things set out in paragraph one above.

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

Issued: September 15, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-11254; Filed, Nov. 28, 1961;
8:46 a.m.]

[Docket 8438 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Paramount Bedding Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees*; § 13.170 *Qualities or properties of product or service*: § 13.170-52 *Medicinal, therapeutic, healthful, etc.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception*; § 13.1055-50 *Preticketing merchandise misleadingly*. Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious preticketing*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Paramount Bedding Corporation et al., Norfolk, Va., Docket 8438, Sept. 15, 1961]

In the Matter of Paramount Bedding Corporation, a Corporation, and Morris Comess, Max Comess, and Albert Diamonstein Individually and as Officers of Said Corporation

Consent order requiring manufacturers of bedding products in Norfolk, Va., to cease representing falsely in advertising in newspapers and on television and in material furnished dealers for

publication, that use of their "Quilt O'Pedic" mattress was essential to everyone's health, that their "Firm-A-Back" mattress was designed to help all persons suffering from "nagging backache" and that use of both would indiscriminately afford relief to sufferers from backache, and that their mattresses were "Guaranteed for 15 years" or " . . . 20 years"; and to cease misrepresenting the usual retail price of the mattresses by attaching labels printed with excessive amounts.

The order to cease and desist, together with the provision requiring report of compliance therewith, is as follows:

It is ordered, That respondents Paramount Bedding Corporation, a corporation, and its officers, and Morris Comess, Max Comess and Albert Diamonstein, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of bedding products, or any other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That their mattresses are designed to or will afford relief to persons suffering from backache unless it is clearly disclosed that such relief will be afforded only to users whose backaches result from using a soft mattress.

(b) That the use of their mattresses is essential to health.

(c) That their products are guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor will perform are clearly set forth.

(d) By means of preticketing, or in any other manner, that any amount is the usual and customary retail price of merchandise when such amount is in excess of the price at which said merchandise is usually and customarily sold at retail in the trade area or areas where the representation is made.

2. Furnishing or otherwise placing in the hands of retailers or dealers in said products the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove inhibited.

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

Issued: September 15, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-11255; Filed, Nov. 28, 1961;
8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

Miscellaneous Amendments

In Investment Company Act Release No. 3324, dated September 12, 1961, and in the FEDERAL REGISTER of September 21, 1961 (26 F.R. 8911), the Securities and Exchange Commission published notice that it had under consideration the adoption of rules and a related reporting form which would provide small business investment companies (SBICs) licensed by the Small Business Administration, exemptions from certain requirements of sections 17(a), 17(d), and 18(c) of the Investment Company Act of 1940 (Act). The Commission has previously adopted Rules 3c-1, 3c-2, and 14a-1 (Investment Company Act Release Nos. 2828, 2909, 3011, and 3095 (§§ 270.3c-1, 270.3c-2, and 270.14a-1)), excluding certain activities of SBICs or the ownership of their securities from various provisions of section 3(c)(1) of the Act and permitting the use by an SBIC of Regulation E filings under the Securities Act of 1933 in raising its initial capital as required by section 14(a) of the Act.

All interested persons were invited to submit views and comments. Comments and suggestions were received from five SBICs, the Small Business Administration (SBA), the National Association of Small Business Investment Companies (NASBIC), the Chairman of the Committee on Bank-Related SBICs of that Association and from one closed-end investment company not licensed by the SBA. Fifteen SBICs also gave their views to the Committee on Bank-Related SBICs which were transmitted to the Commission. These views and comments were generally in favor of adoption of the rules. The Commission has considered the views and comments received and has determined to adopt the rules and the reporting form set forth below.

The Small Business Administration and various private persons have urged that the public interest will be served and the interest of investors will not be adversely affected by the adoption of rules exempting SBICs from section 17(a), 17(d), and 18(c) of the Act in respect of transactions of the type covered by the proposed rules. The SBIC program is too recent for the accumulation of any substantial experience which would demonstrate the desirability of complete exemptions in the respects indicated, as has been requested, from these provisions of the Act. However, in

view of the public interest to be served as expressed in the Small Business Investment Act of 1958 (SBI Act), the Commission believes it is appropriate for an experimental period to grant exemptions with certain protective conditions. This approach will afford the Commission and all other interested persons an opportunity to examine the operation of SBICs and to reconsider the exemptions if that should appear necessary.

I. A new proposed § 270.17a-6 (Rule 17a-6) will exempt from the prohibitions of sections 17(a)(1) and 17(a)(3) of the Act, subject to certain conditions, loans and other securities transactions which would be prohibited by such sections solely because of an affiliation created through the owning, holding, or controlling with power to vote, by the SBIC, of the voting securities of a small business concern. The rule as proposed would have granted an exemption to a transaction prohibited solely because of an affiliation created through ownership by the SBIC of 5 percent or more of the voting securities of a small business concern. As adopted, the terms of the rule reflect changes in response to comments that the scope of the rule's application be clarified.

Section 17(b) of the Act provides that the Commission shall exempt a proposed transaction from the prohibitions of section 17(a) if evidence establishes that the terms thereof are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act. Section 6(c) of the Act provides that the Commission by rule, regulation or order may exempt any person or transaction or any class of persons or transactions from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes intended by the Act. Section 38(a) of the Act authorizes the Commission to issue rules necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act.

One of the basic purposes of section 17(a) is to protect investment companies against overreaching by affiliated persons. The rule herein adopted, pursuant to sections 6(c) and 38(a) of the Act, is intended to operate in an area where there is small likelihood of overreaching of the small business investment company by an affiliate and the Commission believes that the conditions under which the exemption would be available will give added assurance that such overreaching will not occur.

II. The Commission is adopting, pursuant to sections 17(d) and 38(a) of the Act, an amendment to § 270.17d-1 (Rule 17d-1) which would exempt from that rule's requirements certain transactions where banks and an affiliated SBIC make investments in the same small business concern, and a new § 270.17d-2 (Rule 17d-2) which prescribes a related reporting Form N-17D-1.

Section 17(d) authorizes the Commission to adopt rules designed to protect in-

vestment companies and their security holders from overreaching by affiliated persons where the investment company and the affiliated person have a joint or a joint and several participation in a transaction. This section is not self-operating. It prohibits participation by an investment company with an affiliate in a joint enterprise only in contravention of such rules and regulations as the Commission may prescribe for the purpose of limiting or preventing participation by such registered investment company on a basis different from or less advantageous than that of the other participant. Section 270.17d-1, as now promulgated, implements this section by prohibiting any joint enterprise or other arrangement or profit-sharing plan, where the investment company and the affiliate are participants, unless an application regarding such joint enterprise has been filed with the Commission and has been granted by an order entered prior to effecting any transactions in connection with the joint enterprise, profit-sharing plan or other arrangement.

A joint enterprise or other joint arrangement or profit-sharing plan is defined by the rule as "any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company or a controlled company thereof and any affiliated person of or a principal underwriter for such registered investment company, or any affiliated person of such a person or principal underwriter, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking * * *".

In a number of instances, banks have promoted the formation of SBICs registered under the Act, or are substantial stockholders of such companies, or cooperate in their operation by providing them with office space or the services of officers, or by referring potential clients to them. The Commission considers that investments in the same small business concern by the SBIC and by a bank which is affiliated with the SBIC by reason, for example, of direct or indirect stock ownership, an investment advisory contract, and the like, subject such investments to the risk of the same enterprise under circumstances that generally should be deemed to constitute such transactions by the SBIC and the affiliated bank a joint enterprise whether such transactions be contemporaneous or separated in time.

A number of SBICs having bank affiliations and other interested persons and agencies have contended that it would not be feasible to operate an SBIC affiliate with a bank and comply with § 270.17d-1 in its present form because of the requirement of the rule that an order be obtained from the Commission prior to effecting any transaction in connection with the joint enterprise. The proposed amendment to § 270.17d-1 would except banks affiliated with SBICs from the requirements of the present rule provided certain conditions are satisfied.

Exceptions of SBIC transactions from the operation of § 270.17d-1 would be accomplished by adding an additional subparagraph to paragraph (d) thereof which paragraph presently excepts certain other transactions. This amendment to the rule will require the submission of reports containing pertinent details of transactions by an SBIC and an affiliated bank with the same small business concern, and the Commission is adopting § 270.17d-2 (Rule 17d-2) prescribing Form N-17D-1 to be used in filing such reports.

Substantially all comments on this amendment to § 270.17d-1 favored its adoption. Several comments suggested changes and deletions in the related Form N-17D-1, and a number of persons urged that action on this form be deferred until the Commission has had an opportunity to consult with interested persons, private and public, as to the requirements of this form. We believe it is more appropriate to adopt the form as proposed and if experience indicates the need for revision we will stand ready to carry on consultations with such public and private agencies as the interested parties may suggest.

III. The Commission also is adopting, pursuant to sections 6(c) and 38(a) of the Act, a new § 270.18c-1 (Rule 18c-1) which will permit a small business investment company to issue more than one class of senior security representing indebtedness so long as all such indebtedness is privately held and the company does not have outstanding any publicly held indebtedness.

Section 18(c) of the Act, in relevant part, prohibits a closed-end investment company from issuing or selling more than one class of senior security representing indebtedness and provides that, for this purpose, bank loans and other privately arranged indebtedness not intended to be publicly distributed shall not be deemed a separate class of senior security representing indebtedness. It permits a class of senior security representing indebtedness to be issued and sold in one or more series provided no such series shall have a preference or priority over any other series upon the distribution of assets or in respect of the payment of interest.

In Investment Company Act Release No. 3214, issued March 16, 1961, the Commission construed this section as intended to make clear that a company might have outstanding both publicly distributed and privately arranged debt securities if there were no differences in the preferences as to assets and interest of any outstanding indebtedness.

Under the SBI Act, it is contemplated that an SBIC may borrow money and issue debt securities to both the SBA and nongovernmental lenders. This creates a dilemma so far as compliance with section 18(c) is concerned. Two types of indebtedness may be issued by an SBIC to the SBA. Under section 302(a) of the SBI Act, up to \$400,000 of indebtedness subordinated to all other indebtedness of the SBIC may be issued to the SBA. Under section 303(b), the SBA may loan an SBIC up to 50 percent of the company's paid-in capital and

surplus but not in excess of \$4,000,000; while in practice section 303(b) loans are made without nominal priority and subject only to a requirement that specified assets of the SBIC may not be pledged as security for other indebtedness, it appears that under other statutes such indebtedness to the SBA, as claims due the Government, would nevertheless have a priority over other unsecured debts in the event of liquidation or insolvency of the SBIC.

As originally proposed the rule would have permitted a small business investment company to issue indebtedness to the Small Business Administration and to other persons, so long as the latter indebtedness did not have any priority over indebtedness issued to the Small Business Administration pursuant to section 303(b) of the Small Business Investment Act. Comments were received which indicate that it would be desirable to permit indebtedness to be issued to persons other than the Small Business Administration for which specific collateral would be pledged. The rule as adopted permits this, so long as no publicly held indebtedness is issued.

IV. A new § 274.200 describes the Form N-17D-1 prescribed by § 270.17d-2. As proposed in the FEDERAL REGISTER, § 274.200 set forth the general rules and instructions for the use of Form N-17D-1. As adopted, § 274.200 is expanded to contain a summary of the whole report form. The text of the changes follows:

A. A new § 270.17a-6 (Rule 17a-6) is adopted to read as follows:

§ 270.17a-6 Exemption of certain transactions with affiliates from the provisions of paragraphs (1) and (3) of section 17(a) of the Investment Company Act of 1940.

(a) The sale of any security or other property to a registered investment company which is a small business investment company licensed under the Small Business Investment Act of 1958 by an affiliated small business concern, and the borrowing of money or other property from such an investment company by the small business concern, which is prohibited by paragraphs (1) and (3) of section 17(a) of the Act solely because of an affiliation created through the owning, holding, or controlling with power to vote, directly or indirectly, by the investment company, of voting securities of such concern, shall be exempt from the provisions of said paragraphs. The exemption provided by this rule shall not be available if any person having an affiliate, promoter or principal underwriter relationship with the investment company also has a direct or indirect financial interest in the small business concern. In determining com-

pliance with the preceding sentence, a financial interest in the small business concern shall be disregarded if it represents solely an interest: (1) By a wholly owned subsidiary of the investment company; (2) in fees paid for services as a director of the small business concern; (3) based solely upon ownership of securities of the investment company; or (4) excepted from the requirements of paragraph (d) (3) of § 270.17d-1.

(b) The pertinent details of each transaction for which exemption is claimed pursuant to paragraph (a) of this section shall be reported in writing by the investment company to (1) its stockholders in its annual report to stockholders which report shall cover all such transactions during the preceding 12-month period, and (2) the Commission within 30 days after the end of each semiannual accounting period of the investment company which report shall cover all such transactions during the preceding six-month period.

§ 270.17d-1 [Amendment]

B. Section 270.17d-1 (Rule 17d-1) is amended by adding to paragraph (d) thereof a new subparagraph (3) as follows:

(3) Any loan or advance of credit to, or acquisition of securities or other property of, a small business concern, or any agreement to do any of the foregoing ("Investments"), made by a bank and a small business investment company (SBIC) licensed under the Small Business Investment Act of 1958, whether such transactions are contemporaneous or separated in time, where the bank is an affiliated person of either (i) the SBIC or (ii) an affiliated person of the SBIC; but reports containing pertinent details as to Investments and transactions relating thereto shall be made at such time, on such forms and by such persons as the Commission may from time to time prescribe.

C. A new § 270.17d-2 (Rule 17d-2) is adopted to read as follows:

§ 270.17d-2 Form for report by small business investment company and affiliated bank.

Form N-17D-1 is hereby prescribed as the form for reports required by paragraph (d) (3) of § 270.17d-1.

D. A new § 270.18c-1 (Rule 18c-1) is adopted to read as follows:

§ 270.18c-1 Exemption of privately held indebtedness.

The issuance or sale of more than one class of senior securities representing indebtedness by a small business investment company, licensed under the Small Business Investment Act of 1958, shall

not be prohibited by section 18(c) so long as such small business investment company does not have outstanding any publicly held indebtedness, and all securities of any such class are (a) privately held by the Small Business Administration, or banks, insurance companies or other institutional investors, (b) not intended to be publicly distributed, and (c) not convertible into, exchangeable for, or accompanied by any option to acquire, any equity security.

E. A new § 274.200 is adopted to read as follows:

§ 274.200 Form N-17D-1, report filed by small business investment company (SBIC) registered under the Investment Company Act of 1940 and an affiliated bank, with respect to investments by the SBIC and the bank, submitted pursuant to paragraph (d) (3) of § 270.17d-1.

(a) The report shall show the period covered, the name of the registered investment company, the address of the principal executive offices, the name of the bank, and the address of the principal executive offices of the bank, and shall give the following information:

(1) Part I: If the SBIC and a bank which is an affiliated person of either (i) the SBIC, or (ii) an affiliated person of the SBIC, have made investments in a small business concern contemporaneously, or if either the SBIC or such bank has made an investment in the small business concern at a time when there was an existing investment in such small business concern by the other, set forth with respect to the investments in each such concern by the SBIC and the bank the following information prescribed in this Part I.

Item 1. The name and address of the small business concern in which investments were made and the nature of its business.

Item 2. The name and address of the bank which made an investment in the small business concern and the basis of the affiliation of such bank with the SBIC.

Item 3. A description, as of the date each such SBIC or bank investment in the small business concern was made during the reporting period, of all SBIC and bank investments in such concern at that time outstanding, including the investments made during the reporting period. Such description shall include the date made, the principal amount or number of shares, the amount invested therein, and the terms thereof, including the maturity dates, dividend or interest rates, fees or other charges, and the security pledged, if any, with respect to:

(a) Investments by the SBIC.

(b) Investments by the bank.

Item 4. The use or proposed use by the small business concern of the proceeds of the respective investments made during the period.

Item 5. If the SBIC made an investment contemporaneous with or subsequent to an

investment by the bank, set forth any changes in the nature and amount of the investment in the small business concern by the bank during the period commencing one year prior to the date of the investment by the SBIC and continuing to the date of the report.

Item 6. Details as to any interest in the transactions, and as to any contracts, rights or other benefits received or to be received in connection with the transactions, by any affiliated person of the SBIC or the bank, or any affiliated person of such a person, including the name of the person, the basis of the affiliation, the nature of his interest in the transactions, and the consideration received or to be received by him. An interest in the transaction need not be reported hereunder if it represents solely an interest (i) by the SBIC, a wholly-owned subsidiary of the SBIC, or the bank; (ii) in fees paid for services as a director of the small business concern; or (iii) in the SBIC or the bank.

(2) Part II: If the SBIC disposed of an investment, or there was a default in the payment of interest or principal or an extension or modification of the terms of any investment of the SBIC, in a small business concern to which a bank, which is an affiliated person of either (i) the SBIC or (ii) an affiliated person of the SBIC, has made investments, set forth with respect to each such disposition, default, extension or modification, the following information prescribed in this subparagraph.

Item 1. Identify the investment, and state whether there was involved a disposition, a default by the issuer in the payment of interest or principal, or an extension or modification of the terms of the investment, and give full details thereof.

Item 2. If there was a disposition of the investment, state the amount of profit or loss realized.

Item 3. If a loss was sustained, a default occurred, or the terms of the investment were extended or modified, describe the circumstances which resulted therein.

(3) The name of the registered investment company, the signature and title of the signing person, the name of the bank, and the signature and title of the persons signing for the bank, and the date of signing.

(b) The report on Form N-17D-1 shall be subject to the following rules and instructions:

(1) *Use of form.* Form N-17D-1 is prescribed for use by a small business investment company (SBIC) licensed as such under the Small Business Investment Act of 1958, and by a bank which is an affiliated person of either (i) the SBIC or (ii) an affiliated person of the SBIC, with respect to investments in a small business concern by the SBIC and the bank, for submission pursuant to the requirements of paragraph (d)(3) of § 270.17d-1 under the Investment Company Act of 1940. A report on this form may be filed jointly by the SBIC and the bank, or separate reports may be filed by the SBIC and the bank if such reports together contain all of the information required by this form. Where a joint report is filed, the SBIC and the bank may indicate which of the information set forth therein has been furnished by each. A report or reports shall be filed for every semi-annual accounting period during which one or more of the events set forth in the introductions to Parts I

and II of this form occurred. No report need be filed for any period in which none of such events occurred.

(2) *Time for filing reports.* Reports on this form shall be filed with the Commission not later than 30 days after the end of the six-months' period during which an event or events required to be reported occurred. A report will be deemed to have been filed with the Commission on the date it is received.

(3) *Number of copies to be filed.* An original and two copies of each report on this form shall be filed with the Commission and one copy shall be filed with the Small Business Administration.

(4) *Preparation of report.* This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the report on paper meeting the requirements of § 270.8b-12 under the Investment Company Act of 1940, except that the report shall be filed on paper approximately 8½ x 11 inches in size. The report shall contain the numbers of all items required to be answered but the text of any item may be omitted provided the answer thereto is so prepared as to indicate to the reader the coverage of the item without the necessity of referring to the text of the item. If any item is inapplicable or the answer is in the negative, an appropriate statement to that effect shall be made.

(5) *Definition of terms.* The term "investment" used in this report shall have the same meaning as in paragraph (d)(3) of § 270.17d-1. Other terms shall have the meaning set forth in the Investment Company Act of 1940 to the extent applicable.

(6) *Incorporation by reference.* Information in answer or partial answer to any item of this form may be incorporated by specific reference to a report previously filed on Form N-17d-1. Such reference shall specify the period covered by the previous report and the Part and Item number thereof in which the information appears.

The new rules, the amendment, and Form N-17d-1, as set forth above, are hereby ordered effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

NOVEMBER 17, 1961.

[F.R. Doc. 61-11263; Filed, Nov. 28, 1961; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSIONS OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby authorizes the use in foods of the following substances, under the conditions prescribed in this order:

1. Section 121.90 (21 CFR 121.90) is amended by adding thereto the following items:

§ 121.90 Further extensions of effective date of statute for certain specified food additives as direct additives to food.

* * * * *

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
Butoxy polyethylene polypropylene glycol, mol. wt. 2500-2600.	Component of defoamer used in manufacture of beet sugar; limit 1 p.p.m. in finished sugar. (In formulated poultry feed: As a nutrient carrier. As a blending agent.	1 July 1, 1962 1 Apr. 1, 1962
Hydrobiotite, exfoliated (magnesium-aluminum-iron silicate).	(In animal feed: As a nonnutritive bulking agent. As a nutrient carrier. As a blending agent.	1 July 1, 1962
Lactic acid esters of mono- and diglycerides derived by glycerolysis of vegetable and animal fat.	General food use.	2 Nov. 1, 1962
Methyl ethyl cellulose.	In vegetable fat whipped topping; limit 3% in topping.	2 Nov. 1, 1962
Petrolatum, N.F. and U.S.P.—ultraviolet absorptivity (as defined in ASTM E 131) at 290 mμ/liters per gram centimeter: 2.0 maximum.	Component of coating for fruits and vegetables.	Jan. 1, 1962
Polyoxyethylene glycol esters of mixed fatty acids from tall oil (abietic, oleic, linoleic) mol. wt. 1050.	Component of defoamer used in manufacture of beet sugar; limit 1 p.p.m. in finished sugar.	1 July 1, 1926
Polyethylene glycol 400 U.S.P.	Vehicle in nonnutritive artificial sweetener.	4 July 1, 1962
Polysorbate 80	Emulsifier in corn oil in dietary supplements; limit 0.2% with an intake not to exceed 360 mg. per day based on recommended dosage of product.	4 July 1, 1962
Polyvinyl pyrrolidone	Adjuvant in special dietary products; limit 40 mg. per day intake based on recommended dosage of product.	4 July 1, 1962

1 Progress report due Jan. 1, 1962.
2 Progress report due May 1, 1962.
3 Progress report due Apr. 1, 1962.
4 Progress report due Mar. 1, 1962.
5 Progress report due Feb. 1, 1962.

2. Section 121.91 (21 CFR 121.91) is amended by adding thereto the following items:

§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
Diacyandiamide	Component of wet-strength agent used in manufacture of paper and paperboard for food packaging.	May 1, 1962
Diethylenetriamine	do.	Do.
Ethyl acrylate and methyl methacrylate copolymers of itaconic or methacrylic acid.	Components of coating of paper and paperboard for food packaging.	July 1, 1962
Ethylene dibromide-methyl bromide mixture.	Fumigation of processed foods; limit 50 p.p.m. of inorganic bromide.	Do. ¹
4,4'-Methylenedianiline	Component of resinous or polymeric coating used on the food-contact surface of food packaging.	Do. ¹
Pentachlorophenol, sodium salt	Used in treatment of wood for food crates.	Nov. 1, 1962
Petrolatum, N.F. and U.S.P. Ultraviolet absorptivity (as defined in ASTM E 131) at 290 mμ/liters per gram centimeter: 2.0 maximum.	Lubricant of food processing machinery.	Jan. 1, 1962
m-Phenylenediamine	Component of resinous or polymeric coating used on food-contact surface of food packaging.	July 1, 1962
Phthalocyanine blue pigment	Colorant of resinous or polymeric coating used in food-contact surface of metallic containers.	Do. ¹
Polyvinyl alcohol	For use in nonedible unsupported films; sizes for food packaging; and as a binder in fabrics for food processing.	Nov. 1, 1962
Quinacridone (red)	Colorant for polyethylene for food-packaging materials and containers.	July 1, 1962
Sodium dodecylbenzene sulfonate as ingredient of the following polymers: Polyvinyl chloride Polyvinyl chloride modified with vinyl acetate, vinylidene chloride, or acrylate. Butadiene-acrylonitrile Butadiene-acrylonitrile modified with vinyl acetate, vinylidene chloride, or acrylate. Butadiene styrene acrylonitrile	Used for food transporting, handling and packaging.	June 30, 1963
Starch, packaging, derived from propylene oxide-modified starch.	Surface sizing and coating for paper and paperboard for food packaging.	July 1, 1962
Tetraethylenepentamine	Component of wet-strength agent used in manufacture of paper and paperboard for food packaging.	May 1, 1962
Triethylene glycol polyester of phthalic anhydride (modified).	Component of adhesives used in food packaging.	July 1, 1962
Triethylenetetramine	Component of wet-strength agent used in manufacture of paper and paperboard for food packaging.	May 1, 1962
Triphenylphosphite	Component of resinous or polymeric coating used for food-contact surface of food packaging.	July 1, 1962
Vat naphthimidazole (red) (Color Index No. 77100).	Colorant for polyethylene for food-packaging materials and containers.	Do. ¹

¹ Progress report due Jan. 1, 1962.
² Progress report due May 1, 1962.
³ Progress report due Apr. 1, 1962.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87-19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c), Pub. Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: November 21, 1961.

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 61-11213; Filed, Nov. 28, 1961; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

3,5-DIMETHYL-1,3,5,2H-TETRAHYDROTHIADIAZINE-2-THIONE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Betz Laboratories, Inc., Gillingham and Worth Streets, Philadelphia 24, Pennsylvania, and other relevant material, has concluded that the following regulation should issue with respect to the food additive 3,5-dimethyl 1 - 1,3,5,2H - tetrahydrothiadiazine - 2 - thione used as a preservative in the manufacture and coating of paper and paperboard intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under

the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2529 3,5-Dimethyl-1-1,3,5,2H-tetrahydrothiadiazine-2-thione.

3,5 - Dimethyl - 1,3,5,2H - tetrahydrothiadiazine-2-thione may safely be used as a preservative in the manufacture and coating of paper and paperboard intended for use in contact with food in accordance with the following prescribed conditions:

(a) It is used as follows:

(1) In the manufacture of paper and paperboard as a preservative for substances added to the pulp suspension prior to the sheet-forming operation, provided that the preservative is volatilized by heat in the drying and finishing of the paper and paperboard.

(2) As a preservative for coatings for paper and paperboard, provided that the preservative is volatilized by heat in the drying and finishing of the coated paper or paperboard.

(b) The quantity used shall not exceed the least amount reasonably required to accomplish the intended technical effect and shall not be intended to nor, in fact, accomplish any physical or technical effect in the food itself.

(c) The use of a preservative in any substance or article subject to any regulation in Subpart F of this part must comply with any specifications and limitations prescribed by such regulation for the substance or article.

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

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

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

Dated: November 22, 1961.

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 61-11276; Filed, Nov. 28, 1961; 8:50 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 95]

PART 293—INVENTORIES OF VESSELS COVERED BY OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

The following new part is hereby added to Chapter II of this title:

Sec.	
293.1	Purpose.
293.2	Definitions.
293.3	Inventory requirements.
293.4	Responsibilities and participation.
293.5	Scope and evaluation of inventories.
293.6	Certifications.
293.7	Accounting treatment.
293.8	Effective date.
293.9	Conflict of orders.

AUTHORITY: §§ 293.1 to 293.9 issued under sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114.

§ 293.1 Purpose.

The purpose of this part is to establish the policy and procedure to be followed by the Maritime Administration, and by the subsidized steamship operators in the accomplishment of inventories required on vessels approved for operation under Operating-Differential Subsidy Agreements and the application of the results thereof to the accountings required to be rendered thereunder.

§ 293.2 Definitions.

(a) *Stores and supplies.* As distinguished from expendable equipment and spare parts, are those articles and commodities used and consumed in the day-to-day operation of a vessel by the operation and maintenance of machinery and equipment; the maintenance of clean and sanitary conditions; the feeding of passengers, officers, and crew; and stocked for the use and convenience of passengers, officers and crew, more particularly defined as follows:

(1) *Consumable stores.* Those articles, commodities and supplies required in the operation of vessels and the living and berthing of passengers, officers and crew, including, but not limited to, the following general classifications:

(i) Articles and commodities that are completely consumed in their initial usage (paints, soaps, medicines, metals, oils, greases, chemicals, gases, fuel for auxiliary machinery and equipment, etc.).

(ii) Articles and commodities whose term of usage or life is so short that after initial use, such items cannot be recovered for reissue or are practically valueless for sale or transfer (paint brushes, brooms, mops, rope (except hawsers) and cordage, etc.).

(iii) Articles and commodities of general use which, after installation, lose their identity and become part of a general installation or a part of a larger piece of equipment (pipe, pipe fittings and valves, electrical fittings, fire bricks and tile, etc.).

(iv) Items of the above or similar nature which, in general commercial practice, are ordered for and stocked aboard a vessel on the basis of the estimated needs for the next round voyage, but excluding spare parts for main and auxiliary machinery and ship's equipment which are maintained for emergency repairs at sea.

(2) *Subsistence stores.* Stores and supplies maintained for the feeding of ship's personnel and passengers, such as cereals and cereal products, dairy products, fish, fruits, groceries, meats and meat products, poultry, vegetables, and beverages.

(3) *Slop chest.* Those stores of clothing, toilet articles and supplies, smoking supplies, confections, etc., maintained for sale or issue to ship's personnel and passengers, usually as a charge against wages or for cash.

(4) *Bar stock.* Alcoholic and nonalcoholic beverages and related supplies maintained for sale to passengers.

(5) *Fuel.* For the main propulsion machinery.

(b) *Expendable equipment.* Those articles, outfitting and furnishings, portable, semiportable, and detachable used in equipping a ship for service and used in the normal day-to-day maintenance and operation of the ship that are in addition to and apart from all articles or fittings permanently incorporated in a vessel's hull prior to its being equipped and apart from items classified as stores and supplies or spare parts. Such items are subject to casual or gradual deterioration and replacement, but are not readily consumed by usage and include, but are not limited to, the following general classifications:

(1) *Stewards equipment.* Articles and detachable fixtures of an expendable nature utilized in connection with the living and berthing of passengers and crew such as cooking utensils, galley equipment, silverware, crockery, glassware, linens, mattresses and pillows, draperies and curtains, rugs, furniture, pianos, office machines, safes, cleaning equipment, printing, upholstery and joiner shop equipment, entertainment radio and television receivers, clocks, electric fans, windscoops and port screens.

(2) *Deck equipment.* Articles and detachable fixtures of gradual deterioration utilized in connection with the general operation and upkeep of the vessel other than machinery such as hawsers, towing and mooring wire cables, binoculars, chronometers, sextants, portable machinery, tools, anchors except installed bower anchors, lifesaving and fire and damage control equipment, and removable hatch covers.

(3) *Engine equipment.* Articles and detachable fixtures of gradual deterioration utilized in connection with the operation and day-to-day maintenance of main propulsion and auxiliary machinery, equipment and electrical installations of the vessel such as hand, portable power or specialized engine tools, portable or detached pressure, vacuum and testing gauges, electrical testing equipment.

(c) *Spare parts.* All items of spare and replacement parts carried for the specific purpose of maintaining and repairing mechanical and electrical equipment, machinery, mechanical controls, electric generators, motors, electrical control devices, switchboards, auxiliaries, accessories, etc., including, but not limited to, those spare and replacement parts required by the American Bureau of Shipping and other classification or regulatory bodies.

(d) *Installations.* Items of a permanent or detachable character, generally nonportable, which are permanently installed as a part of the vessel and generally necessary for the operation of the vessel for its intended purposes. Such items are not required to be recorded on inventories accomplished as provided herein, but if recorded shall be considered as general information only. Such items are as listed under the following general classifications:

(1) *Main machinery.* The central propulsion plant and main electric generating equipment and all of the machinery and operating components associated therewith.

(2) *Auxiliary machinery.* Items of machinery and equipment, nonportable in character and permanently installed, together with associated operating components which are required in and necessary to the operation of the vessel, such as steering engines, winches, windlasses, purifiers, condensers, heat exchangers, blowers, vent fans, pumps, refrigeration machinery, main radios, gyro compasses.

(3) *Permanent equipment.* Items permanently installed aboard a vessel and necessary for its general operation which are generally nonportable in character, such as lifeboats, inflatable life rafts, rafts, davits, cargo booms and cranes, quick opening hatch covers, bower anchors and anchor chains, fire and access doors, ventilators.

(e) *Unbroached as applied to consumable stores.* In general, all stores that at time of inventory are in new condition; i.e., have not been used and have not lost any of their original value through age, rust, decay or improper stowage. With respect to the contents of opened packages and containers, items normally supplied in bulk shall be considered first on the basis of condition and if meeting the above qualifications, the quantities found shall be considered unbroached. With respect to items normally packaged in small quantities of nominal value, they shall be considered as unbroached where the containers have not been opened and none of the contents consumed.

(f) *Scrap.* Any item that is worn, used, deteriorated, aged, rusted, or decayed to such a degree it cannot perform or serve its original purpose or function and does not warrant reconditioning.

(g) *Idle status period.* Any idle status period as determined in accordance with General Order 27, Revised.

§ 293.3 Inventory requirements.

(a) Physical inventories of all unbroached stores and supplies, expendable

equipment, and spare parts of each vessel approved for subsidized operations, shall be accomplished by the Operator and recorded in duplicate;

(1) At the commencement of the first voyage of each vessel upon entrance into the subsidized service; (this inventory shall include only those unbroached stores and supplies purchased and aboard the vessel immediately prior to the commencement of the first subsidized voyage, but not those stores and supplies purchased specifically for the first subsidized voyage of a vessel. Equipment and spare parts purchased to bring the vessel up to standards required by Article II-5 (b) and (d) of the subsidy contract shall also be included in the inventory but the cost thereof shall not be included in voyage expenses.)

(2) Upon termination of the last voyage of each vessel;

(i) At the end of each recapture period,

(ii) At the termination of the contract period if not superseded or followed by a new contract,

(iii) Upon permanent withdrawal from the subsidized service,

(3) With respect to a vessel in idle status;

(i) At the end of each recapture period,

(ii) At the termination of the contract period if not superseded or followed by a new contract,

(iii) Upon permanent withdrawal from the subsidized service,

(4) Upon temporary withdrawal of a vessel from the subsidized service;

(i) Only in those instances where specific request therefor is provided in the written authorization to the Operator for such temporary withdrawal,

(ii) In those instances where specific inventories are not required the amounts chargeable for consumable stores, expendable equipment and spare parts, in the determination of "net earnings", for the purposes of the reserve fund and recapture provisions of the operating-differential subsidy agreement, shall be adjusted for the period between the times of temporary withdrawal of a subsidized vessel from subsidized service and the reentry of such vessel into said service, as follows: There shall be ascertained the daily average amount of purchases of such consumable stores, expendable equipment and spare parts, based on the total days in all voyages (regardless of service and whether or not subsidized) of similar type vessels (i.e., C-1, C-2, or C-3, etc.) terminated during the year in which such period of temporary withdrawal commenced. The total of the actual purchases as recorded in the accounts of the vessel for the period of the temporary withdrawal shall be increased or decreased, as the case may be, to the equivalent of the amount calculated by multiplying such daily average amount by the number of days in the period of temporary withdrawal, with a contra adjustment in the accounts covering subsidized operations. If the amount otherwise chargeable to the period of temporary withdrawal is increased, the contra credit shall be included in the accounts covering the last preceding subsidized voyage of the vessel involved. If conversely, the amount otherwise chargeable to the period of temporary

withdrawal is decreased, the contra charge shall be included in the accounts covering the next succeeding subsidized voyage of the vessel involved.

(5) In instances where the voyage results of nonsubsidized vessels are required to be taken into account for reserve fund and recapture purposes and regarding which specific inventories are not required by the Maritime Administration, the amounts chargeable for stores and supplies, expendable equipment and spare parts for all such voyages of a particular vessel terminating during an accounting period shall be adjusted as follows: There shall be ascertained the daily average amount of purchases of such stores and supplies, expendable equipment, and spare parts, based on the total days in all voyages (regardless of service and whether or not subsidized) of similar type vessels (i.e., C-1, C-2, or C-3, etc.) terminated during the year in which the period of such operations commenced. The total of the actual purchases as recorded in the accounts of such nonsubsidized vessel voyages, the results of which are to be taken into account for reserve and recapture purposes, shall be increased or decreased, as the case may be, to the equivalent of the amount calculated by multiplying such daily average amount by the number of days in such voyages with a contra adjustment in the voyage accounts covering other operations of the vessel.

(6) And, at such other times as specifically directed by the Maritime Administration.

(b) Physical inventories of subsistence stores, slop-chest, bar stock (if maintained by the Operator) and fuel inventories, shall be accomplished by the Operator at the termination of each voyage of each vessel, in addition to those required under paragraph (a) (2) of this section.

§ 293.4 Responsibilities and participation.

(a) The subsidized Operators are responsible for the accomplishment of the inventories at the times required under § 293.3. The Operators shall notify the local Inventory Section of the Office of Property and Supply, Maritime Administration, of its intentions to accomplish all inventories required by § 293.3(a) not less than twenty-four hours in advance, specifying the time and place, and vessel to be inventoried.

(1) The local Inventory Section will assign inventory surveyors to observe and/or participate in the Operator's inventory required by § 293.3(a) to the greatest extent possible and practicable for the purposes of determining and attesting the accuracy and completeness of the inventories and reporting upon the methods employed by the Operator. In the event joint inventory participation is not possible or practicable, arrangements will be made by the field office to observe or to make such spot checks of the inventory as are considered necessary.

(2) Upon the failure of an Operator to accomplish inventories required by § 293.3(a) satisfactory to the local Inventory Section, the local Inventory Section shall immediately ascertain the rea-

sons for such failure and submit a report to the Chief, Office of Government Aid, for appropriate action.

§ 293.5 Scope and evaluation of inventories.

(a) *Scope.* The inventories shall consist of detailed listings of unbroached consumable stores, subsistence stores, slop chest, bar stock (if maintained by the operator) fuel, all expendable equipment and all spare parts, necessary for the outfitting, equipping and supplying of the vessels, as required by § 293.3 which shall be recorded in form satisfactory to the Maritime Administration. The original inventory work sheets shall be retained by the Operator; however, it shall be the responsibility of the Operator to have all erasures or changes on said inventory sheets initialed by the Maritime Administration's Inventory Surveyors participating therein.

(b) *Valuation.* The basis to be used in determining inventory values shall be:

(1) At the times specified in § 293.3, the Operator shall compute the items of overage and shortage of expendable equipment and spare parts as disclosed by reconciliation of the initial inventory (taken when the vessel entered subsidized service) and closing inventories. Such items shall be priced by the Operator at current market price (without consideration of condition) and extensions and totals entered.

(2) The inventories of unbroached consumable stores, fuel, bar stock, slop chest and subsistence stores taken pursuant to this section shall be priced at cost or market, whichever is the prevailing practice of each operator, except that ending inventories shall be priced on a basis consistent with that used for the beginning inventory.

(3) Items evaluated as scrap in accordance with paragraph (c) of this section shall carry a zero valuation for inventory purposes: *Provided*, That when such items are sold the vessel shall be credited with the amount realized from the sale thereof. If such items are cumulated from more than one vessel, the vessels' operating results shall be appropriately credited.

(c) *Evaluation.* The observed condition of each item on the inventory shall be established at the time the inventory is taken and recorded as new, used, or scrap as defined in this part.

(1) Repairs or restorations estimated to cost in excess of 65 percent of the replacement cost of an item or items would be considered as not economically warranted.

(d) In the event an Operator and the local Inventory Section cannot reach an agreement as to the pricing and observed condition evaluation of an inventory the local Inventory Section shall submit all pertinent inventory data to the Chief, Office of Property and Supply, Washington, D.C., for a decision. Decisions of the Chief, Office of Property and Supply, shall be final.

§ 293.6 Certifications.

(a) *Requirements of Article II-5 (b) and (d) of the contract.* After completion of the physical inventories taken pursuant to § 293.3(a) (1) (except new

ships constructed under Title V of the Merchant Marine Act, 1936, as amended) one copy shall be reviewed immediately and certified by the local Inventory Section and shall then be forwarded immediately to the Office of Ship Operations, Washington, D.C., for review and a determination, after giving due consideration to the vessel's proposed service, as to whether the vessel fully meets the requirements of Article II-5, paragraphs (b) and (d) of the applicable Operating-Differential Subsidy Agreement. The Office of Ship Operations shall promptly prepare a schedule of any deficiencies in the outfitting and/or equipping of the vessel as contemplated by said paragraphs (b) and (d) of article II-5, one copy of which shall be forwarded immediately to the Chief, Office of Government Aid, Washington, D.C., one copy to the operator and two copies to the applicable Coast Director for appropriate action. The decision of the Office of Ship Operations as to any such deficiencies shall be final, and the subsidized Operator shall thereupon procure, at its own expense, such items as are required to correct said deficiencies, and place same aboard the vessel not later than the termination of the first subsidized voyage. The Coast Director shall promptly advise the Office of Ship Operations, Washington, D.C., by letter (with one copy each to the Chief, Office of Government Aid, and the District Comptroller) the final date on which the deficiencies were cured. One copy of the schedule of deficiencies shall be returned with the Inventory to the Operator and one copy to the District Comptroller with the date each deficiency was cured noted thereon. The District Comptroller shall immediately determine that the cost of curing such deficiencies is properly recorded on the Operator's books of account, which costs shall not be eligible for operating subsidy or in inclusion in voyage expenses for recapture or reserve fund purposes.

(b) *Subsistence stores, slop chest, bar stock, unbroached consumable stores, and fuel.* (1) Within 30 days after the completion of the physical inventories of subsistence stores, slop chest, bar stock (if maintained by the Operator) unbroached consumable stores and fuel taken pursuant to § 293.3(a) price listings shall be submitted to the Local Inventory Section responsible therefor for review and the preparation of certifications. The original certification after signature on behalf of both the local Inventory Section and the Operator, confirming mutual agreement, shall be furnished the area District Comptroller and one copy each distributed to the operator and the local Inventory Section, aforesaid.

(2) Upon completion of the physical inventories of subsistence stores taken pursuant to § 293.3(b), price listings shall be prepared by the Operator and, if requested, made available to the Maritime Administration's Auditors to be used in the audit of subsistence expenses determined to be eligible for operating-differential subsidy.

(i) Subsistence inventories, taken at the end of each voyage, shall also be

reflected in Schedules P and C, which are submitted with the certified financial statements prescribed under Section 281.1 of this chapter, for utilization by the Office of Government Aid for subsidy rate determinations and subsidy payment purposes.

(c) *Inventory differences of expendable equipment and spare parts.* Within 90 days after the completion of the physical inventories of expendable equipment and spare parts taken pursuant to the provisions of § 293.3(a) (excepting subparagraph (1) thereof) the Operator shall submit a priced statement of differences, determined by comparison of the initial inventory with the closing inventory, together with the pertinent initial and closing inventories, to the local Inventory Section responsible therefor for review and preparation of certifications. The original certification after signature on behalf of the local Inventory Section and the Operator, confirming mutual agreement, shall be furnished the area District Comptroller and one copy each distributed to the Operator and the local Inventory.

(d) If any physical inventory accomplished by the subsidized Operator is, in the opinion of the Administration's Inventory Surveyors, found to be unsatisfactory in whole or in part, the failure of the Operator to accomplish a satisfactory inventory shall be reported promptly by memorandum to the Chief, Division of Subsidy Contracts, Office of Government Aid, Washington, D.C., with a copy to the District Comptroller of the District in which the Operator's home office is located.

(e) *Reports.* Upon completion of the physical inventory of a subsidized vessel taken pursuant to § 293.3, the Maritime Administration's Inventory Surveyors participating in same will prepare, before leaving the vessel, Forms MA-290, -291, and -292, as applicable. A duplicate copy of such form is to be affixed to the inventory work sheets of the Operator. Upon completion of the inventory, a copy of the applicable form shall be forwarded to the Maritime Administration office located nearest to the home office of the subsidized Operator if other than the office participating in the inventory.

§ 293.7 Accounting treatment.

Inventories and inventory overages and shortages accomplished and certified pursuant to the provisions of this order shall be classified, for accounting purposes, as set forth hereinafter and recorded on the Operator's records and books of account as prescribed herein and in accordance with the account classifications prescribed by the Maritime Administration in the "Uniform System of Accounts for Operating-Differential Subsidy Contractors" under Part 282 of this chapter.

(a) The accounting entries for stores and supplies inventories as defined in § 293.2(a) (2), (3), (4), and (5), shall be recorded, separately, for each vessel and each voyage coincident with the inventory accomplishments required under § 293.3(b).

(1) The following subsidiary voyage accounts and clearance accounts, maintained for each vessel and voyage, shall be charged with the value of such beginning inventories upon the commencement of the first voyage of the vessel. Upon the termination of each voyage of the vessel the voyage accounts shall be credited with the value of the ending inventories and a corresponding charge made to the accounts of the succeeding voyage.

(i) Account 210. Subsistence—Purchased Domestic.

(ii) Account 235. Fuel.

(iii) Clearance Account 040. Bar Accounts.

(iv) Clearance Account 045. Slop Chest Account.

(As it is impracticable to determine whether certain subsistence items were purchased domestic or foreign when taking inventories, the total value of the subsistence inventory shall be carried in Account 210.)

(2) Inventories recorded in Accounts 040 and 045 applicable to unterminated voyages as at the balance sheet date shall be reflected under the balance sheet Account 170. Inventories.

(b) The accounting entries for unbroached consumable stores inventories, as defined in § 293.2(a) (1) shall be recorded, separately, for each vessel subject to the provisions of this order coincident with the inventory accomplishments required under § 293.3(a).

(1) In addition to the inventories required under § 293.3(a), the owner/operator may at his election take consumable stores inventories at the beginning and end of each subsidy accounting period, provided, that such inventories are taken and priced in a manner consistent with the provisions of this Part, and further provided that such inventories shall be accomplished for each of the subsidy accounting periods within the Operator's recapture period or periods under its operating-differential subsidy agreement.

(2) The Clearance Account 060. Stores, Supplies and Equipment Aboard Vessels, maintained for each vessel shall be charged with the value of such beginning inventories of unbroached consumable stores upon the commencement of the first voyage of the vessel as prescribed by § 293.3(a) (1). At the times prescribed by § 293.3 (except as to paragraph (a) (1) thereof) the account shall be credited with the value of the ending inventory and a corresponding charge made to Account 060 of the succeeding voyage.

(i) In the event an Operator elects to take consumable stores inventories at the end of each subsidy accounting period, Account 060 shall be credited with the value of the inventories upon the termination of the last voyage of the vessel within the accounting period and a corresponding charge made to Account 060 of the succeeding voyage.

(ii) Inventories recorded in Account 060 as at the balance sheet date shall be reflected in the balance sheet Account 200. Untermated Voyage Expense.

(c) The accounting entries for overages and shortages of expendable equip-

ment and spare parts inventories as defined in § 293.2 (b) and (c), shall be recorded, separately, for each vessel subject to the provisions of this order coincident with the inventory accomplishments required under § 293.3(a) (excepting subparagraph (1) thereof) and § 293.6(c).

(1) The initial expendable equipment and spare parts inventory of a vessel entering subsidized operations shall be capitalized and recorded in the balance sheet Account 331. Floating Equipment—Vessels, as part of the acquisition cost of the vessel.

(2) The net overages and shortages of expendable equipment and spare parts, determined by an item by item comparison (since the initial inventory is not priced) of the initial inventory with the ending inventory, pursuant to § 293.6(c), shall for purposes of accounting for the consumption of or increase in capital assets be treated as follows:

(i) *Shortage.* Where a comparison of the ending inventory with the initial inventory discloses a net shortage (shortages exceed overages), which means that, to the extent of such net shortage, items included in the initial inventory, in the aggregate, were consumed and not replenished by purchases during the period between inventories, Account 215. Stores, Supplies and Equipment—Purchased Domestic, of the last voyage of the vessel terminating prior to the ending inventory shall be charged with the net shortage and the corresponding account of the succeeding voyage credited with a like amount, except where a vessel (a) is being permanently withdrawn from operation, no adjustment should be made to the voyage account, and (b) is being permanently withdrawn from subsidized operations, inventory adjustments shall be made to the voyage accounts only after evidence has been presented by the owner/operator within six months after such withdrawal that restoration of the items making up said shortage has been accomplished: *Provided*, That the adjustment provided in (b) of this subdivision shall be limited to the extent that the value of the items so restored exceeds the value of the overage items, if any, appearing on the statement of overages and shortages.

(ii) *Overages.* Where a comparison of the ending inventory with the initial inventory discloses a net overage (overages exceed shortages), which means that, to the extent of such net overage, all of the purchases between inventories were not consumed, Account 215. Stores, Supplies and Equipment—Purchased Domestic, (a) of the last voyage of the vessel terminating prior to the ending inventory or (b) of the last idle status period of the vessel terminating prior to the permanent withdrawal of the vessel from subsidized operations shall be credited with the net overage and the corresponding account of the succeeding voyage or idle status period, as the case may be, charged with a like amount.

(b) In every instance where any item of expendable equipment or spare parts on which a construction-differential subsidy was paid, or an allowance thereof

was included in the purchase price of a vessel, is withdrawn from the vessel's inventory, irrespective of whether it was furnished to the vessel's crew, operator's shore gang or to a contractor, for the operation, maintenance or repair of said vessel, no accounting entries shall be made to the vessel's voyage accounts for the cost, or other recorded value, of any inventory items so issued. In the event any item of expendable equipment or spare parts on which a construction-differential subsidy was paid, or an allowance thereof was included in the purchase price of a vessel, is transferred to another vessel, a credit memorandum describing such item shall be issued, together with a contra memorandum charging the vessel to which the item is transferred.

(1) Immediately upon the withdrawal of any equipment or spare parts from said inventories, the Operator shall prepare a "Memorandum of Equipment and/or Spare Parts" in the following suggested form, and file it with the applicable inventory records, work papers or listing thereof:

DEBIT-CREDIT MEMORANDUM OF EQUIPMENT AND/OR SPARE PARTS

Removed from Vessel SS _____ and
Installed on Vessel SS _____ in
Connection with Repairs—Maintenance for Voy-
age No. _____ Item No. _____ (Description)
_____ Recorded Value \$ _____ Repair—
Maintenance Order No. _____ Inventory
Dated _____ Recorded in Account
No. _____

Signed _____
(Operator's representative)

NOTE: This Memorandum Transaction is not to be recorded on the vessel's voyage accounts or any inventory accounts, or charged as an item of expense, nor is the stated value hereof to be submitted for operating-differential subsidy participation. Strike out Debit or Credit as applicable.

(2) In all cases where the Operator furnishes said equipment or spare parts to its shore gang or an independent contractor for the maintenance or repair of a vessel, one copy of the "Memorandum" shall be attached to and submitted in support of the "Subsidy Repair Summary" (Form MA-140) as prescribed by paragraph (h) of § 272.6 of this chapter (General Order 20, 2d Rev. (23 F.R. 2920, May 1, 1958)).

§ 293.8 Effective date.

The provisions of this part are effective as of the date of publication in the FEDERAL REGISTER and are applicable to all inventories in process as of such date of publication.

§ 293.9 Conflict of orders.

To the extent the provisions of this part are in conflict with provisions of any other orders, instructions or regulations now in effect, the provisions of this part shall prevail.

Dated: November 20, 1961.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 61-11283; Filed, Nov. 28, 1961;
8:51 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

Survival Craft Stations and Frequencies and Other Particulars for Coast and Ship Stations; Correction

1. The Commission's Report and Order, FCC 61-1323 in Docket 13952, as published November 22, 1961, 26 F.R. 10918, as F.R. Doc. 61-11009 is corrected as follows:

a. Amending instructions C.2 is corrected to read:

2. In § 14.264, paragraphs (a) and (k) and the note following paragraph (n) are amended to read:

b. The text of § 14.264 is corrected by changing the reference, in paragraphs (a)(1) and (a)(2), from "paragraph (1) of this section" to "paragraph (1) of this section".

2. The material appearing below is added as a part of the original document.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

(n) * * *

NOTE: The frequencies designated in paragraph (a) of § 14.264 are additionally available (except 4409.4, 4434.9, 4406.9 and 4434.5 kc) for Alaska-public fixed stations as provided in Subpart F of this part. This dual allocation is primarily for the purpose of providing a group of frequencies for radio station licenses in the Alaska area whose industrial operations require an integrated system of ship-shore and point-to-point communication.

§ 14.266-14.267 [Deletion]

3. Sections 14.266 and 14.267 are deleted.

[F.R. Doc. 61-11289; Filed, Nov. 28, 1961;
8:52 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

PART 16—MIGRATORY BIRD PERMITS

Miscellaneous Amendments

By notice of proposed rule making published in the FEDERAL REGISTER of August 31, 1961 (26 F.R. 8207), notification was given that the Secretary of the Interior proposed to amend Part 10 and establish a new Part 16 under Title 50, Code of Federal Regulations, for the pur-

pose of revising the regulations governing the issuance of permits to acquire, possess, transport, and dispose of migratory birds and their parts, nests, or eggs for certain specified purposes.

Interested persons were invited to submit written comments, objections, or suggestions regarding the proposal to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., prior to October 15, 1961. A number of comments, objections, and suggestions were received with respect to various provisions of the proposal.

Objections were received protesting the effect adoption of the proposed regulations would have on the training of retriever dogs and the running of field trials. The proposal has been reconsidered and revised to permit the use of captive-reared waterfowl for these purposes without unnecessary additional expense or inconvenience.

Objections were also received regarding the required retention of the head and feet on carcasses of birds disposed of for food purposes. The proposal has been reconsidered and revised to permit disposal of birds for food purposes without the head and feet attached under certain conditions.

A number of comments, objections, and suggestions were submitted regarding the establishment of user's fees or charges for the issuance of propagating and taxidermist permits, and regarding the definition of "wild migratory birds". This definition would make all migratory birds, whether raised in captivity or not, subject to regulations under permit when such birds cannot be readily distinguished by general size or coloration from wild birds of the same species. To permit unlimited discussion of these provisions, they are being deleted from the proposal and final action is being deferred pending the results of public hearings to be scheduled at a later date.

All other comments, objections, and suggestions were fully considered preliminary to determination that no other changes would be made on the basis of these communications. These amendments are hereby adopted as set forth below and shall become effective on January 1, 1962.

1. Paragraph (c) of § 10.3 is amended to read as follows:

§ 10.3 Hunting methods.

(c) *Exceptions.* Nothing contained in this section shall be construed to apply to the taking of migratory birds as permitted in § 10.5, or to apply to propagating, scientific, depredation-control, or other operations in accordance with the terms of permits or other authorizations issued pursuant to Part 16 of this subchapter.

§§ 10.15, 10.16, 10.21-10.23, 10.31, 10.61-10.65, 10.81-10.87 [Revocation]

2. Sections 10.15, 10.16, 10.21 through 10.23, 10.31, 10.61 through 10.65, and 10.81 through 10.87 are revoked.

3. A new Part 16 is adopted to read as follows:

- Sec.
- 16.1 Meaning of terms.
- 16.2 Permits required.
- 16.3 Exceptions to permit requirement.
- 16.4 General permit authorization.
- 16.5 General permit provisions.
- 16.6 Transportation and shipping requirements.
- 16.7 Applicability of State laws.
- 16.8 Revocation of permits.
- 16.9 Import and export permits.
- 16.10 Jurisdiction and address of regional offices.
- 16.11 Scientific collecting and special purpose permits.
- 16.12 Taxidermist permits.
- 16.13 Propagating permits.
- 16.14 Banding permits.
- CONTROL OF DEPREDATING BIRDS
- 16.21 Depredation permits.
- 16.22 Depredating blackbirds, cowbirds, and grackles.
- 16.23 Designated species of depredating birds in California.
- 16.24 Depredating purple gallinules in Louisiana.
- 16.25 Authority to issue depredation orders to permit the killing of migratory game birds.

FEEDING OF DEPREDATING WATERFOWL

- 16.31 Statutory provisions.
- 16.32 Interpretation.
- 16.33 Policy.
- 16.34 Waterfowl depredation complaints; where filed.
- 16.35 Criteria to govern approval of applications.
- 16.36 Action following investigation.
- 16.37 Compliance with other regulations.

AUTHORITY: §§ 16.1 through 16.14 and 16.21 through 16.25 issued under sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704. Interpret or apply E.O. 10250, 16 F.R. 5385, 3 CFR 1949-1953 Comp. p. 757.

§ 16.1 Meaning of terms.

As used in this part, terms shall have the meaning ascribed in this section.

(a) "Wild migratory birds" refers to those species of migratory birds listed under § 10.1 of Part 10 of this subchapter.

(b) "Migratory waterfowl" refers to wild ducks, geese, brant, and swans.

(c) "Public" as used in referring to museums, zoological parks and societies, and scientific or educational institutions refers to such as are open to the general public and established, maintained, and operated as a governmental service or are privately endowed and incorporated but not operated for profit.

(d) "Take" means to pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

§ 16.2 Permits required.

Except as permitted by regulations under this part or under Part 10 of this subchapter (the hunting regulations), a permit is required for any person to import, export, take, sell, purchase, otherwise acquire, possess, transport, or dispose of wild migratory birds or their increase, parts, nests, or eggs.

§ 16.3 Exceptions to permit requirement.

The following exceptions to the permit requirement are allowed in addition to those allowed under Part 10 of this subchapter:

(a) Certain species of wild migratory birds may, without a permit, be taken and disposed of to control depredations as provided in §§ 16.21 through 16.25.

(b) State game departments, municipal game farms or parks, and public museums, zoological parks or societies, and scientific or educational institutions may acquire by gift or purchase, possess, transport, and by gift or sale dispose of lawfully acquired wild migratory birds or their increase, parts, nests, or eggs without a permit: *Provided*, That such birds may be acquired only from persons authorized by this paragraph or by a permit issued pursuant to this part to possess and dispose of such birds, or from Federal or State game authorities by the gift of seized, condemned, or sick or injured birds. Any such birds, acquired without a permit, may be disposed of only to persons authorized by this paragraph to acquire such birds without a permit. Any person exercising a privilege granted by this paragraph must keep records of such operations showing the species and number of birds acquired, possessed, and disposed of; the names and addresses of the persons from whom such birds were acquired or to whom such birds were donated or sold; and the dates of such transactions. These records shall be maintained on a calendar year basis and shall be retained for a period of one year following the end of the calendar year covered by the records.

(c) Migratory waterfowl lawfully acquired from the holder of a propagating permit may, without a permit, be possessed for certain purposes as provided in § 16.13 (e) and (f).

§ 16.4 General permit authorizations.

(a) Migratory bird permits may be issued to authorize: (1) The importation, exportation, taking, sale, purchase, other acquisition, possession, transportation, and disposal of live wild migratory birds and their increase or eggs for propagating purposes in order to increase the food supply; (2) the taking and disposal of wild migratory birds or their eggs for depredation control purposes; (3) the importation, exportation, taking, sale, purchase, other acquisition, possession, transportation, and disposal of wild migratory birds or their increase, parts, nests, or eggs for scientific, educational, and other special purposes; and (4) the possession, transportation, and mounting or other preparation by a taxidermist for any person other than himself of wild migratory birds or their parts, nests, or eggs.

(b) Consistent with the preservation of migratory birds and with the purposes of this part, applications for migratory bird permits may be disapproved, or approved and permits issued pursuant to the regulations in this part. Activities authorized under permit may be limited by any special terms, conditions, or restrictions incorporated into the permit.

§ 16.5 General permit requirements.

Permits issued pursuant to this part are subject to the following provisions:

(a) Permittees must comply with any special terms, conditions, or restrictions prescribed in the permit.

(b) Importations from Mexico must be accompanied by Mexican export permits.

(c) Permits are not transferable.

(d) Permittees may not dispose of migratory birds or their increase, parts, nests, or eggs to any person not authorized by this part to acquire such migratory birds or their parts, nests, or eggs; nor may a permittee acquire migratory birds or their increase, parts, nests, or eggs from any person not authorized by this part to dispose of migratory birds or their increase, parts, nests, or eggs.

(e) All permittees must keep accurate records¹ of their operations; and shall file a report of such operations, negative or otherwise, on a form furnished for that purpose, on or before January 10 of each calendar year following the year of issue unless a different date is stated in the permit. All persons authorized to enforce this part shall be allowed to enter the premises where such operations are being carried on at all reasonable hours and inspect these premises and the records of such operations. The records required to be maintained for the purpose of making these reports shall be retained by the permittees for a period of one year following the date on which these reports are submitted.

§ 16.6 Transportation and shipping requirements.

Every package or container, in which migratory birds or their parts, nests, or eggs are shipped by common carrier wholly within a State or are transported by any means whatsoever from one State, territory, or district to or through another State, territory, or district, or to a foreign country, shall be clearly marked, labeled, or tagged on the outside thereof. These labels or tags shall show the name and address of the consignor and consignee; an accurate statement of the species and number of birds or their parts, nests, or eggs contained therein; and the permit number under authority of which the birds or their parts, nests, or eggs are being shipped or transported if one is required.

§ 16.7 Applicability of State laws.

Nothing in this part or in any permit issued thereunder shall be construed to authorize the taking, possession, sale, purchase, exchange, or transportation of wild migratory birds or their parts, nests, or eggs in any State contrary to the laws and regulations of that State: *Provided*, Such laws and regulations are for the purpose of giving further protection to such birds and are not inconsistent with the conventions between the United States and any foreign country for the protection of migratory birds or with the Migratory Bird Treaty Act. Further, no permit issued under this part shall authorize the taking, possession, purchase, sale, exchange, or transportation of migratory birds or their parts, nests, or eggs unless the permittee also possesses whatever permit may be required

¹The record-keeping requirements contained in this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

for such activities by the State concerned.

§ 16.8 Revocation of permits.

(a) Permits issued pursuant to this part may be revoked and the privileges granted thereunder withdrawn:

(1) If the permittee violates any regulation prescribed in this part; or

(2) When the activities of the permittee, involving live migratory birds or feed on the premises of the permittee, are an element in a violation by the permittee or other person of the migratory bird hunting regulations governing the use of live decoys or bait in the taking of migratory game birds (§ 10.3 of this chapter).

(b) Any person whose permit has been revoked shall not be issued a like permit until one year after the date of revocation.

§ 16.9 Import and export permits.

Applications for permits to import or export wild migratory birds or their parts, nests, or eggs for purposes provided in this part shall be made by letter addressed to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., and shall contain the following information:

(a) Name and address of the applicant and the purpose for which importation or exportation is being made;

(b) Species and number of migratory birds or their parts, nests, or eggs to be imported or exported;

(c) Name and address of the person from whom such birds are being imported or to whom they are being exported;

(d) Estimated date of arrival of any shipment of imported or exported migratory birds or their parts, nests, or eggs, and the port of entry or exit through which the shipment will be imported or exported;

(e) Federal permit number and type of permit authorizing possession, acquisition, or disposition of such birds or their parts, nests, or eggs, where such a permit is required.

§ 16.10 Jurisdiction and address of regional offices.

The geographic jurisdictions and addresses of the Bureau of Sport Fisheries and Wildlife regional offices are as follows:

(a) Pacific Region (Region 1—comprising the States of California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington) P.O. Box 3737, Portland 8, Oregon.

(b) Southwest Region (Region 2—comprising the States of Arizona, Colorado, Kansas, New Mexico, Oklahoma, Texas, Utah, and Wyoming) P.O. Box 1306, Albuquerque, New Mexico.

(c) North Central Region (Region 3—comprising the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin) 1006 West Lake Street, Minneapolis 8, Minnesota.

(d) Southeast Region (Region 4—comprising the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North

Carolina, South Carolina, Tennessee, and Virginia) Peachtree-Seventh Building, Atlanta 23, Georgia.

(e) Northeast Region (Region 5—comprising the States of Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia) 59 Temple Place, Boston 11, Massachusetts.

(f) Alaska Region (Region 6—comprising the State of Alaska) P.O. Box 2021, Juneau, Alaska.

§ 16.11 Scientific collecting and special purpose permits.

(a) Applications for scientific collecting or other special purpose permits shall be made by letter addressed to the Regional Director at the regional office having administrative jurisdiction over Bureau functions in the State where permit activities are proposed. (See § 16.10 for geographical jurisdiction and addresses of regional offices.) Such applications shall contain the following information:

(1) Name, address, and age of applicant;

(2) Species and number of migratory birds or their parts, nests, or eggs proposed to be taken or acquired;

(3) Statement of the purpose and a justification for granting such a permit; and

(4) In the case of scientific collecting permits, the name and address of the public scientific or educational institution to which all specimens will ultimately be donated.

(b) The tenure of scientific collecting or other special purpose permits issued after December 31, 1961, shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue unless a shorter period of time is prescribed in the permit.

(c) All specimens taken and possessed under authority of a scientific collecting permit must be donated and transferred to the public scientific or educational institution designated in the permit application within 60 days following the date such permit expires or is revoked, unless the permittee has been issued a special permit authorizing possession for a longer period of time.

§ 16.12 Taxidermist permits.

(a) Original requests for a taxidermist permit shall be made by letter addressed to the Regional Director at the regional office having administrative jurisdiction over Bureau functions in the State where permit activities are proposed. (See § 16.10 for geographical jurisdiction and addresses of regional offices.) The applicant will then be furnished an application form to be completed and returned to the regional office.

(b) Requests for renewals of existing permits shall be made by letter to the regional office issuing the permit not later than 30 days preceding the expiration date of the permit.

(c) The tenure of taxidermist permits or renewals thereof shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue.

§ 16.13 Propagating permits.

(a) Original requests for a propagating permit shall be made by letter addressed to the Regional Director at the regional office having administrative jurisdiction over Bureau functions in the State where permit activities are proposed. (See § 16.10 for geographical jurisdiction and addresses of regional offices.) The applicant will then be furnished an application form to be completed and returned to the regional office.

(b) Requests for renewals of existing permits shall be made by letter to the regional office issuing the permit not later than 30 days preceding the expiration date of the permit.

(c) The tenure of propagating permits or renewals thereof issued after December 31, 1961, shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue.

(d) Any person whose propagating permit expires and who does not request a renewal thereof, or whose permit is revoked for any reason whatsoever, shall dispose of all live migratory birds and their eggs not later than 60 days following the date of expiration or revocation by one or more of the following means:

(1) By sale or donation to another permittee not in the immediate family of the seller or donor;

(2) By sale or donation to a public zoological or municipal park, public museum, or public scientific or educational institution;

(3) By release to the wild on premises other than those of the permittee and over which he has no degree of control; or

(4) Live migratory birds may be killed and preserved for use as food by the permittee.

If at the end of 60 days the permittee has not disposed of all live migratory birds and their eggs, as provided in this section, he must relinquish such birds and their eggs to an agent of the Bureau of Sport Fisheries and Wildlife for release to the wild; or for use in management programs conducted on wildlife refuges or management areas; or for donation to such public institutions as the Bureau shall determine.

(e) Live migratory waterfowl possessed under authority of a propagating permit may be killed at any time and in any manner by the permittee or any person authorized by the permittee to do so, except that the killing of such birds by shooting shall be restricted to the premises covered by the permit. Provided the head and feet remain attached thereto or, if dressed and the head and feet removed, his permit number is written or stamped on a tag attached to the bird or is written or stamped on the package containing the bird, the permittee may dispose of the carcasses of such birds to any individual for consumption as food; or to a club, hotel, restaurant, boarding house, or dealer in meat or game for sale or service to patrons; and all such persons may possess these carcasses without a permit.

(f) Live mallard ducks, raised under authority of a propagating permit and marked in accordance therewith, may be disposed of by the permittee to any person for use in training dogs or running field trials; and any person may, without a permit, acquire such birds from a permittee and retain them for use in training dogs or running field trials: *Provided*, That any such birds, acquired and possessed without a permit, may be disposed of only by release to the wild, by consumption as food, or by destroying the carcasses; and such birds may not be sold or traded either dead or alive.

§ 16.14 Banding permits.

This section governs the issuance of permits authorizing the capture of wild migratory birds for banding purposes.

(a) Applications for banding permits shall be made by letter addressed to the Director, Patuxent Wildlife Research Center, Laurel, Maryland.

(b) The tenure of banding permits shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue unless a different tenure is stated in the permit.

(c) The banding of migratory birds shall be by official numbered leg bands issued by the Bureau of Sport Fisheries and Wildlife. The use of any other band, clip, or other method of marking is prohibited unless specifically authorized in the permit.

(d) All traps or nets used to capture migratory birds for the purposes of banding shall either bear a tag or label clearly showing the name and address of the permittee and the permit number, or the area in which such traps or nets are located must be posted with Notice of Banding Operations posters (form 3-1155, available upon request from Patuxent Wildlife Research Center) which shall bear the name and address of the permittee and the number of his permit.

(e) Banding permits may be revoked for violation of any provision of the Migratory Bird Treaty Act or the regulations issued thereunder, or for failure to comply with any special terms, conditions, or restrictions incorporated in the banding permit.

CONTROL OF DEPREDATING BIRDS

§ 16.21 Depredation permits.

Upon receipt of information from the owner, tenant, sharecropper, or other person that migratory birds are injuring his crops or other property on the land on which he resides, or over which he exercises control, together with a statement of the location of the area; the nature of the crops or other interests being injured; the extent of such injury; and the particular species of birds committing the injury, an investigation will be made. If it is then determined that the injury complained of is substantial and can be abated, a permit to frighten, herd, or kill such birds may be issued. The permit shall specify the person, the time, and the method by which such birds may be frightened, herded, or killed. The permit shall further provide that all dead birds shall be disposed

of as prescribed therein; that a report shall be made of the operations; and shall include such other conditions as may be appropriate in each case.

§ 16.22 Depredating blackbirds, cowbirds and grackles.

A permit shall not be required to kill yellow-headed, red-winged, bi-colored red-winged, tri-colored red-winged, and Brewer's blackbirds, cowbirds, and all grackles when found committing or about to commit serious depredations upon ornamental or shade trees or agricultural crops: *Provided*:

(a) That none of the birds killed pursuant to this section, nor their plumage, shall be sold or offered for sale.

(b) That any person exercising any of the privileges granted by this section shall permit at all reasonable times, including during actual operations, any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require, concerning said operations.

(c) That nothing in this section shall be construed to authorize the killing of such birds contrary to any State laws or regulations; and that none of the privileges granted under this section shall be exercised unless the person possesses whatever permit as may be required for such activities by the State concerned.

§ 16.23 Designated species of depredating birds in California.

In any county in California in which meadowlarks, horned larks, golden-crowned, white-crowned, and other crowned sparrows, goldfinches, house finches, acorn woodpeckers, Lewis woodpeckers, and flickers are, under extraordinary conditions, seriously injurious to agricultural or other interests, the Commissioner of Agriculture may, without a permit, kill or cause to be killed under his general supervision such of the above migratory birds as may be necessary to safeguard any agricultural or horticultural crop in the county: *Provided*:

(a) That such migratory birds shall be killed only when necessary to protect agricultural or horticultural crops from depredation; that none of the above migratory birds killed, or the parts thereof, or the plumage of such birds, shall be sold or removed from the area where killed; but that all such dead migratory birds shall be buried or otherwise destroyed within this area, except that any specimens needed for scientific purposes, as determined by the State or the Secretary, shall not be destroyed.

(b) That any Commissioner of Agriculture exercising the privileges granted by this section shall keep records of the persons authorized by the Commissioner to kill such migratory birds, and the estimated number of such birds killed pursuant to the exercise of his authority, and the Commissioner shall submit a report thereof to the Secretary on or before December 31 of each year or whenever the Secretary so requests.

§ 16.24 Depredating purple gallinules in Louisiana.

Landowners, sharecroppers, tenants, or their employees or agents, actually engaged in the production of rice in Louisiana, may, without a permit, shoot purple gallinules (*Ionornis martinica*) when found committing or about to commit serious depredations to growing rice crops on the premises owned or occupied by such persons: *Provided*:

(a) That purple gallinules may only be killed pursuant to this section between May 1 and August 15 in any year.

(b) That purple gallinules killed pursuant to this section shall not be transported or sold or offered for sale except that, such transportation within the area, as may be necessary to bury or otherwise destroy the carcasses of such birds is permitted: *Provided*, That the Secretary, or the State agricultural department, college, or other public institution may requisition such purple gallinules killed as may be needed for scientific investigations: *Provided further*, That any purple gallinules killed under authority of this section may also be donated to charitable institutions for food purposes.

(c) That any person exercising any of the privileges granted by this section shall permit at all reasonable times, including during actual operations, any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require, concerning said operations.

(d) That nothing in this section shall be construed to authorize the killing of such migratory birds contrary to any State laws or regulations; and that none of the privileges granted under this section shall be exercised unless the person possesses whatever permit as may be required for such activities by the State of Louisiana.

(e) That any person authorized by this section to exercise the privileges granted therein shall maintain records of the number of birds killed on the premises and shall submit a report thereof, on or before December 31 of each year, to the Secretary.

§ 16.25 Authority to issue depredation orders to permit the killing of migratory game birds.

Upon the receipt of evidence clearly showing that migratory game birds have accumulated in such numbers in a particular area as to cause or about to cause serious damage to agricultural, horticultural, and fish cultural interests, the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., is authorized to issue by publication in the FEDERAL REGISTER a depredation order to permit the killing of such birds under the following conditions:

(a) That such birds may only be killed by shooting with a shotgun not larger than No. 10 gauge fired from the shoulder, and only on or over the threatened area or areas;

(b) That shooting shall be limited to such time as may be fixed by the Director on the basis of all circumstances involved. If prior to termination of the period fixed for such shooting, the Director receives information that there no longer exists a serious threat to the area or areas involved, he shall without delay cause to be published in the FEDERAL REGISTER an order of revocation;

(c) That such migratory birds as are killed under the provisions of any depredation order may be used for food or donated to public museums or public scientific and educational institutions for exhibition, scientific, or educational purposes, but shall not be sold, offered for sale, bartered, or shipped for purpose of sale or barter, or be wantonly wasted or destroyed: *Provided*, That any migratory game birds which cannot be so utilized shall be disposed of as prescribed by the Director;

(d) That any order issued pursuant to this section shall not authorize the killing of the designated species of depredating birds contrary to any State laws or regulations. The order shall specify that it is issued as an emergency measure designed to relieve depredations only and shall not be construed as opening, reopening, or extending any open hunting season contrary to any regulations promulgated pursuant to section 3 of the Migratory Bird Treaty Act.

FEEDING OF DEPREDATING WATERFOWL

AUTHORITY: §§ 16.31 to 16.37 issued under sec. 2, 70 Stat. 492; 7 U.S.C. 443.

§ 16.31 Statutory provisions.

Section 1 of the Act of July 3, 1956, as amended (7 U.S.C. 442 et seq.) provides that the Commodity Credit Corporation shall make available to the Secretary of the Interior such wheat, corn, or other grains, acquired through price support operations and certified by the Corporation to be available for purposes of the Act or in such condition through spoilage or deterioration as not to be desirable for human consumption, as the Secretary shall requisition for the purpose of preventing crop damage by migratory waterfowl. Section 2 of the Act provides that, upon a finding that any area in the United States is threatened with damage to farmers' crops by migratory waterfowl, the Secretary is authorized and directed to requisition from the Commodity Credit Corporation and to make available to Federal, State, or local governmental bodies or officials, or to private organizations or persons, such grain acquired by the Corporation through price support operations in such quantities and subject to such regulations as the Secretary determines will most effectively lure migratory waterfowl away from crop depredations and at the same time not expose such migratory waterfowl to shooting over areas to which the waterfowl have been lured by such feeding programs.

§ 16.32 Interpretation.

The authorization contained in the Act limits the availability of grain acquired through price support operations to the prevention of crop damage by migratory waterfowl (brant, wild ducks, geese, and

swans) and such grain may not be made available for the feeding of any other species of migratory birds, whether or not such other species of migratory birds are committing or threatening to commit crop damage. Further, the Act does not authorize the use of such grain to conduct a migratory waterfowl feeding program for the purpose of augmenting natural sources of food available to migratory waterfowl, nor for any purpose incident to migratory waterfowl management not related to the prevention of crop damage. Accordingly, such grain shall not be made available pursuant to the Act to augment or to substitute for natural sources of migratory waterfowl food except as may be determined by the Secretary to be necessary to aid in the prevention of crop damage by such birds.

§ 16.33 Policy.

Whenever it is found necessary to conduct feeding programs under this section for the purposes of preventing crop damage by migratory waterfowl, it shall be the policy of the Secretary for the purposes of economy and efficiency to accord preference to feeding programs proposed to be executed through the placement of grain upon wildlife management areas or other lands or waters owned, leased, or otherwise controlled by an agency of the United States or a State.

§ 16.34 Waterfowl depredation complaints; where filed.

Any person having an interest in crops being damaged or threatened with damage by migratory waterfowl in circumstances meeting the criteria prescribed in § 16.35 may make application for grain for use in luring such waterfowl away from such crops by submitting a written request to the Regional Director of the Bureau of Sport Fisheries and Wildlife regional office having administrative jurisdiction over the wildlife activities in the State where the affected crops are located. (See § 16.10 for geographical jurisdiction and addresses of regional offices.) Such applications may be in letter form but must contain information disclosing the location, nature, condition and extent of the crops being damaged or threatened, and the particular species of migratory waterfowl committing or threatening to commit damage. For the purposes of this section any authorized official of Federal, State, or local governmental body shall be deemed to be a "person" and to have such an interest in crops threatened with damage as to qualify him as an applicant.

§ 16.35 Criteria to govern approval of applications.

Upon receipt of a written application for such grain for use in preventing crop depredations, the Regional Director shall promptly cause an investigation to be made, when necessary, to determine whether the applicant is in fact entitled to have such grain made available for such purposes. Whenever feasible the required investigation shall be made jointly by a representative of the game department of the State in which the

affected crops are located and a representative of the Regional Director. When conducting such investigations, each of the factors set forth in paragraphs (a) to (d) of this section shall be considered separately. An application for grain shall not be approved if it is determined that one or more of these factors minimizes the extent of crop damage or provides another effective method of preventing the complained of damage.

(a) The migratory waterfowl committing or threatening to commit crop damage must be predominantly of a species which are susceptible of being effectively lured away from the crops by the use of such grain.

(b) The crop damage or threatened crop damage must be substantial in nature (when measured by the extent and potential value of the crops involved and the number of birds threatening damage); and must affect growing crops or mature unharvested crops that are in such condition as to be marketable or have value as feed for livestock or other purposes of material value to the applicant.

(c) It must be shown that the damage or threat of damage cannot be abated through the exercise of any of the privileges granted in permits authorized by § 16.21 to frighten or otherwise herd migratory waterfowl away from affected crops.

(d) During an open hunting season, it must be shown that the area affected by crop damage has been and is now open to public hunting and there has been a clear demonstration that such hunting is ineffective, and cannot be made effective, to prevent crop damage on such area.

§ 16.36 Action following investigation.

Upon receipt of a report and recommendations based upon an investigation conducted under § 16.34, the Secretary shall make a determination that the applicant meets the qualifications for receiving grain. He shall then determine the quantity of grain, either bagged or in bulk, to be made available; the means of transportation; and the point of delivery in the vicinity of the crop damage. Before receiving delivery of such grain the applicant shall execute and deliver to any officer authorized to enforce this part written assurances as follows:

(a) That grain made available to him under this part will be used exclusively for the prevention and abatement of crop damage by migratory waterfowl and that no portion of such grain will be sold, donated, exchanged, or used as feed for livestock or other domestic animals or for any other purpose;

(b) That consent is granted to any officer authorized to enforce this part, to inspect, supervise or direct the placement and distribution of grain made available under this part for the prevention of crop damage at all reasonable times;

(c) That free and unrestricted access over the premises on which feeding oper-

ations have been or are to be conducted shall be permitted at all reasonable times, by any officer authorized to enforce this part and that such information as may be required by the officer will be promptly furnished; and

(d) That the applicant will not take, nor permit his agents, employees, invitees, or other persons under his control to take migratory game birds on or over any lands or waters subject to his control, during the time such grain is placed, exposed, deposited, distributed, scattered, or present upon such lands or waters, nor for a period of 10 days immediately following the consumption or removal of such grain from such lands or waters.

§ 16.37 Compliance with other regulations.

Nothing in §§ 16.31 to 16.36 shall be construed to supersede or modify any regulations under § 10.3 of this subchapter, nor shall anything in said sections be construed to permit the transportation, distribution, or use of grain contrary to any applicable Federal, State, or local laws or regulations.

STEWART L. UDALL,
Secretary of the Interior.

NOVEMBER 22, 1961.

[F.R. Doc. 61-11274; Filed, Nov. 28, 1961; 8:49 a.m.]

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Rice Lake National Wildlife Refuge, Minnesota

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Rice Lake National Wildlife Refuge, Minnesota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 5,000 acres or 33 percent of the total refuge area is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer only during the season specified below. The hunting of big game species, as may be otherwise authorized by Minnesota State regulations, is prohibited.

(b) Open season: From sunrise to sunset December 2 through December 17, 1961.

(c) Bag limit: One deer per person per season, any age or sex.

(d) Methods of hunting:
(1) Weapons—Bow and arrow only. Arrowheads must be of all steel barbless

design, blade or blades must be not less than one inch wide for single, two edge blades and not less than three inch circumference for three or more blades, minimum weight of all types 110 grains. Bows must have a pull of not less than 40 pounds at full draw; long bows only may be used.

(e) Other provisions:

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

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 18, 1961.

W. A. ELKINS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 21, 1961.

[F.R. Doc. 61-11256; Filed, Nov. 28, 1961; 8:47 a.m.]

PART 32—HUNTING

Upper Mississippi River Wildlife and Fish Refuge, Minnesota

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MINNESOTA

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

Public hunting of big game on the Upper Mississippi River Wildlife and Fish Refuge, Minnesota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 33,100 acres or 100 percent of the total refuge area in Minnesota is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer only during the season specified below. The hunting of big game species, as may be otherwise authorized by Minnesota State regulations, is prohibited.

(b) Open season: From sunrise to sunset December 2 through December 17, 1961.

(c) Bag limit: One deer per person per season, any age or sex.

(d) Methods of hunting:
(1) Weapons—Bow and arrow only. Arrowheads must be of all steel barbless design, blade or blades must be not less than one inch wide for single, two edge blades and not less than three inch circumference for three or more blades, minimum weight of all types 110 grains. Bows must have a pull of not less than 40 pounds at full draw; long bows only may be used.

RULES AND REGULATIONS

(e) Other provisions:

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

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 18, 1961.

W. A. ELKINS,
*Acting Regional Director, Bureau
of Sport Fisheries and Wildlife.*

NOVEMBER 21, 1961.

[F.R. Doc. 61-11257; Filed, Nov. 28, 1961;
8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and
Conservation Service

[7 CFR Part 927]

[Docket No. AO-71-A 42]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at New York City, on November 16, 1961, pursuant to notice thereof issued on November 7, 1961 (26 F.R. 10597).

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

1. Revision of the utilization percentage factor contained in Class I-A pricing formula.

2. Need for emergency action on Issue No. 1.

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

(1) It is concluded that § 927.40(a) (3) of the order should be amended to prevent the distortion in Class I-A prices for December, 1961, and subsequent months which otherwise would occur as a result of the strike of dairy plant employees and drivers which took place during the last eight days of October and the first six days of November.

The utilization percentage factor in the formula is designed to adjust the New York-New Jersey Class I-A price in recognition of changes in the supply of and demand for fluid milk. The utilization percentage for each month is used as a part of the Class I-A formula for the 3-year period beginning with the second month after the month for which such percentage is computed.

The strike resulted in the utilization of approximately 51 million fewer pounds of pool milk in fluid form (Class I-A and I-B) than reasonably may be expected to have been so utilized if there had been no strike. This reduction in the use of Class I milk which occurred during the period of the recent strike is the result of an abnormal market situation which the Class I-A pricing mechanism is not designed to reflect. Use of actual utilization percentages under these circumstances in computing Class I-A prices for December 1961, and subsequent months would reflect inaccurately supply and demand conditions in the

market during periods subsequent to the strike.

The percentage of October pool milk reported by handlers to have been utilized in Class I-A and Class I-B was 51.4. Addition of 27.8 millions pounds, which it is estimated would have been used for the last eight days of October if the strike had not occurred, results in a utilization percentage for October of 54.6. This utilization percentage should be used for October (in connection with future Class I-A price computations) in lieu of the actual utilization percentage.

Actual utilization data for November are not yet available. However, the estimated loss of fluid sales (23.2 million pounds) during the six days of the strike in November results in a reduction in the November utilization percentage of 2.8. Accordingly, the November utilization percentage computed from data to be reported by handlers should be adjusted by adding 2.8 to compensate for the reduction of Class I sales during the six days that the strike continued into November.

The provisos contained in paragraph (a) and (a) (3) of § 927.40 should be deleted from the order. These provisos were incorporated for use during specific time periods which time periods have expired. Such provisos should be replaced with appropriate language to effectuate the above conclusions.

(2) The due and timely execution of the function of the Secretary under the Act with respect to Issue No. 1 imperatively and unavoidably requires the omission of a recommended decision and the opportunity to submit exceptions thereto.

Failure to make the attached amendment order effective by not later than December 1, 1961, would defeat, to a significant degree, the purpose of such amendment. The preparation, filing and publication of a recommended decision, with opportunity for exceptions thereto, would preclude the making of such amendment effective by December 1, 1961, because of the time necessarily required for completion of such procedural steps. It was requested on the record that such procedural steps be omitted and no objection was raised. Accordingly, such procedural steps are omitted in this instance.

Rulings on motions and proposed findings and conclusions. Rulings made by the Hearing Examiner to strike certain proposals and testimony as beyond the scope of the hearing notice are hereby affirmed.

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent

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

General findings. (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 prices 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 New York-New Jersey Marketing Area" and "Order Amending the Order, Regulating the Handling of Milk in the New York-New Jersey 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 April, 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 New York-New Jersey marketing area, is approved or favored by producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., on November 24, 1961.

JAMES T. RALPH,
Assistant Secretary.

Order¹ Amending the Order Regulating the Handling of Milk in the New York-New Jersey Marketing Area

§ 927.0 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 New York-New Jersey marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

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

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

1. Delete the provisos in paragraph (a) and (a) (3) of § 927.40.

2. Add a new proviso to paragraph (a) (3) of § 927.40 to read as follows: "Provided, That the utilization percentage for the month of October 1961 used in making such computations shall be 54.6 and the utilization percentage for the month of November 1961 shall be the percentage as computed pursuant to this paragraph plus 2.3."

[F.R. Doc. 61-11272; Filed, Nov. 28, 1961; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 608) has been filed by The Upjohn Company, 7000 Portage Road, Kalamazoo, Michigan, proposing the issuance of a regulation to provide for the safe use of polysorbate 80 (polyoxyethylene (20) sorbitan monooleate) as an emulsifier in corn oil emulsion used in a caloric dietary supplement.

Dated: November 21, 1961.

J. K. KIRK,
Assistant Commissioner
of Food and Drugs.

[F.R. Doc. 61-11275; Filed, Nov. 28, 1961; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 602]

[Airspace Docket No. 61-WA-154]

JET ROUTES AND JET ADVISORY AREAS

Proposed Alteration and Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to §§ 602.100 and 602.200 of the regulations of the Administrator, the substance of which is stated below.

1. Jet route No. 101 extends in part from the Shreveport, La., VORTAC to the St. Louis, Mo., VORTAC via the Flippin, Ark., VOR. The FAA has under

consideration the alteration of this segment of J-101 and its associated radar advisory area by redesignating it from the Shreveport VORTAC via the Little Rock, Ark., VORTAC to the St. Louis VORTAC.

2. Jet route No. 31 extends from the Dallas, Texas, VORTAC to the Northbrook, Ill., VORTAC. The FAA has under consideration the revocation of this route in its entirety together with its associated radar advisory area.

3. Jet route No. 27 extends in part from the Lufkin VOR to the St. Louis VORTAC via the Shreveport, La., VORTAC and the Little Rock VORTAC. The FAA has under consideration the revocation of this segment of J-27 as it would coincide with and duplicate the alignment of J-101 as proposed.

The proposed alterations to these jet routes would facilitate flight planning and air traffic management by simplifying the jet route structure between the Houston, Texas, and Dallas terminals and the Chicago, Ill., Metropolitan area. Additionally, it would permit the elimination of the Flippin VOR from the jet route structure.

Radar advisory service would be provided for J-101 in its entirety.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. 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 Chief, Airspace Utilization Division. 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.

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 November 21, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-11238; Filed, Nov. 28, 1961; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF MELON SEED (SALTED) DIRECTLY FROM TAIWAN (FORMOSA)

Available Certifications by the Gov- ernment of the Republic of China

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Republic of China under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan (Formosa) of the following additional commodity:

Melon seed (salted).

[SEAL] MARGARET W. SCHWARTZ,
Acting Director,
Foreign Assets Control.

[F.R. Doc. 61-11326; Filed, Nov. 28, 1961;
8:54 a.m.]

Office of the Secretary

[T.D. 55515; Treasury Dept. Order 165, Rev.,
Amdt. 5]

DUMPING

Amendment of Delegation Order Relating to Findings

NOVEMBER 15, 1961.

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 (3 CFR, 1950 Supp. Ch. III), and pursuant to the authorization given to me by Treasury Department Order No. 190 (26 F.R. 7019), it is hereby ordered that subparagraph (c) of the Treasury Department Order No. 165, Revised, issued on November 2, 1954 (T.D. 53654, 19 F.R. 7241), is amended to read as follows:

(c) Determinations under section 201 (a), Antidumping Act, 1921, as amended, that a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value shall be made, advice to the United States Tariff Commission to the United States Tariff Commission of each such determination shall be given, and public notice of his determination and the determination of the said Commission (the "finding" contemplated by section 201 (a), supra) shall be given, by the Secretary of the Treasury.

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant
Secretary of the Treasury.

[F.R. Doc. 61-11281; Filed, Nov. 28, 1961;
8:51 a.m.]

No. 229—4

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 78]

ARIZONA

Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), I hereby classify the following described public lands, totaling 40 acres in Graham County, Arizona, as suitable for disposal under the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a) as amended:

GILA AND SALT RIVER MERIDIAN

T. 8 S., R. 26 E.
Sec. 29: SE $\frac{1}{4}$ SW $\frac{1}{4}$

Containing 40.00 acres.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to disposal under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to bid under public auction procedure.

4. There are no preference right applications as provided for by 43 CFR 257.5.

Dated: November 17, 1961.

FRED J. WEILER,
State Director,
P.O. Box 148,
Phoenix, Arizona.

[F.R. Doc. 61-11258; Filed, Nov. 28, 1961;
8:47 a.m.]

CALIFORNIA

Relocation and Temporary Closing of Sacramento Land Office; Relocation of California State Office and Sac- ramento District Office

NOVEMBER 22, 1961.

Notice is hereby given that the Sacramento Land Office, Bureau of Land Management, 1000 California Fruit Building, 4th and J Streets, Sacramento, California, will be closed to the public from 10:00 a.m., December 1, 1961 until 10:00 a.m., December 5, 1961, to permit the relocation of the Sacramento Land Office to a new location and mailing address at Federal Building and U.S. Court House, Room 4017, 650 Capitol Avenue, Sacramento, California. Personnel of the Land Office will be available to receive over the counter applications and for consultation purposes on those dates between the hours of 10:00 a.m. and

3:00 p.m., at Room 4201, Federal Building and U.S. Court House, 650 Capitol Avenue, Sacramento, California.

In accordance with 43 CFR 101.20, all documents presented for filing during the closed period cited above shall be deemed as simultaneously filed as of 10:00 a.m., on December 5, 1961.

Effective December 5, 1961, the Office of the State Director, Bureau of Land Management will be relocated to Room 4032, Federal Building and U.S. Court House, 650 Capitol Avenue, and the office of the Sacramento District, Bureau of Land Management will be relocated to Room 4205, Federal Building and U.S. Court House, 650 Capitol Avenue, Sacramento, California.

NOLAN F. KEIL,
Acting State Director.

[F.R. Doc. 61-11259; Filed, Nov. 28, 1961;
8:47 a.m.]

[Classification No. 206]

NEVADA

Small Tract Classification

1. Pursuant to authority delegated by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), and the State Director August 30, 1961 (26 F.R. 8468), I hereby classify the following described public lands, totaling 30 acres in Churchill County, Nevada, as suitable for sale for business sites and residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended:

MOUNT DIABLO MERIDIAN

T. 17 N., R. 35 E.,
Sec. 34, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Containing 30 acres of which 20 acres are covered by 4 applications from persons entitled to preference under 43 CFR 257.5(a).

2. Classification of the above described lands by this order segregates them from all appropriation, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. All valid applications filed prior to November 20, 1961 will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5.

CHARLES E. HANCOCK,
Acting Chief, Division of
Lands and Mineral Management.

NOVEMBER 20, 1961.

[F.R. Doc. 61-11287; Filed, Nov. 28, 1961;
8:52 a.m.]

11255

DEPARTMENT OF COMMERCE

Maritime Administration AMERICAN EXPORT LINES, INC.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that American Export Lines, Inc., acting pursuant to Public Law 87-45, has applied to the Maritime Administration for approval of the following listed cruises:

Ship	Sailing Date	Itinerary
Independence...	July 3, 1962	New York, Bermuda, New York.
Constitution...	Aug. 30, 1962	Do.

Any person, firm, or corporation having any interest, within the meaning of Public Law 87-45, in the foregoing who desires to offer data, views, or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington 25, D.C., by close of business on December 15, 1961. In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: November 24, 1961.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.
Secretary.

[F.R. Doc. 61-11282; Filed, Nov. 28, 1961;
8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary DELEGATION OF AUTHORITY AND ASSIGNMENT OF FUNCTIONS

Miscellaneous Amendments

Pursuant to the authority contained in R.S. 161 (5 U.S.C. 22) and Reorganization Plan No. 2 of 1953, the Secretary's Order dated December 24, 1953 (19 F.R. 74), as amended, is further amended as follows:

Section 800 is amended as follows:

Subsection e is amended to read as follows:

e. The functions under section 8e of the Agricultural Adjustment Act (of 1933), as amended and reenacted by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e-1).

f. With respect to marketing agreement and order programs for fruits, vegetables and tree nuts, the functions are assigned to the Fruit and Vegetable Division, under the general supervision in the formulation and administration of such programs of the Assistant Secretary, Agricultural Stabilization.

Subsection l is deleted.

Section 801 is amended by deleting subsection a(5).

Section 1100 is amended as follows:
Subsection p is amended to read as follows:

p. Milk and tobacco marketing agreement and order programs, and marketing agreement and order programs (except functions with respect to a program which may be reassigned by the Assistant Secretary, Agricultural Stabilization), for commodities other than fruits, vegetables, tree nuts and anti-hog cholera serum and hog cholera virus.

The following subsection q is added:

q. Functions relating to agreements under section 708 (7 U.S.C. 1787), of the National Wool Act of 1954, as amended (7 U.S.C. 1781-1787).

Section 1101 is amended as follows:
Subsection a(6) through a(9) are renumbered a(5) through a(8) respectively, and the following new subsection a(9) is added:

(9) Under section 708 (7 U.S.C. 1787) of the National Wool Act of 1954, as amended (7 U.S.C. 1781-1787), entering into agreements with or approving agreements entered into between, marketing cooperatives, trade associations, or other engaged or whose members are engaged in the handling of wool, mohair, sheep, or goats or the products thereof.

The following subsection b is added:

b. Reservations to the Judicial Officer: (1) Adjudication functions in proceedings under section 8c(15)(A) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608c(15)(A)).

Done at Washington, D.C., this November 22, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-11273; Filed, Nov. 28, 1961;
8:49 a.m.]

SPECIAL STUDY OF THE TECHNICAL COMMITTEE ON GRAIN EXPORTS

Notice of Opportunity To Submit Written Views and Information by Interested Persons

The Secretary of Agriculture on October 26, 1961, appointed a Technical Committee on Grain Exports composed of governmental personnel to act as a fact-finding body to develop information and prepare a report for submission to the Board of Directors, Commodity Credit Corporation, not later than May 1, 1962.

The purpose was set forth in Secretary's Memorandum No. 1471, as follows:

The commodity export programs of the Commodity Credit Corporation are one of the major instruments for carrying out Department responsibilities for managing and utilizing the nation's grain stocks. The Corporation's grain export policies and sales activities serve, and are of great concern to, producers, the grain trade, the public and the Congress. Of special expressed interest are the Corporation's policies covering the use of PIK (payment-in-kind) certificates for payment of export subsidies, the interchangeability of PIK certificates, the use of PIK certificates to pay for commodities for donation programs, the extent that export grain should be drawn from private and Govern-

ment stocks, and related matters. It appears wise to have a general review of those special matters relating to grain exports.

The Technical Committee has been instructed to collect and examine data and information related to CCC grain export policies and operations; analyze the economic and trade significance of collected information; explore and appraise alternative CCC policies; and summarize findings and prepare recommendations for CCC policy or procedural changes.

To carry out these functions the Technical Committee has been instructed, further, to seek information and views from producers, the grain trade, and others, as appropriate.

In order that the Technical Committee may have the benefit of the knowledge and views of persons engaged in the grain industry, in all its aspects, notice is hereby given that any interested person may submit written statements regarding the subject matter of the Secretary's memorandum.

Ten copies of each statement should be submitted, addressed to Nathan M. Koffsky, Chairman, Technical Committee on Grain Exports, Room 3049, South Building, United States Department of Agriculture, Washington 25, D.C. Submission should be as soon as possible, but postmarked no later than December 31, 1961, in order to receive consideration.

Done at Washington, D.C., this 24th day of November 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-11299; Filed, Nov. 28, 1961;
8:53 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[No. MSVAR.-7]

TODD SHIPYARDS CORP.

Order Granting Variation

Name and address of applicant. Pursuant to section 41(d) of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, as amended, 33 U.S.C. 941(d)) and the provisions of 29 CFR 8.5 and 11.6, a variation from particular provisions of 29 CFR Part 8 is hereby granted to Todd Shipyards Corporation (Seattle Division), 1801 16th Avenue, SW., Seattle 4, Washington.

Provisions of 29 CFR Part 8 varied. The provisions of 29 CFR 8.33(a) requiring all accessible surfaces, seams and points to be welded, cut or heated, first be stripped of all toxic or flammable hardened preservative coatings except platings such as galvanizing, for a distance of four (4) inches from the area of heat application, are varied by this Order insofar as they apply to oxy-acetylene cutting.

Conditions of variation. 1. Airline respirators are worn by all employees engaged in oxy-acetylene cutting operations on surfaces coated with toxic hardened preservative coatings (e.g. paint and other hardened protective coatings) in lieu of stripping the coating for a dis-

tance of four (4) inches from the area of heat application, as required in § 8.33 (a). In addition, the flammability of these hardened coatings shall be tested prior to starting the cutting operations.

2. The requirements of paragraphs (b), (c), (d), (e), and (f) and the remaining applications of paragraph (a) of § 8.33 are met.

3. Adequate medical supervision of all employees exposed to metallic fumes is exercised to ensure prevention of metallic fume poisoning.

Period of variation. The variation shall be effective until terminated. See 29 CFR 11.11.

Signed at Washington, D.C., this 21st day of November 1961.

ARTHUR W. MOTLEY,
Director,
Bureau of Labor Standards.

[F.R. Doc. 61-11260; Filed, Nov. 28, 1961; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-186]

CURATORS OF UNIVERSITY OF MISSOURI

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Construction Permit No. CRR-68 authorizing The Curators of The University of Missouri to construct a heterogeneous light water-cooled and moderated pressurized tank research reactor designed to operate at a thermal power of 10,000 kilowatts on its site in Columbia, Missouri. Notice of the proposed action was published in the FEDERAL REGISTER on November 4, 1961, 26 F.R. 10453.

Dated at Germantown, Md., this 21st day of November 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Assistant Director for
Facilities Licensing, Division
of Licensing and Regulation.

[F.R. Doc. 61-11233; Filed, Nov. 28, 1961; 8:45 a.m.]

[Docket No. 50-123]

CURATORS OF UNIVERSITY OF MISSOURI SCHOOL OF MINES AND METALLURGY

Notice of Issuance of Utilization Facility License

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on November 3, 1961, 26 F.R. 10368, the Atomic Energy Commission has issued Facility License No. R-79 authorizing the licensee to operate, at power levels up to 10 kilowatts (thermal), the pool-

type nuclear reactor located on its campus in Rolla, Missouri. The license is substantially as published in the FEDERAL REGISTER on November 3, 1961 except that the procedures related to use of, and control of access to, the reactor building and certain changes to be made in the reactor building described in the licensee's application amendment dated October 24, 1961 have been incorporated into the license.

Dated at Germantown, Md., this 21st day of November 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and
Power Reactor Safety Branch,
Division of Licensing and
Regulation.

[F.R. Doc. 61-11234; Filed, Nov. 28, 1961; 8:45 a.m.]

[Docket No. 50-163]

GENERAL DYNAMICS CORP.

Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 3, set forth below, to License No. R-67. The amendment provides an additional authorization to General Dynamics Corporation to conduct a test program consisting of the use of up to an entire core of modified TRIGA fuel elements in its TRIGA Mark F reactor located at Torrey Pines Mesa, California, as requested in the Corporation's application for license amendment dated October 13, 1961 as modified by letter dated November 6, 1961. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor with the modified fuel elements does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. For further details see (1) the application for license amendment dated

October 13, 1961 as modified by its letter dated November 6, 1961, submitted by General Dynamics Corporation, and (2) a hazards analysis of the proposed operations prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 22nd day of November 1961.

For the Atomic Energy Commission.

M. B. BILES,
Chief, Test and Power Reactor
Safety Branch, Division of Li-
censing and Regulation.

[License No. R-67; Amdt. 3]

License No. R-67, as amended, issued to General Dynamics Corporation, is hereby amended in the following respects: In addition to the activities previously authorized by the Commission in License No. R-67, as amended, General Dynamics Corporation is authorized to conduct a fuel element test program which consists of the operation of its TRIGA Mark F reactor located at Torrey Pines Mesa, California with up to an entire core of modified TRIGA fuel elements in progressively increasing increments up to the present operating levels of the license as described in its application for license amendment dated October 13, 1961, as modified in its letter of November 6, 1961. Operation of the reactor shall be performed in accordance with the procedures and subject to the limitations contained in License No. R-67, as amended, and in the applications for license amendment dated October 13, 1961 as modified by letter of November 6, 1961.

This amendment is effective as of the date of issuance.

Date of issuance: November 22, 1961.

For the Atomic Energy Commission.

M. B. BILES,
Chief, Test and Power Reactor Safety
Branch, Division of Licensing and
Regulation.

[F.R. Doc. 61-11235; Filed, Nov. 28, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13212 etc.; Order E-17756]

AMERICAN AIRLINES, INC., ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of November, 1961.

In the matter of economy fares proposed by American Airlines, Inc., Continental Air Lines, Inc., and Trans World Airlines, Inc.; Docket Nos. 13212, 13163, 13177, 13182, 13184, 13187, 13188, 13191, and 13195; Order No. E-17756.

On October 31, 1961, Continental Air Lines, Inc. filed tariffs to become effective December 1, 1961, proposing economy fares between 15 pairs of points which will apply in the "Economy Compartment" of B-707 flights designated as "First Class, Coach and Economy Flights." The economy fares are ap-

proximately 75 percent of Continental's present jet coach fares including the applicable surcharges for jet aircraft and are not subject to separate jet surcharges. Continental proposes to offer its economy service to five large cities (Chicago, Denver, Houston, Kansas City, and Los Angeles) and three smaller cities (El Paso, Phoenix, and San Antonio) in Boeing 707 aircraft using a mixed first-class/coach/economy configuration. The first-class compartment would consist of 22 seats in rows with two seats on each side of the aisle plus a six-seat lounge. The coach and economy compartments would contain 42 and 75 seats, respectively, in rows with three seats on each side of the aisle. Seat pitch would be 40-inch for first class as compared with 36-inch for coach and 32-inch for economy.

American Airlines, Inc., Braniff Airways, Inc., Eastern Air Lines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc. have filed complaints requesting suspension and investigation of Continental's economy fares contending that they are unjust and unreasonable, unjustly discriminatory, unduly preferential, and unduly prejudicial.¹ The complaints allege, *inter alia*, that within a short time the three-service configuration would be in operation throughout this country; that it would result in less revenue for the air carriers at a time when the carriers need revenue increases; that it would be impractical and inordinately costly; and that soon there would be only two classes of service—the first class and the economy. It is urged that Continental's proposal is simply a form of price cutting and that the special seat used by Continental is part of an alleged new service which would provide added capacity to an industry already suffering from too much capacity. Complainants state that the proposed lower fares rely upon the creation of 16 percent more new business, but that the air transport market is highly inelastic in the range of Continental's proposed fares. In support of this contention it is alleged that business travel accounts for about two-thirds of the total domestic passenger travel, and that experiments with transcontinental excursion fares providing a 30 percent reduction from regular coach fares, and reduced fares in several markets have not spurred the growth of traffic. The complaints state that a 25 percent reduction in fares must increase traffic by 33.3 percent to produce the same revenues; that Continental's estimates do not make sufficient allowance for diversion from other classes of service, and that Continental has not presented sufficient evidence nor backup data for its estimates. The Continental proposal is viewed as presenting a risk to the financial stability of the industry, the complainants asserting that the de-based coach yields will cause the industry loss of hundreds of millions of dollars per year. Finally, it is urged that even if Continental's competitors limit their meeting of Continental's economy fares

to only the local competitive markets, such an operation would dilute through fares in other areas and cause a reduction in passenger revenues on additional segments of other carriers and reduce aircraft utilization and service flexibility.

Tariffs proposing to establish local economy fares to meet similar fares of Continental have been filed by American and Trans World for effectiveness December 1 and 2, respectively. These carriers would use a dual configuration first-class economy jet aircraft utilizing their coach seats with a 34-inch pitch.

Continental has filed a complaint requesting investigation and suspension of the reduced fare tariffs filed by American and Trans World, and has filed an answer to the complaints against its proposal. Continental's answer to the other carriers' complaints states that throughout the "Report of the Task Force on National Aviation Goals" (Project Horizon), September 1961, it is urged that the airline industry embark on new programs designed to increase total air travel market, and that its proposed economy service is an attempt to put into effect this recommendation. The carrier adds that it has the lowest break-even load factor, the highest utilization, and the most favorable operating ratio of any trunkline carrier; that its proposal, which is based in part on such favorable operating factors, should be given a fair trial; that the government should encourage these efforts toward lower fares; and that no real support has been given by its competitors for their negative position to its proposed low fares. Continental asserts that there is no basis for the competitors' allegations that the new aircraft configuration does not increase the revenues but increases the cost of the proposed service; that rate increases occurring since 1958 have had an unfavorable effect on the air transport demand in the markets in which it operates and that for this reason it decided, after analyses of these markets, to stimulate traffic by providing a new economy service; and that there are many instances which demonstrate conclusively that fare reductions of 25-30 percent, properly promoted, generate new traffic as well as increase existing traffic. The carrier alleges that a week after its new service was announced 5,038 economy reservations had been received and that after only three weeks about 16,300 economy service reservations had been made; that this favorable public reaction demonstrates the price consciousness of the traveling public; that the statement of its competitors that its proposed fares would bring disaster to the airline industry is exaggerated because Continental carries only 3 percent of the total domestic air travel traffic; that some of the largest carriers opposing the proposed economy service have felt the same way when the regular coach service was put into effect and still continue to have misgivings about low cost services today; and that the public interest requires vigorous experimentation with low fares to restore the growth of air traffic.

Upon consideration of the matters of record, the Board finds that the proposed economy fares of Continental may be unjust or unreasonable, or unjustly

discriminatory, or unduly preferential, or unduly prejudicial, and that the tariffs should be investigated. In the light of the industry's low load factors and unused seats, it is unlikely this service would be operated at lower cost per passenger mile, notwithstanding the greater seating density and lower seat mile costs. Since we believe there is a substantial question as to the economic validity of the proposed fares when viewed from the standpoint of the industry, as a whole, we have further concluded to suspend the operation of the tariffs and defer their use pending investigation. For the same reasons, the competitive economy fares filed by American and Trans World, proposed for a less dense configuration than that proposed by Continental, will also be investigated and their use deferred pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions described in Appendix A set forth below, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful rates and provisions.

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A, set forth below, are suspended and their use deferred to and including February 28, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission by the Board.

3. The complaints are dismissed except to the extent granted herein.

4. The complaints in Dockets 13163, 13177, 13182, 13184, 13187, 13188, 13191, and 13195, to the extent granted, are consolidated herein.

5. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

6. Copies of this order shall be filed with the tariffs and shall be served upon Continental Air Lines, Inc., American Airlines, Inc., Braniff Airways, Inc., Eastern Air Lines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and Delta Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.²

[SEAL] HAROLD R. SANDERSON,
Secretary.

APPENDIX A

Agent C. C. Squire's Local and Joint Passenger Rules Tariff No. PR-4, C.A.B. No. 43:

Rule 25(G) (3) on 15th Revised Page 18-D.
Rule 25(J) (4) on 9th Revised Page 18-F.
Rule 25(M) on 7th Revised Page 18-H and 7th Revised Page 18-I.

² Statement of partial dissension by Mr. Boyd, Chairman, and Mr. Minetti, filed as part of the original document.

¹ Delta Air Lines, Inc., by letter of November 15, 1961 has endorsed United's complaint.

Rule 75(C) (1) (b) (iii) on 9th, 10th, and 11th Revised Pages 53.

Exception 13 to Rule 77(A) (2) on 33d, 34th, and 35th Revised Pages 55.

On 69th and 70th Revised Pages 65, the portion of the provision shown in connection with "AA" in Table II—Coach Equipment Table, under captions Equipment; No. of Seats; and Will Depart From Origin Terminal Between the Hours of: reading "B707, B-720", "See Rule 25(J) (4)", and "as listed in AA's official general schedules. Combination First Class and Economy Aircraft. See Rule 25(J) (4)."

On 68th, 69th, and 70th Revised Pages 65, the portion of the provision shown in connection with "CO" in Table II—Coach Equipment Table, under captions Equipment; No. of Seats; and Will Depart From Origin Terminal Between the Hours of: reading "B-707", "See Rule 25(M)", and "As listed in CO's official general schedules. Combination First Class, Coach, and Economy Aircraft. See Rule 25(M)."

On 20th and 21st Revised Pages 68, the portion of the provision shown in connection with "TW" in Table II—Coach Equipment Table, under captions Equipment; No. of Seats; and Will Depart From Origin Terminal Between the Hours of: reading "B-707, B-720, CV-880", "See Rule 25(G)", and "As listed in TW's official general schedules. Combination First Class and Coach or First Class and Economy Aircraft. See Rule 25(G)."

Agent C. C. Squire's Local and Joint Passenger Fares Tariff No. PF-5, C.A.B. No. 44: Exception 2 on 40th and 41st Revised Pages 29.

All fares and provisions on 2d and 3d Revised Pages 40-C.

Exception to paragraph 1 on 28th Revised Page 97.

All fares and provisions on 19th Revised Page 101.

Exception 2 on 36th and 37th Revised Pages 259.

All fares and provisions on Original Page 270-I.

[F.R. Doc. 61-11284; Filed, Nov. 28, 1961; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. 17296 etc.]

NEW YORK STATE NATURAL GAS CORP.

Order Consolidating Proceedings, Permitting Interventions, Designating Procedure and Fixing Date of Hearing

NOVEMBER 21, 1961.

New York State Natural Gas Corporation, Docket Nos. G-17296, G-19087, G-20109.

The proceedings in the above-captioned dockets involve increased rates and charges filed by New York State Natural Gas Company (New York Natural). In each of these proceedings the Commission has heretofore issued suspension orders and provided for public hearing on the issue of the lawfulness of the rates and charges as proposed to be increased by the filings in each of the dockets. No hearing has been held in the above-identified dockets.

Petitions seeking leave to intervene in the various dockets consolidated by this order in section 4(e) proceedings under the Natural Gas Act in Docket No. G-17296, et al., have been filed by the

petitioners on the dates and in the dockets indicated below:¹

Docket No. G-17296

Petitioner and Date Filed

City of Pittsburgh, Pa.: July 8, 1960.
 Pennsylvania Gas Co.: August 28, 1961.
 Producers Gas Co.: September 1, 1961.
 Empire Gas and Fuel Co., Ltd.: September 11, 1961.
 Empire Gas and Fuel Co.: September 11, 1961.

Docket No. G-19087

Rochester Gas & Electric Corp.: December 7, 1959.
 St. Lawrence Gas Co., Inc.: June 14, 1961.
 Producers Gas Co.: September 1, 1961.
 Empire Gas and Fuel Co.: September 11, 1961.
 Empire Gas and Fuel Co., Ltd.: September 11, 1961.
 City of Pittsburgh, Pa.: February 2, 1960.
 Niagara Mohawk Power Corp.: December 18, 1959.
 Pennsylvania Gas Co.: August 28, 1961.

Docket No. G-20109

City of Pittsburgh, Pa.: February 3, 1960.
 City of Cleveland, Ohio: March 21, 1960.

Notices of intervention have been received from: The Public Service Commission of the State of New York, in Docket No. G-17296 on February 2, 1959; The Pennsylvania Public Utility Commission in Docket No. G-19087 on August 6, 1959; The Public Service Commission of the State of New York in Docket No. G-19087 on September 25, 1959; The Pennsylvania Public Utility Commission in Docket No. G-20109 on March 18, 1960.

By letter addressed to Commission Staff Counsel, dated October 19, 1961, New York Natural indicates that it will be able to serve its prepared testimony and exhibits for its case-in-chief, on or before January 31, 1962.

The Commission finds:

(1) Good cause exists for consolidating all of the above captioned proceedings for the purposes of hearing and decision.

(2) Intervention by the above identified petitioners may be in the public interest.

(3) It is necessary and proper that a public hearing be held concerning the matters and issues involved in this consolidated proceeding.

(4) In order to expedite the hearing herein, New York Natural should serve its prepared testimony and exhibits for its case-in-chief on or before January 31, 1962.

The Commission orders:

(A) Docket Nos. G-17296, G-19087, and G-20109 are hereby consolidated for public hearing and decision on the matters and issues involved therein.

(B) Petitioners are hereby permitted to become interveners in the above-entitled proceeding subject to the rules and regulations of the Commission; *Provided, however,* That the participation

¹ Orders issued in Docket No. G-17296 on April 30, 1959, August 17, 1959 and November 4, 1959, permitted intervention by certain parties as described therein. By order issued December 16, 1959, in Docket No. G-19087 interventions were permitted as set forth in said order.

of such interveners shall be limited to the matters affecting asserted rights and interests specifically set forth in their petitions for leave to intervene: *And, provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that such interveners might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held commencing February 19, 1962, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved and the issues presented in this proceeding.

(D) The applicant, New York Natural, shall serve its prepared testimony and exhibits for its case-in-chief upon all parties, on or before January 31, 1962.

(E) Petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 11, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11251; Filed, Nov. 28, 1961; 8:46 a.m.]

[Docket No. G-19917]

TEXACO INC.

Order Severing and Terminating Proceeding, in Part

NOVEMBER 20, 1961.

On December 15, 1959, Texaco Inc. (Texaco), tendered for filing a proposed increase in rate from 15.0 cents to 21.05 cents per Mcf at 15.025 psia, for the jurisdictional sale of natural gas to Gas Gathering Corporation, from Happytown Field, St. Martin Parish, La. By order of January 13, 1960, the proposed increased rate, designated Supplement No. 4 to Texaco's FPC Gas Rate Schedule No. 122, was suspended. That supplement superseded an earlier filing which, together with proposed changes in three other Texaco rate schedules, had been suspended on October 23, 1959, in the above docket number.

Texaco filed a motion, on October 16, 1961, to terminate this proceeding insofar as it applies to the above-designated supplement. In support of its motion, Texaco states that it has made application for abandonment of the sale of gas under its Rate Schedule No. 122 on the ground that the wells from which the deliveries were made are depleted and have been abandoned.

The above-designated proceeding was consolidated with the proceedings in Docket No. AR61-2, et al., by order of May 10, 1961.

The Commission finds:

(1) The proceeding in Docket No. G-19917, insofar as it applies to the above-designated supplement, should be severed from the proceedings in Docket No. AR61-2, et al.

(2) Good cause exists for terminating the proceeding in Docket No. G-19917 as moot, insofar as it applies to the above-designated supplement.

The Commission orders:

(A) The proceeding in Docket No. G-19917, insofar as it applies to the above-designated supplement, should be severed from the proceedings in Docket No. AR61-2, et al.

(B) The proceeding in Docket No. G-19917 is hereby terminated as moot, insofar as it applies to the above-designated supplement, and, in all other respects, the proceeding is continued in full force and effect.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11252; Filed, Nov. 28, 1961;
8:46 a.m.]

FEDERAL RESERVE SYSTEM MARINE CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of The Marine Corporation, Milwaukee, Wisconsin, for prior approval of the acquisition of bank shares under section 3(a)(2) of the Bank Holding Company Act of 1956.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and § 222.4(a)(2) of the Board's Regulation Y (12 CFR 222.4(a)(2)), an application by The Marine Corporation, Milwaukee, Wisconsin, a registered bank holding company, for the Board's prior approval of Applicant's acquisition of 80 percent or more of the voting shares of The National Manufacturers Bank of Neenah, Wisconsin; a notice of receipt of the application was published in the FEDERAL REGISTER on June 10, 1961 (26 F.R. 5245), which notice provided for the filing of comments and views regarding the proposed acquisition; the United States Department of Justice has filed with the Board a Statement of the United States in Opposition to the application, to which Applicant filed a Reply; and no other comments or views having been filed:

It is hereby ordered, For the reasons set forth in the Board's Statement¹ of this date, that said application be and hereby is granted, and the acquisition by The Marine Corporation of 80 percent or more of the voting shares of The National Manufacturers Bank of Neenah is hereby approved, provided that the acquisition shall be consummated not less

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Chicago.

than seven calendar days, nor more than three months, after the date of this order.

Dated at Washington, D.C., this 22d day of November 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-11253; Filed, Nov. 28, 1961;
8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-472]

BOND INVESTMENT TRUST OF AMERICA

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Com- pany

NOVEMBER 20, 1961.

Notice is hereby given that The Bond Investment Trust of America ("Applicant"), Boston, Massachusetts, a common-law trust organized under Massachusetts law and an open-end, diversified investment company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company.

Applicant makes the following representations in its application:

On April 1, 1959, Applicant mailed to its shareholders proxy material relating to the proposed transfer of substantially all of its assets in exchange for shares of The Colonial Fund, Inc. ("Colonial") on the basis of the respective net asset values of the shares of Applicant and Colonial, and the assumption by Colonial of substantially all of Applicant's liabilities.

Approval by a majority of Applicant's shareholders of the proposed exchange of assets and liquidation of Applicant was obtained in April 1959.

On May 1, 1959, Applicant transferred substantially all of its assets to Colonial in exchange for 349,996 shares of Colonial and the assumption of substantially all of Applicant's liabilities, Applicant retaining \$4,953.01 for the purpose of settling fractional shares of Colonial in connection with the distribution of Colonial shares to Applicant's shareholders, and \$35,826.59 for the purpose of paying a final dividend of substantially all of Applicant's undistributed net income.

Applicant also on May 1, 1959, transferred to Second Bank-State Street Trust Company ("Second Bank") the 349,996 shares of Colonial and the retained cash. Second Bank, pursuant to its instructions, on May 1, 1959, paid the final dividend to Applicant's shareholders and mailed notices to Applicant's shareholders to surrender their shares of Applicant for shares of Colonial and cash adjustments for fractional shares, if applicable.

As of November 7, 1961, only nine of Applicant's shareholders, entitled to 1,271 shares of Colonial having a market

value at November 7, 1961 of approximately \$15,600 have not yet surrendered their shares to Second Bank.

Applicant further states that it was completely liquidated upon transfer of cash and shares of Colonial to Second Bank, the remaining rights of its shareholders being to receive shares of Colonial and cash adjustments for fractional shares, and the receipt of any Colonial distribution made subsequent to May 1, 1959 and before the date of surrender of their shares of Applicant, which would be held by Second Bank until such surrender was made, and has ceased to be an investment company.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given, that any interested person may, not later than December 5, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application may be issued by the Commission upon the basis of the showing contained in said application, unless an order for a hearing upon said application shall be issued upon request or the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-11261; Filed, Nov. 28, 1961;
8:48 a.m.]

[File No. 24S-1701]

GUARANTEE MORTGAGE, INC.

Order Temporarily Suspending Ex- emption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

NOVEMBER 22, 1961.

I. Guarantee Mortgage, Inc. (issuer), an Oregon corporation, filed with the Commission on August 14, 1959, a notification on Form 1-A and an offering circular relating to a proposed public offering of securities for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. The offering consisted of 100 \$1,000 subordinated debentures, 10,000 warrants to purchase the issuer's Class A common stock, and the 10,000 shares underlying

such warrants for an aggregate offering of \$200,000.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the issuer failed to furnish purchasers of some of the securities covered by the notification with an offering circular as required by Rule 256.

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose in Item 10 of the notification all proposed public offerings to be made by the issuer.

2. The failure to disclose accurately and adequately the circumstances under which dividends would be paid on the Class A stock.

3. The failure to disclose the price and circumstances under which the Class A stock was to be offered to the public.

4. The failure to disclose accurately and adequately the compensation to be realized by the underwriter in offering the securities covered by the notification.

C. The offering has been and is being made in violation of section 17 of the Securities Act of 1933.

III. It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-11262; Filed, Nov. 28, 1961; 8:48 a.m.]

GENERAL SERVICES ADMINISTRATION

FERROMANGANESE FINES 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 1,106 short tons of ferromanganese fines. The fines are the result of the deterioration of lump ferromanganese placed 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 the ferromanganese fines are obsolescent for use in time of war. The revised determination was based upon the finding of the Office of Emergency Planning that said 1,106 short tons of ferromanganese fines are deteriorated material and are not usable for the purposes for which ferromanganese was stockpiled.

General Services Administration proposes to transfer said ferromanganese fines to other Government agencies, to offer the material for sale on a competitive basis or otherwise to dispose of it in the best interest of the Government, beginning six months after the date of publication of this notice in the FEDERAL REGISTER.

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: November 22, 1961.

BERNARD L. BOUTIN,
Acting Administrator.

[F.R. Doc. 61-11236; Filed, Nov. 28, 1961; 8:52 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-X-31]

MANAGER, DISASTER FIELD OFFICE, CORPUS CHRISTI, TEX.

Rescission of Delegation of Authority

Notice is hereby given that this delegation (26 F.R. 207) is rescinded in its entirety.

Disaster Field Office closed effective November 20, 1961.

Effective date: November 20, 1961.

JAMES R. WOODALL,
Acting Regional Director,
Dallas Regional Office.

[F.R. Doc. 61-11264; Filed, Nov. 28, 1961; 8:48 a.m.]

[Delegation of Authority 30-X-32]

MANAGER, DISASTER FIELD OFFICE, PORT ISABEL, TEX.

Rescission of Delegation of Authority

Notice is hereby given that this delegation (26 F.R. 207) is rescinded in its entirety.

Disaster Field Office closed effective October 31, 1961.

Effective date: October 31, 1961.

JAMES R. WOODALL,
Deputy Regional Director,
Dallas Regional Office.

[F.R. Doc. 61-11265; Filed, Nov. 28, 1961; 8:48 a.m.]

[Delegation of Authority 30-V-16]

MANAGER, DISASTER FIELD OFFICE, NASHVILLE, TENN.

Delegation Relating to Financial Assistance; Rescission

Notice is hereby given that this delegation (24 F.R. 646) is rescinded in its entirety.

Effective date: June 10, 1961.

JAMES F. HOLLINGSWORTH,
Regional Director, Region V.

[F.R. Doc. 61-11266; Filed, Nov. 28, 1961; 8:48 a.m.]

[Delegation of Authority 30-V-31]

MANAGER, DISASTER FIELD OFFICE, MONTGOMERY, ALA.

Delegation Relating to Financial Assistance; Rescission

Notice is hereby given that this delegation (26 F.R. 3045) is rescinded in its entirety.

Effective date: October 10, 1961.

JAMES F. HOLLINGSWORTH,
Regional Director, Region V.

[F.R. Doc. 61-11267; Filed, Nov. 28, 1961; 8:48 a.m.]

[Delegation of Authority 30-V-34]

BRANCH MANAGER, JACKSONVILLE, FLA.

Delegation of Authority Relating to Financial Assistance, Procurement and Technical Assistance, Investment Program, and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Rev. 6), as amended, (25 F.R. 1706, 7418 and 26 F.R. 177, 1456) there is hereby redelegated to the Branch Manager, Jacksonville Branch Office, the authority:

A. *Financial assistance.* 1. To approve and decline direct and participation business and disaster loans.

2. To disburse approved loans.

3. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

4. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator.
By: _____
(Name)
Branch Manager.

5. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

8. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balances in connection with construction loans and loans involving accounts receivable and inventory financing.

9. To take all necessary actions in connection with the administration, servicing and collection of all current and problem loans.

B. *Investment program.* 1. To disburse section 502 loans.

2. To extend the disbursement period on section 502 loan authorizations or undisbursed portions of section 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed section 502 loans.

4. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 502 loans.

C. *Procurement and technical assistance.* 1. To: (a) Determine joint set-asides for Government procurements and sales; (b) determine the need for representation at procurement and disposal centers; and (c) develop with Government procurement and disposal agencies required local procedures for implementing established interagency policy agreements.

D. *Administration.* 1. To administer oaths of office.

2. For employees under your supervision, to approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay, not to exceed 30 days.

3. To: (a) Make emergency purchases chargeable to the administrative expense fund, not in excess of \$10 in any one object class in any one instance but not more than \$25 in any one month for total purchases in all object classes; (b) make purchases not in excess of \$10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed \$25 in any one instance.

4. In connection with the establishment of Disaster Loan offices to: (a)

Obligate SBA to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

5. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles and services rendered, before forwarding to regional office.

6. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. The specific authority delegated herein except subsection I A2, B1 and C1(a), may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

Effective date: November 20, 1961.

JAMES F. HOLLINGSWORTH,
Regional Director, Region V.

[F.R. Doc. 61-11268; Filed, Nov. 28, 1961;
8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 187]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 24, 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)).

Protest 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.

No. MC 730 (Deviation No. 18), PACIFIC INTERMOUNTAIN EXPRESS CO., 14th and Clay Streets, P.O. Box 958, Oakland 4, Calif., filed November 13, 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 the junction of Alternate U.S. Highway 30 (formerly U.S. Highway 75) and U.S. Highway 6, over U.S. Highway 6 to junction Iowa Highway 64 north of Des Moines, Iowa, thence over Iowa Highway 64 to junction U.S. Highway 30 east of State Center, Iowa,

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 a pertinent service route as follows: From Omaha, over U.S. Highway 75 to Missouri Valley, Iowa, thence over U.S. Highway 30 to junction Iowa Highway 212, thence over Iowa Highway 212 to Belle Plaine, Iowa, thence over Iowa Highway 131 to junction U.S. Highway 30, thence over U.S. Highway 30 to Clinton, Ill., thence over Alternate U.S. Highway (formerly U.S. Highway 30) via Fulton, Ill., to junction U.S. Highway 30, thence over U.S. Highway 30 to junction unnumbered highway about 4 miles east of Round Grove, Ill., thence over unnumbered highway via Emerson, Ill., to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to junction unnumbered highway (formerly Alternate U.S. Highway 30), east of Sterling, Ill., thence over unnumbered highway via Prairieville and Palmyra, Ill., to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Chicago, Ill., and return over the same route.

No. MC 29555 (Deviation No. 4), BRIGGS TRANSPORTATION CO., INC., 2360 West County Road C, St. Paul, Minn., filed November 13, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Chicago, Ill., over Interstate Highway 90 to La Crosse, Wis., and (B) from Madison, Wis., over Interstate Highway 94 to St. Paul, Minn., and return over the same routes, 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 Minneapolis, Minn., over U.S. Highway 12 to junction Wisconsin Highway 172 west of Eau Claire, Wis., thence over Wisconsin Highway 172 to Eau Claire, thence over U.S. Highway 53 to junction U.S. Highway 12 east of Eau Claire, thence over U.S. Highway 12 to Madison, thence over U.S. Highway 14 to junction Wisconsin Highway 140, thence over Wisconsin Highway 140 to the Wisconsin-Illinois State line, thence over Illinois Highway 76 to junction Illinois Highway 173, thence over Illinois Highway 173 to Harvard, Ill., thence over U.S. Highway 14 to Chicago; and from Tomah, Wis., over U.S. Highway 16 to La Crosse, and return over the same routes.

No. MC 29910 (Deviation No. 3), AR-KANSAS BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark., filed November 13, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Joplin, Mo., and Tulsa, Okla., over the Will Rogers Turnpike, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same com-

modities over a pertinent service route as follows: From Joplin, over U.S. Highway 66 to Tulsa, and return over the same route.

No. MC 59583 (Deviation No. 3), THE MASON & DIXON LINES, INCORPORATED, P.O. Box 969, Eastman Road, Kingsport, Tenn., filed November 15, 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 Knoxville, Tenn., over Interstate Highway 40 to junction U.S. Highway 70, approximately 2 miles west of Kingston, Tenn., 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 a pertinent service route as follows: From Nashville, Tenn. over U.S. Highway 70N to Crossville, Tenn., thence over U.S. Highway 70 to Knoxville, and return over the same route.

No. MC 103017 (Deviation No. 2), MERCURY MOTOR FREIGHT LINES INC., 954 Hersey Street, St. Paul 14, Minn., filed November 15, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Fairchild, Wis., over U.S. Highway 10 to Neillsville, Wis., thence over Wisconsin Highway 73 to Wisconsin Rapids, Wis., thence over Wisconsin Highway 54 to junction U.S. Highway 10, thence over U.S. Highway 10 to junction Wisconsin Highway 110, thence over Wisconsin Highway 110 to junction U.S. Highway 41, thence over U.S. Highway 41 to Milwaukee, Wis.; (B) from the junction of U.S. Highway 12 and Interstate Highways 90 and 94 over Interstate Highways 90 and 94 to junction U.S. Highway 51, thence over U.S. Highway 51 to Madison, Wis.; (C) from the junction of U.S. Highway 14 and Interstate Highway 90, over Interstate Highway 90 to Chicago, Ill.; and (D) from Madison, Wis., over U.S. Highway 30 to junction U.S. Highway 18, thence over U.S. Highway 18 to Milwaukee, and return over the same routes, 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 Fairchild over U.S. Highway 12 to Madison, thence over U.S. Highway 18 to Milwaukee, from the junction of U.S. Highway 12 and Interstate Highways 90 and 94, over U.S. Highway 12 to Madison; from the junction of U.S. Highway 14 and Interstate Highway 90 over U.S. Highway 14 to Chicago; and from Madison over U.S. Highway 18 to Milwaukee, and return over the same routes.

No. MC 109490 (Deviation No. 1), HEDING TRUCK SERVICE, Union Center, Wis., filed November 16, 1961. Attorney Edward Solie, 715 First National Bank Building, 1 South Pinckney Street, Madison 3, Wis. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Inter-

state Highways 90 and 94 and U.S. Highway 51 north of Madison, Wis., over Interstate Highways 90 and 94 to junction Wisconsin Highway 23 south of Lake Delton, Wis., thence over Wisconsin Highway 23 to junction Wisconsin Highway 33, 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 a pertinent service route as follows: From Madison over U.S. Highway 12 to junction Wisconsin Highway 33, thence over Wisconsin Highway 33 to Union Center, Wis., thence over Wisconsin Highway 80 to Elroy, Wis., and thence over Wisconsin Highway 71 to Norwalk, Wis., and return over the same route.

No. MC 109538 (Deviation No. 2), CHIPPEWA MOTOR FREIGHT INC., 2645 Harlem Street, Eau Claire, Wis., filed November 13, 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 the junction of U.S. Highway 12 and Interstate Highways 90 and 94, south of Lyndon Station, Wis. and north of Rocky Arbor, Wis., over Interstate Highways 90 and 94 to junction U.S. Highway 151, thence over U.S. Highway 151, to junction U.S. Highway 51, thence over U.S. Highway 51 to junction U.S. Highway 12 southeast of Madison, Wis., 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 a pertinent service route as follows: From Mauston, Wis., over U.S. Highway 12 to Chicago, Ill., and return over the same route.

No. MC 111231 (Deviation No. 14), JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark., filed November 14, 1961. Carrier's representative B. J. Wiseman, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From East St. Louis, Ill., over Illinois Highway 3 to Chester, Ill., thence across the Mississippi River, thence over Missouri Highway 51 to Perryville, Mo., 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 a pertinent service route as follows: From St. Louis, over U.S. Highway 61 to Jackson, Mo., thence over Missouri Highway 25 to the Missouri-Arkansas State line, and return over the same route.

No. MC 111231 (Deviation No. 15), JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark., filed November 16, 1961. Carrier's representative B. J. Wiseman, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Nettleton, Ark., over Arkansas Highway 18 to junction Arkansas Highway 181, thence over Arkansas Highway 181 to

junction Arkansas Highway 151, thence over Arkansas Highway 151 to the Arkansas-Missouri State line, thence over Dunklin County Supplementary Route "TT" to junction Missouri Highway 164, thence over Missouri Highway 164 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction U.S. Highway 60, thence over U.S. Highway 60 and Interstate Highway 57 to Cairo, Ill., thence over Illinois Highway 37 to Effingham, Ill., thence over U.S. Highway 45 to Champaign, Ill., thence over U.S. Highway 150 to junction Illinois Highway 49, thence over Illinois Highway 49 to Kankakee, Ill., 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 Campbell, Mo., over U.S. Highway 62 to Pochontas, Ark., thence over U.S. Highway 67 to Hoxie, Ark., and thence over U.S. Highway 63 to Turrell, Ark.; from St. Louis, Mo. over U.S. Highway 61 to Jackson, Mo., thence over Missouri Highway 25 to the Missouri-Arkansas State line; from the junction of U.S. Highway 62 and Missouri Highway 25 near McGuires, over U.S. Highway 62 to the Missouri-Arkansas State line; from St. Louis, Mo., over U.S. Highway 66 to junction Illinois Highway 3, thence over Illinois Highway 3 to junction Bypass U.S. Highway 66, thence over Bypass U.S. Highway 66 via Hamel, Ill., to junction U.S. Highway 66, thence over U.S. Highway 66 via Livingston, Ill., to junction unnumbered highway near Mt. Olive, Ill., thence over unnumbered highway via Mt. Olive, to junction U.S. Highway 66, thence over U.S. Highway 66 via Litchfield, Springfield, and Lincoln, Ill., to junction unnumbered highway near Atlanta, Ill.; and from St. Louis, over routes, as specified above, to junction U.S. Highway 66 and Illinois Highway 48, thence over Illinois Highway 48 via Decatur, Ill., to junction U.S. Highway 54, thence over U.S. Highway 54 to Onarga, Ill., thence over U.S. Highway 45 to junction Illinois Highway 115, thence over Illinois Highway 115 to Kankakee, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. 1501 (Deviation No. 71), THE GREYHOUND CORPORATION, 1740 Main Street, Kansas City 8, Mo., filed November 14, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From the junction of U.S. Highway 85 and Interstate Highway 25 at a point near Monson Junction, Colo., over Interstate Highway 25, to junction U.S. Highway 85 at Ludlow Junction, Colo., 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 passengers over a pertinent service route as follows: From Walsenburg, Colo., over Interstate Highway 85 to Trinidad, Colo., and return over the same route.

No. MC 8500 (Deviation No. 2), TENNESSEE COACH COMPANY, 710

Sevier Avenue, Knoxville 20, Tenn., filed November 15, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route between Knoxville and Kingston, Tenn., over Interstate Highway 40, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Knoxville over U.S. Highway 70 to Kingston, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-11278; Filed, Nov. 28, 1961;
8:50 a.m.]

[Notice 408]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 24, 1961.

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

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

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE MOTOR CARRIERS OF PROPERTY

No. MC 82 (Sub-No. 12), filed October 6, 1961. Applicant: BEST WAY OF INDIANA, INC., 10 Cherry Street, Terre Haute, Ind. Applicant's attorney: Ferdinand Born, 1017-19 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 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 the plant site of Stanley Distillery Corp., located at or near Stanley, Ky., approximately 8 miles west of Owensboro, Ky., on or near U.S. Highway 60, as an off route point in connection with applicant's authorized regular route operations.

HEARING: December 4, 1961, at the Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 105.

No. MC 730 (Sub-No. 199), filed September 11, 1961. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A*

and *B explosives*, between Herlong, Calif., on the one hand, and, on the other, Missile Site locations within the defense areas in Washington, within a fifty-mile radius of Seattle and Spokane, Wash.

HEARING: January 17, 1962, at the Federal Building, Seattle, Wash., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 7746 (Sub-No. 117), filed August 3, 1961. Applicant: UNITED TRUCK LINES, INC., E 915 Springfield Avenue, Spokane 2, Wash. Applicant's attorney: George LaBissoniere, 333 Central Building, Seattle 4, Wash. 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 in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467), serving the site of the Lower Monumental Dam located approximately forty-five (45) miles upstream from Pasco, Wash., on the Lower Snake River and points within fifteen (15) miles thereof, as an off-route point in connection with applicant's regular-route operations between Portland, Oreg. and Spokane, Wash.

HEARING: January 15, 1962, at the Federal Office Building, Seattle, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 38400 (Sub-No. 2), filed October 3, 1961. Applicant: HITCHCOCK BROS., INCORPORATED, High Street, Canaan, Conn. Applicant's representative: William L. Mobley, Rooms 311-315, 1694 Main Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-fabricated buildings and structures*, from Falls Village, Conn. to points in Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

HEARING: January 15, 1962, at the Bond Hotel, Hartford, Conn., before Examiner John L. York.

No. MC 42487 (Sub-No. 521), filed October 16, 1961. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, other than grain or feed, commodities requiring special equipment, and those injurious or contaminating to other lading), between Casper, Wyo., and the junction of U.S. Highways 87 and 10 near Billings, Mont., as follows: From Casper over U.S. Highway 87 to its junction with U.S. Highway 10 near Billings, 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.

NOTE: Applicant states it is a wholly-owned subsidiary of Consolidated Freightways, Inc., which manages Knaus Truck

Lines, Inc. (MC 52746) under temporary authority granted in MC-F 6839; therefore, common control may be involved.

HEARING: January 10, 1962, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 123, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 42487 (Sub-No. 522), filed October 27, 1961. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Eugene T. Liipfert, 801 National Grange Building, 1616 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, (1) between Seattle and Spokane, Wash., on the one hand, and, on the other, the Missile Sites located within the defense areas in Washington within a 50-mile radius of Seattle and Spokane, Wash., and (2) between Travis Air Force Base, Calif., and points within 25 miles thereof, on the one hand, and, on the other, the Missile Sites located within the defense areas in Washington within a 50-mile radius of Seattle and Spokane, Wash.

NOTE: Applicant states it is a wholly-owned subsidiary of Consolidated Freightways, Inc., which manages Knaus Truck Lines, Inc. (MC 52746) under temporary authority granted in MC-F 6839. In addition, applicant owns all of the outstanding stock of New York Consolidated Freightways Corporation (MC 222), Foster Freight Lines, Inc., an Indiana intrastate carrier.

HEARING: January 17, 1962, at the Federal Office Building, Seattle, Wash., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 42487 (Sub-No. 525), filed October 30, 1961. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Ronald E. Poelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from Port Newark, N.J., to points in Connecticut, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia.

NOTE: Applicant states it is a wholly-owned subsidiary of Consolidated Freightways, Inc., which manages Knaus Truck Lines, Inc. (MC 52746). In addition, applicant owns all of the outstanding stock of New York Consolidated Freightways Corporation (MC 222), Foster Freight Lines, Inc., an Indiana intrastate carrier.

HEARING: January 9, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard A. White.

No. MC 49384 (Sub-No. 8), filed November 7, 1961. Applicant: JOHN VANDERPOL, GUS VANDERPOL AND HENRY VANDERPOL, doing business as OAK HARBOR FREIGHT LINES, 3414 Second Avenue South, Seattle, Wash. Applicant's attorney: Carl A. Jonson,

400 Central Building, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives and other dangerous articles*, between Oak Harbor, Wash., and points within five (5) miles thereof, on the one hand, and, on the other, Whitmarsh Siding (near Anacortes, Wash.), Mount Vernon, and points within five (5) miles thereof, and Seattle, Wash., and points within ten (10) miles thereof.

NOTE: Applicant states, "Partners as majority stockholders are in control of Peninsula Truck Lines, Inc., a carrier holding Certificate of Public Convenience and Necessity No. MC-113165 Sub 1, granted in Docket No. MC-F-4944, in which there was also granted the application of the partners to control said corporation; Peninsula Truck Lines, Inc., operated in the area to and from Seattle, Wash., and the Olympic Peninsula, which is to the south and west of the area in which the applicants herein operate."

HEARING: January 19, 1962, at the Federal Office Building, Seattle, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 52938 (Sub-No. 5), filed October 17, 1961. Applicant: MASHKIN FREIGHT LINES, INC., 115 Park Avenue, East Hartford, Conn. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses*, and, in connection therewith, *equipment, materials and supplies* used in the conduct of such businesses, limited to movements from, to, or between plants, warehouses, or other facilities of wholesale, retail, and chain grocery and food business houses; between Kearney, N.J., and points in New York, Connecticut, Massachusetts, and Rhode Island. (2) *Bakery goods*; from Jersey City, N.J., to points in New York, Connecticut, Massachusetts, and Rhode Island. (3) *Ice Cream, Sherbets and ice cream products*; from Englewood, N.J., to points in New York, Connecticut, Massachusetts, and Rhode Island.

HEARING: January 19, 1962, at the Bond Hotel, Hartford, Conn., before Examiner John L. York.

No. MC 55236 (Sub-No. 54), filed September 14, 1961. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Applicant's representative: P. R. Steinhardt, Station A. P.O. Box 1187, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Detergents, dodecyl benzene sulfonic acids, and slurry*, in bulk, in tank vehicles, from Lemont, Ill., to points in Alabama, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: January 15, 1962, at the Midland Hotel, Chicago, Ill., before Examiner W. Elliott Nefflen.

No. MC 55811 (Sub-No. 74), filed October 30, 1961. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, Suite 1210-12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shipping containers*, (other than corrugated) from Seymour, Ind., to points in Ohio, Kentucky, Illinois, and the lower peninsula of Michigan.

HEARING: January 11, 1962, at the Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner W. Elliott Nefflen.

No. MC 77135 (Sub-No. 16), filed October 20, 1961. Applicant: PACIFIC TRUCK SERVICE, INC., 600 Park Avenue, San Jose, Calif. Applicant's attorneys: Frank Loughran, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fish oil*, in bulk, in tank vehicles, from Warrenton, Oreg., and points within five (5) miles thereof, to points in San Francisco County (including the City of San Francisco), Calif., and points in Santa Clara, San Mateo, Alameda, and Contra Costa Counties, Calif.; and (2) *Rejected and contaminated shipments* of fish oil, from the above-specified destination points to Warrenton, Oreg., and points within five (5) miles thereof.

HEARING: January 24, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 78712 (Sub-No. 10), filed August 25, 1961. Applicant: MILLER TRANSPORTATION, INC., 1200 Home Avenue, Kokoma, Ind. Applicant's attorney: Howell Ellis, Suite 1210-12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, and except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and liquid commodities, in bulk), between points in Minnesota, Michigan, and Wisconsin, on the one hand, and, on the other, points in Florida.

HEARING: January 8, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Allen W. Hagerty.

No. MC 95540 (Sub-No. 385), filed October 30, 1961. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as defined by Commission from San Angelo, Tex., to points in Alabama, Denver, Colo., Connecticut, Delaware, Florida, Georgia,

Illinois, Indiana, Kentucky, New Orleans, La., Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

HEARING: January 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Bernard J. Hasson, Jr.

No. MC 95540 (Sub-No. 388), filed November 15, 1961. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, meat, meat products, dairy products, poultry, poultry products, fish, fish products*, with or without other ingredients, *pies, dinners, and bakery products*, in vehicles equipped with mechanical refrigeration, from Athens, Ala., to points in Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Since this publication is effected the same day that the hearing is assigned, any person or persons who may have been prejudiced by lack of sufficient notice, may file a protest against the application within 20 days from the date of this notice in the FEDERAL REGISTER.

HEARING: November 29, 1961, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Charles B. Heinemann.

No. MC 104523 (Sub-No. 20), filed September 25, 1961. Applicant: WILLIAM HAROLD HUSTON, doing business as HUSTON TRUCK LINE, 219 Maple Street, Friend, Nebr. Applicant's attorney: James E. Ryan, 214 Sharp Building, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*; from Omaha, Nebr., and points within a 10-mile radius thereof, to points in Iowa and Missouri, Kansas City, Kans., and points in Kansas within the Kansas City, Kans., Commercial Zone.

HEARING: January 22, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner W. Elliott Nefflen.

No. MC 104523 (Sub-No. 21), filed September 25, 1961. Applicant: WILLIAM HAROLD HUSTON, doing business as HUSTON TRUCK LINE, 219 Maple Street, Friend, Nebr. Applicant's attorney: James E. Ryan, 214 Sharp Building, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignite*, treated and untreated, in bags only, and *bentonite clay*, in bags only, from points in Butte County, S. Dak., Crook and Weston Counties, Wyo., and Bowman County, N. Dak., to points in Nebraska (except Omaha), in Oklahoma, Kansas (except Kansas City), Missouri (except Kansas City and St.

Louis), Texas, Colorado (except Denver), Iowa and South Dakota and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified above, on return.

HEARING: January 29, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner W. Elliott Nefflen.

No. MC 105461 (Sub-No. 38), filed October 26, 1961. Applicant: HERR'S MOTOR EXPRESS, INC., Box 8, Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Lard, beef shortening, vegetable oils, blended vegetable oils, vegetable shortening, blended shortenings, oleomargarine, inedible animal and vegetable oils, and greases in containers, from the plant sites of the Colfax Packing Company and Liberty Shortening Corporation in the City of Pawtucket, R.I., to points in Delaware, Maryland, Pennsylvania, New York (excluding points in the New York, N.Y., Commercial Zone, as defined by the Commission, and points on Long Island, N.Y.), points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem Counties, N.J., those points in Ashtabula, Belmont, Carroll, Columbiana, Cuyahoga, Geauga, Harrison, Jefferson, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull, Tuscarawas, and Wayne Counties, Ohio, and Washington, D.C.; and (2) materials, equipment, and supplies used in, or incidental to, the preparation, packing and sale of lard, beef shortening, vegetable oils, blended vegetable oils, vegetable shortening, blended shortenings, oleomargarine, inedible animal and vegetable oils and greases in containers, from points in the destination territory above to the plant sites of Colfax Packing Company and Liberty Shortening Corporation in the City of Pawtucket, R.I.

HEARING: January 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Laurence E. Masoner.

No. MC 105671 (Sub-No. 3), filed September 12, 1961. Applicant: THE McFARLAND & STAMPLES TRUCKING COMPANY, 1007 Dixwell Avenue, Hamden, Conn. Applicant's attorney: Thomas W. Murrett, Joseloff, Murrett, and Thrope, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Malt beverages, from Newark, N.J., to Waterford, Conn., and empty containers or other such incidental facilities (not specified) and empty malt beverages containers, used in transporting the above-described commodities, on return.

HEARING: January 15, 1962, at the Bond Hotel, Hartford, Conn., before Examiner John L. York.

No. MC 105733 (Sub-No. 27), filed November 14, 1961. Applicant: H. R. RITTER TRUCKING CO., INC., Route 17, Paramus, N.J. Applicant's attorney: Casey, Lane, and Mittendorf, 26 Broadway, New York 4, N.Y. Authority sought to operate as a common carrier, by motor

vehicle, over irregular routes, transporting: Lignin liquor, in bulk, in tank vehicles, from Corinth, N.Y., to East Bridgewater and Wilmington, Mass.

HEARING: December 15, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D Moran.

No. MC 106965 (Sub-No. 180), filed October 25, 1961. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Gasoline, in bulk, in tank vehicles, between Aberdeen Proving Grounds, Md., and Fort Belvoir, Va.

NOTE: Applicant states that it is under common control with O'Boyle Tank Lines, Incorporated, a Virginia corporation, which is a carrier of petroleum products, in bulk, in tank vehicles from Friendship, N.C. to southern Virginia.

HEARING: January 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

No. MC 107107 (Sub-No. 180), filed September 1, 1961. Applicant: ALTERNATE TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Citrus products, not canned and not frozen, (2) Fruit salads, and (3) Frozen foods, from points in Florida, to points in North Carolina and South Carolina.

HEARING: January 15, 1962, at the Angebilt Hotel, Orlando, Fla., before Examiner Allen W. Hagerty.

No. MC 107107 (Sub-No. 181), filed September 1, 1961. Applicant: ALTERNATE TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Candy and confectionery, and (2) Display racks, advertising and promotional material and premiums, for the commodities named in (1) above, from Bloomington, Rock Island, and Moline, Ill. and Davenport, Iowa, to points in Georgia and Florida.

HEARING: January 18, 1962, at the Midland Hotel, Chicago, Ill., before Examiner W. Elliott Nefflen.

No. MC 107403 (Sub-No. 358), filed August 31, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorneys: Shertz, Barnes and Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Zinc oxide, dry, in bulk, in special equipment, from Josephstown, Pa., to points in New Jersey on and north of New Jersey Highway 33 and New York, N.Y.

NOTE: Applicant holds contract carrier authority in MC 117637 and subs thereunder, therefore dual operations may be involved.

HEARING: January 11, 1962, at 346 Broadway, New York, N.Y., before Examiner John L. York.

No. MC 107515 (Sub-No. 373), filed October 27, 1961. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products and packinghouse products as defined by the Commission in Ex Parte MC 43 from San Angelo, Tex., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee (except Memphis) and Virginia.

NOTE: Applicant states J. L. Lawhon, president of Refrigerated Transport Co., Inc., and owner of one-half of its common stock holds permits as a contract carrier (MC 104589) and subs thereunder.

HEARING: January 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 107541 (Sub No. 7), filed October 2, 1961. Applicant: MAGEE TRUCK SERVICE INC., P.O. Box 67, Klickitat, Wash. Applicant's attorney: John M. Hickson, Falling Building, Portland, Ore. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Solidified carbon dioxide (dry ice), from Klickitat Springs, Wash., to points in Oregon (other than The Dallas and Portland), and empty containers or other such incidental facilities (not specified) used in transporting the above-specified commodity, on return.

HEARING: January 22, 1962, at the Interstate Commerce Commission Hearing Room 410 Southwest 10th Avenue, Portland, Ore., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 107544 (Sub-No. 43), filed October 27, 1961. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Nitrogen tetroxide, in bulk, in tank vehicles, from Hopewell, Va., to Cape Canaveral, Fla.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 113959 therefore dual operations may be involved.

HEARING: January 4, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William A. Royall.

No. MC 107839 (Sub No. 36), filed October 3, 1960. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4716 Humboldt Street, Denver, Colo. Applicant's attorneys: Jones, Meiklejohn & Kilroy, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transport-

ing: (1) *Chilled and frozen juices, citrus fruits, and citrus products, including blends, requiring refrigeration, between points in Florida, on the one hand, and, on the other, points in Wyoming, Utah, Oregon, Washington, Idaho, Montana, and Nevada;* (2) *meats and packing-house products, as described in sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, between points in Florida, on the one hand, and, on the other, points in Wyoming, Utah, Oregon, Washington, Idaho, Montana, Nevada, and Denver, Colorado Springs, and Pueblo, Colo.; fresh and frozen fish, and fresh and frozen seafoods, (a) between points in Florida, Georgia, Alabama, Mississippi, Louisiana, and Texas; (b) between points in Florida, Georgia, Alabama, Mississippi, Louisiana, and Texas, on the one hand, and, on the other, points in Wyoming, Utah, Oregon, Washington, Idaho, Montana, Nevada, Oklahoma, and Arkansas; and (c) between points in Washington, on the one hand, and, on the other, points in Oregon, Idaho, Utah, Colorado, New Mexico, Oklahoma, and Arkansas; and (4) *fresh and frozen fruits and vegetables, and frozen foods, between points in Washington, Oregon, Idaho, Colorado, and Utah, on the one hand, and, on the other, points in Colorado, New Mexico, Oklahoma, Arkansas, Texas, Louisiana, Mississippi, Alabama, Georgia, and Florida, restricted against service at Kennewick and Grandview, Wash., and Springdale, Ark.**

NOTE: Duplication with present authority to be eliminated. Applicant states there are also possible duplications in MC 107839 (Sub No. 30), which is pending on exceptions.

HEARING: January 29, 1962, at the Federal Office Building, Seattle, Wash., before Examiner John B. Mealy.

No. MC 108703 (Sub-No. 22), filed August 14, 1961. Applicant: LEE & ESTES TANK LINES, INC., 2326 Airport Way, Seattle, Wash. Applicant's attorney: William Q. Marshall, Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar, in bulk, in tank vehicles, liquid sugar and liquid corn syrup, in bulk, in tank vehicles, and mixtures of liquid sugar and liquid corn syrup, in tank vehicles, and contaminated, rejected and returned shipments of the above-described commodities; between points in and west of Whatcom, Skagit, Snohomish, King, Pierce, Lewis, and Skamania Counties, Wash., on the one hand, and, on the other, points in Oregon.*

NOTE: Applicant states its stockholders are also part stockholders in Coast-Lee & Estes, Inc., MC 79690.

HEARING: January 16, 1962, at the Federal Office Building, Seattle, Wash., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 112575 (Sub-No. 1), filed October 12, 1961. Applicant: SVEN JOHANSON, doing business as JOHANSON AND CARBIS OIL FIELD TRUCKING AND MOVING, P.O. Box 1008,

Newcastle, Wyo. Applicant's attorney: Vincent A. Ross., 314-321 Hynds Building, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products (not including the stringing or picking up of pipe in connection with pipe lines); machinery, equipment, materials, and supplies, used in, or in connection with, the construction, operations, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof (except the stringing or picking up of pipe in connection with main or trunk pipe lines; and commodities (not including those specified above), which because of size or weight, require the use of special equipment, between points in Weston, Crook and Campbell Counties, Wyo., on the one hand, and, on the other, points in Nebraska on and west of Nebraska Highway 61, extending from the Nebraska-South Dakota State line to the Nebraska-Kansas State line through Merriman, Hyannis, Arthur, Ogallala, Grant, Imperial, and Benkelman, Nebr., and those in South Dakota West of the Missouri River, and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified above, on return.*

HEARING: January 12, 1962, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 233, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 112750 (Sub-No. 70), filed September 28, 1961. Applicant: ARMORED CARRIER CORPORATION, 227-17 Northern Boulevard, Bayside, Long Island, N.Y. Applicant's attorney: Leonard E. Lindquist, 1010 Midland Bank Building, Minneapolis 1, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Eye glasses, including frames, lenses, and other parts thereof; audit media, punch cards, and other business papers, documents and records (excluding plant removals); and Exposed and processed film, microfilm and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature moving therewith (excluding motion picture film used primarily for commercial theatre and television exhibitions), between St. Louis, Mo., and points in Alexander, Bond, Calhoun, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Perry, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson Counties, Illi-*

nois; Brown, Crawford, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Perry, Pike, Posey, Spencer, Sullivan, Vanderburgh, and Warrick Counties, Indiana; and Ballard, Butler, Caldwell, Callaway, Carlisle, Christian, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Muhlenberg, Ohio, Todd, Trigg, Union, and Webster Counties, Kentucky.

HEARING: January 11, 1962, at the Mark Twain Hotel, St. Louis, Mo., before Examiner E. Riggs McConnell.

No. MC 113475 (Sub-No. 12), filed October 30, 1961. Applicant: RAWLINGS TRUCK LINE, INC., Purdy, Va. Applicant's attorney: Jno. C. Goddin, Insurance Building, 10 South 10th Street, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flake board and lumber (except plywood and veneer), from Waverly, Va., to points in Maryland, Delaware, Pennsylvania, New Jersey, New York, West Virginia, and the District of Columbia.*

HEARING: January 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Francis A. Welch.

No. MC 113651 (Sub-No. 38), filed August 7, 1961. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorney: Mario Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses as described in list A. B. & C. of Appendix I in 61 M.C.C. 209 and 61 M.C.C. 766, from Indianapolis, Ind., to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, and Virginia, and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified, and refused and rejected shipments, on return.*

HEARING: January 12, 1962, at 11:30 o'clock a.m., United States Standard Time, at the Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner W. Elliott Nefflen.

No. MC 114045 (Sub-No. 79), filed October 30, 1961. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, from San Angelo, Tex., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee (except Memphis), Vermont, Virginia, Washington, D.C., and West Virginia.*

HEARING: January 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson.

No. MC 114098 (Sub-No. 24), filed October 12, 1961. Applicant: LOWTHER TRUCKING COMPANY, a corporation, 521 Penman Street, Charlotte, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boilers, water heaters, tanks, and fittings*, on flat trailers, from Dover, N.J., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, Kentucky, South Carolina, North Carolina, Tennessee, and Virginia.

HEARING: January 4, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 114126 (Sub-No. 2), filed October 18, 1961. Applicant: ASSOCIATED ENTERPRISES, LTD., a corporation, Box 139, Salmo, British Columbia. Applicant's attorney: Carl P. Jensen, 1114 Norton Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore and ore concentrates*, from points on the International Boundary Line between the United States and Canada located in Montana, and Ports of Entry at/or near Porthill and Eastport, Idaho, Oroville, Ferry, Danville, Cascade, Northport, Wash., to points in Washington, Idaho, and Montana.

HEARING: January 10, 1962, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 79, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 114569 (Sub-No. 42), filed November 14, 1961. Applicant: SHAFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Westchester, Pa., to points in Arizona, Illinois, Louisiana, Arkansas, Mississippi, Alabama, Georgia, Florida, Virginia, West Virginia, Maryland, New Jersey, New York, Kentucky, Tennessee, Ohio, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Kansas, Missouri, Oklahoma, Texas, Utah, Colorado, Nebraska, North Dakota, South Dakota, New Mexico, and California.

HEARING: December 14, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allen W. Hagerty.

No. MC 114569 (Sub-No. 43), filed November 14, 1961. Applicant: SHAFER TRUCKING, INCORPORATED, Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectioneries, confectionery and related chocolate products, candy, confectionery materials, syrups, cocoa, and advertising (promotional and display materials and premiums)*, from points in Dauphin and Lancaster Counties, Pa., to points in Florida.

HEARING: December 13, 1961, at the Dupont Plaza Hotel, 300 Biscayne Boule-

vard Way, Miami, Fla., before Examiner William R. Tyers.

No. MC 114569 (Sub-No. 44), filed November 15, 1961. Applicant: SHAFER TRUCKING INC., Elizabethville, Pa. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Confectioneries, confectionery, and related chocolate products*, from points in Dauphin County, Pa., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wisconsin, Minnesota, Iowa, Mississippi, and St. Louis, Mo.

HEARING: December 12, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 114569 (Sub-No. 45), filed November 15, 1961. Applicant: SHAFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectioneries, confectionery, and related chocolate products (A)* from Reading, West Reading, and Lititz, Pa., to points in Texas, Oklahoma, Mississippi, Louisiana, Alabama, and Kentucky, and (B) from points in Derry Township, Dauphin County, Pa., to Memphis, Tenn., and points in Oklahoma, Alabama, Kentucky, and Arkansas.

HEARING: December 12, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 114803 (Sub-No. 8), filed August 30, 1961. Applicant: JOSEPH E. GLACKEN AND CHARLES E. GLACKEN, doing business as GLACKEN BROS., 4083 Faries Parkway, Decatur, Ill. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid and compressed gases* (except liquefied petroleum gases), in cylinders and in shipper-owned trailers, and cylinder cradles, from the plant site of National Petrol Chemical Co., at Ficklin, Ill., to points within 25 miles of and including Denver, Colo., Detroit, Mich., St. Louis, Mo., Kansas City, Mo., and Lima, Ohio, and points within 15 miles thereof, and (2) *shipper-owned trailers and empty cylinders*, on return. **RESTRICTION:** The operations herein will be limited to a transportation service to be performed under a continuing contract or contracts with Air Reduction Sales Company, a division of Air Reduction Co., Inc., New York, N.Y. No duplicating authority is requested, and applicant agrees to elimination of any duplications in existing permits.

NOTE: Common control may be involved.

HEARING: January 16, 1962, at the Midland Hotel, Chicago, Ill., before Examiner W. Elliott Nefflen.

No. MC 115331 (Sub-No. 22), filed November 13, 1961. Applicant: TRUCK TRANSPORT, INC., Crystal City, Mo. 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*, from Minneapolis and St. Paul, Minn., and points within ten (10) miles thereof to points in Wisconsin, Iowa, Illinois, Nebraska, and Missouri.

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

No. MC 116319 (Sub-No. 6), filed October 30, 1961. Applicant: HODGES TRUCKING, INC., North 2928 Nevada Street, Spokane, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Siliceous ore*, from the site of the Zalla-M-Mines located approximately eight (8) miles northeast of Republic, Wash., to the Port of Entry on the International Boundary Line between the United States and Canada at or near Northport, Wash.

HEARING: January 12, 1962, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 237, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 117025 (Sub-No. 11), filed September 18, 1961. Applicant: LEROY HILT, 3751 Summer Street, Lincoln, Nebr. Applicant's attorney: J. Max Harding, IBM Building, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from Omaha, Nebr., to points in Colorado and Wyoming, and *empty malt beverage containers*, on return.

HEARING: January 23, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner W. Elliott Nefflen.

No. MC 117529 (Sub No. 1), filed October 4, 1961. Applicant: MILTON J. HOPKINS III, doing business as HOPKINS SERVICE STATION AND TOWING, Route No. 1, Barnhart, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, and disabled motor vehicles*, by use of wrecker equipment only, between points in Indiana, Missouri, and Ohio.

HEARING: January 12, 1962, at the Mark Twain Hotel, St. Louis, Mo., before Examiner E. Riggs McConnell.

No. MC 117980 (Sub-No. 1), filed October 30, 1961. Applicant: WILLIAM BADGIO & SONS, INC., 291 Green Street, Brockton, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, (1) from Baltimore, Md., and Philadelphia, Pa., to Brockton, Mass., (2) from New York, N.Y., Weehawken, N.J., Baltimore, Md., and Philadelphia, Pa., to Manchester, N.H., New Bedford, Cambridge, and Worcester, Mass., and Providence, R.I., and (3) from Brockton, Mass., to Providence, R.I., and Manchester, N.H., and *empty containers or other such incidental fa-*

cilities (not specified), used in transporting the above-specified commodity, in connection with routes (1), (2), and (3) above on return.

NOTE: Applicant also proposes to transport exempt commodities, on return.

HEARING: January 24, 1962, at the New Post Office and Court House Building, Boston, Mass., before Examiner John L. York.

No. MC 119641 (Sub-No. 31), filed November 13, 1961. Applicant: RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Iron and steel articles*, as described by the Commission in Ex Parte No. MC-45, Description in Motor Carrier Certificates, 61 M.C.C. 276-278, and (2) *rejected and returned shipments*, between Kokomo, Ind., on the one hand, and, on the other, points in Iowa, Wisconsin, Missouri, Minnesota, and Nebraska.

HEARING: January 10, 1962, at the Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner W. Elliott Nefflen.

No. MC 119895 (Sub-No. 4), filed September 28, 1961. Applicant: INTERCITY EXPRESS, INC., P.O. Box 1055, Fort Dodge, Iowa. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, packinghouse products, and commodities used by packinghouses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, (a) from Fort Dodge, Iowa, to Springfield, Mo., and Fort Smith and Little Rock, Ark., (b) from Springfield, Mo., to Fremont, Nebr., Fort Dodge, Iowa, and Austin and Owatonna, Minn.; (c) from Fremont, Nebr., to Fort Dodge, Iowa, and Austin, Minn.; and (d) from Fort Dodge, Iowa, to Fremont, Nebr.; and (2) *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, from the above-specified destination points to their respective origin points.

HEARING: January 25, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner W. Elliott Nefflen.

No. MC 119934 (Sub-No. 36), filed November 20, 1961. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Illinois, Michigan, and Ohio.

HEARING: December 13, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 123294 (Sub-No. 6), filed August 28, 1961. Applicant: WARSAW TRUCKING CO., INC., R.R. No. 5, War-

saw, Ind. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry materials and supplies*, from points in New York, Ohio, Illinois, Iowa, Michigan, West Virginia, Kentucky, and Pennsylvania to the plant site of the Dalton Foundries, Inc., located at Warsaw, Ind.

HEARING: January 17, 1962, at the Midland Hotel, Chicago, Ill., before Examiner W. Elliott Nefflen.

No. MC 123864 (Sub-No. 1), filed August 30, 1961. Applicant: DUANE SHUNK, DONALD MAHLENDORF AND PHILIP SHUNK, doing business as S. M. S. TRUCKING CO., Valley, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soy bean meal*, in bulk, and in sacks, from Des Moines, Sioux City, Redfield and Belmond, Iowa, to Denver, Longmont, Fort Collins, Greeley, Kersey, Loveland, Platteville, and Lucerne, Colo., and *rejected shipments*, on return.

HEARING: January 24, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner W. Elliott Nefflen.

No. MC 123926, filed September 13, 1961. Applicant: FLOYD EASTMAN, 728 South Thor Street, Spokane 31, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, and road-mix material*, between points in Spokane, Pend Oreille, and Whitman Counties, Wash., and points in Nez Perce, Benewah, Latah, Bonner, and Kootenai Counties, Idaho.

HEARING: January 11, 1962, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 169, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 123931, filed September 18, 1961. Applicant: DONOVAN F. CROSSMAN, 803 East North Street, Rapid City, S. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and related materials and supplies*, used in the wholesale distribution thereof, from Omaha, Nebr., and St. Louis, Mo., to Rapid City, S. Dak., and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

HEARING: January 24, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner W. Elliott Nefflen.

No. MC 123962, filed October 3, 1961. Applicant: HOWARD HUGH KING, doing business as KING MOTOR COMPANY, 2201 Channing Street NE., Washington, D.C. Applicant's attorney: Joel Savits, 1001 Connecticut Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles*, by use of wrecker equipment, between points in Maryland, Virginia, Delaware, and the District of Columbia.

HEARING: January 4, 1962, at the Offices of the Interstate Commerce Com-

mission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 123971, filed October 6, 1961. Applicant: CLARK TRANSFER COMPANY, INC., 2610 Loma Linda Street, Sarasota, Fla. Applicant's attorney: Lawrence D. Fay, 512 Barnett National Bank Building, P.O. Box 1086, Jacksonville 1, Fla. 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 commodities requiring special equipment), between points in Manatee, Sarasota, Charlotte, Lee, Collier, and De Soto Counties, Fla.

HEARING: January 9, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 123990, filed October 18, 1961. Applicant: LELAND F. MARXSEN, doing business as MARXSEN GARAGE & TRANSFER, 1920 North Irving Fremont, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and implements*, (2) *Machinery and implements used or useful in processing agricultural commodities*, (3) *fans and beach cleaners*, and (4) *parts and accessories*, for the commodities named in (1), (2), and (3) above when moving such commodities, from Gering, Nebr., to points in the United States (except Hawaii and Alaska), and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

HEARING: January 11, 1962, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Examiner Lyle C. Farmer.

No. MC 124008, filed Oct. 26, 1961. Applicant: GOODMAN MOTOR TRANSPORT CO., LTD., 5650 Kingston Road, Vancouver, British Columbia. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between Ports of Entry on the International Boundary at or near Blaine, Sumas, or Lynden and points in Whatcom, Skagit, Snohomish, King, and Pierce Counties, Wash.

NOTE: Applicant states the proposed service will be "in foreign commerce only."

HEARING: January 18, 1962, at the Federal Office Building, Seattle, Wash., before Joint Board No. 237, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 124018, filed October 30, 1961. Applicant: STANLEY D. PEEK, 13725 Southwest Farmington Road, Beaverton, Ore. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Longview and Raymond, Wash., to Portland, Ore.

HEARING: January 23, 1962, at the Interstate Commerce Commission Hearing Room 410 Southwest 10th Avenue,

Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 124032, filed November 6, 1961. Applicant: REED'S FUEL CO., INC., 138 North Fifth Street, Springfield, Oreg. Applicant's attorney: Edward C. Harms, Jr., United States National Bank Building, Springfield, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber commodities; specifically finished and semifinished lumber wood products and veneer*, from points in Lane and Benton Counties, Oreg., to the Ports of Portland, Coos Bay, Yaquina Bay (Newport), and Siuslaw (Florence), Oreg.

HEARING: January 25, 1962, at the Interstate Commerce Commission Hearing Room 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 172, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 233), filed July 13, 1961. Applicant: THE GREYHOUND 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, transporting: *Passengers and their baggage, and express, newspapers, and mail*, in the same vehicle with passengers, (1) between St. Petersburg, Fla., and Miami, Fla.; from St. Petersburg over U.S. Highway 19 to Bradenton, Fla., thence over U.S. Highway 41 to Miami, Fla., and return over the same route, serving all intermediate points; and (2) between junction of U.S. Highway 41 and Florida Highway 72 and junction of U.S. Highway 27 and Florida Highway 70; from the junction of U.S. Highway 41 and Florida Highway 72 (6 miles south of Sarasota, Fla.), thence over Florida Highway 72 to junction of Florida Highway 70 (1 mile west of Arcadia), thence over Florida Highway 70 to junction of U.S. Highway 27, and return over the same route, serving all intermediate points.

HEARING: January 22, 1962, at the Orange Blossom Hotel, Main Street and Palm Avenue, Sarasota, Fla., before Joint Board No. 205, or if, the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 61016 (Sub-No. 16), filed October 2, 1961. Applicant: PETER PAN BUS LINES, INC., 144 Bridge Street, Springfield, Mass. Applicant's representative: William L. Mobley, Rooms 311-315, 1694 Main Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special round-trip operations, during the racing season, from Springfield and West Springfield, Mass., to Saratoga Race Track, Saratoga Springs, N.Y., and return.

HEARING: January 18, 1962, at the Bond Hotel, Hartford, Conn., before Examiner John L. York.

No. MC 85028 (Sub-No. 4), filed August 15, 1961. Applicant: BERKSHIRE STREET RAILWAY COMPANY, a corporation, 1277 East Street, Pittsfield, Mass. Applicant's attorney: George W. McLaughlin, The Sixth Floor, 19 Congress Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail, and newspapers*, in the same vehicle with passengers, (1) between the Berkshires (Berkshire County), Mass., and New York City, N.Y.; (a) from Williamstown, Mass., at junction Massachusetts Highway 2 and U.S. Highway 7, over Massachusetts Highway 2 to North Adams, thence over Massachusetts Highway 8 to junction with Massachusetts Highway 9, thence over Massachusetts Highway 9 to Pittsfield, thence over combined U.S. Highways 20 and 7 to Lenox, thence over U.S. Highway 7 to Great Barrington, Mass., thence from Great Barrington over Massachusetts Highway 23 through South Egremont to the Massachusetts-New York State Line, thence over New York Highway 23 through Hillsdale, Craryville, Claverack to Hudson, N.Y., continue on New York Highway 23 across the Hudson River to Catskill, N.Y., thence over New York Thruway, entering at Exit No. 21 and continuing to Exit No. 15 at Suffern, N.Y., thence over New Jersey Highway 17 from the New York-New Jersey State Line to its intersection with New Jersey Highway 3, at Rutherford, N.J., thence over New Jersey Highway 3 to and through the Lincoln Tunnel and thence over ramp leading into the Port of New York Authority Midtown Bus Terminal at 41st Street and Eighth Avenue, and return over the same route, serving the intermediate points of North Adams, Adams, Cheshire, Lanesboro, Pittsfield, Lenox, Stockbridge, Great Barrington, South Egremont, Mass., and Hillsdale, Craryville, Claverack, Hudson, N.Y., (b) leaving New York Thruway at Exit No. 14A, thence over Garden State Parkway Extension to New York-New Jersey State Line, thence over Garden State Parkway to Exit No. 153, thence over New Jersey Highway 3 to and through the Lincoln Tunnel and thence over ramp leading in to the Port of New York Authority Midtown Bus Terminal at 41st Street and Eighth Avenue, and return over the same route, serving the intermediate points as shown in (a) above, and (c) leaving New York Thruway at Exit No. 14A, thence over Garden State Parkway Extension to New York-New Jersey State Line, thence over Garden State Parkway to Exit No. 157, thence over U.S. Highway 46 to its intersection with the New Jersey Turnpike, thence over New Jersey Turnpike to Exit No. 16, thence over New Jersey Highway 3 to and through the Lincoln Tunnel and thence over ramp leading in to the Port of New York Authority Midtown Bus Terminal at 41st Street and Eighth Avenue, and return over the same route, serving the intermediate points as shown in (a) and (b) above, (d) from Williamstown, Mass., at junction Massachusetts Highway 2 and U.S. Highway 7, over Massachusetts Highway 2 to North Adams, thence over Massachusetts

Highway 8 to junction with Massachusetts Highway 9, thence over Massachusetts Highway 9 to Pittsfield, thence over combined U.S. Highways 20 and 7 to Lenox, thence over U.S. Highway 7 to Great Barrington, Mass., thence from Great Barrington, over U.S. Highway 7 through Sheffield, Ashley Falls, Mass., to Massachusetts-Connecticut State Line, thence over U.S. Highway 7 through Canaan, West Cornwall, Cornwall Bridge, Kent, Gaylordsville, New Milford, Brookfield, Danbury, Branchville, Wilton to Norwalk, Conn., and thence over the Connecticut Turnpike (Route 95) to Connecticut-New York State Line, thence over New York's New England Thruway to Exit No. 5 at Borough of the Bronx, New York City, from Exit No. 5 thence on Connors Street, New York City to East 233d Street (Route 22) thence on East 233d Street to Major Deegan Highway to Bronx exit at West 155th Street to Seventh Avenue, thence on Seventh Avenue to Cathedral Parkway, thence on Cathedral Parkway to Columbus Avenue, continuing on Columbus Avenue to Ninth Avenue; thence on Ninth Avenue to 40th Street, thence on 40th Street in to the Port of New York Authority Midtown Bus Terminal at Eighth Avenue. Returning from the Port of New York Authority Midtown Bus Terminal on 41st Street, thence on 41st Street to Tenth Avenue, continuing on Tenth to Amsterdam Avenue, thence on Amsterdam Avenue, to Cathedral Parkway, thence on Cathedral Parkway to Seventh Avenue and at West 155th Street over the Bronx exit to Major Deegan Highway, with the balance of return trip over same route as shown above, serving the intermediate points of North Adams, Adams, Cheshire, Lanesboro, Pittsfield, Lenox, Stockbridge, Great Barrington, Sheffield, Ashley Falls, Mass., Canaan, West Cornwall, Cornwall Bridge, Kent, Gaylordsville, New Milford, Brookfield, Conn.

NOTE: Applicant states the intermediate point of Danbury, Conn., will be used to discharge southbound passengers and to board northbound passengers, only.

HEARING: January 12, 1962, at 346 Broadway, New York, N.Y., before Examiner John L. York.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PROPERTY

No. MC 12775, filed October 30, 1961. Applicant: HARVARD STUDENT AGENCIES, INC., 4 Holyoke Street, Cambridge, Mass. Applicant's attorney: Paul A. Powell, 85 Devonshire Street, Boston 9, Mass. For a license (BMC 4) to engage in operations as a *broker* at Cambridge, Mass., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *General commodities*, between points in the United States, including ports of entry on the International Boundary lines between the United States and Canada and the United States and Mexico.

HEARING: January 26, 1962, at the New Post Office and Courthouse Building, Boston, Mass., before Joint Board No. 231, or, if the Joint Board waives its right to participate, before Examiner John L. York.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 29988 (Sub-No. 83), filed November 16, 1961. Applicant: DENVER CHICAGO TRUCKING COMPANY, INC., 45th Avenue at Jackson Street, Denver, Colo. 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, livestock, household goods as defined by the Commission, commodities in bulk, automobiles, coal, sand, gravel, Portland cement, commodities requiring special equipment, and those injurious or contaminating to other lading), between Kansas City, Mo., and Albuquerque, N. Mex.; from Kansas City over U.S. Highway 50 to junction U.S. Highway 50S, thence over U.S. Highway 50S to Hutchinson, Kans.; thence over Kansas Highway 61 to Pratt, Kans.; thence over U.S. Highway 54 to junction U.S. Highway 66, and thence over U.S. Highway 66 to Albuquerque, and return over the same route, serving no intermediate points and serving Albuquerque for the purpose of joinder only as an alternate route in connection with carrier's authorized regular-route operations between Chicago, Ill. and Albuquerque, N. Mex., and between St. Louis, Mo., Kansas City, Mo. and Albuquerque, N. Mex.

No. MC 41849 (Sub-No. 12), filed November 16, 1961. Applicant: KEIGHTLEY BROS., INC., 1601 South 39th Street, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in dump trucks, from St. Louis, Mo., to that portion of Indiana beginning at a point along U.S. Highway 136 at the Indiana-Illinois border near Danville, Ill.; thence east along U.S. Highway 136 to junction of Indiana Highway 37 at Indianapolis, Ind.; thence south along Indiana State Highway 37 to the Ohio River; thence west along the Ohio River to a point along the Indiana-Illinois border near Shawneetown, Ill.; thence north along the Indiana-Illinois border to the point of beginning.

No. MC 66562 (Sub-No. 1857), filed November 13, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Railway Express Agency, Incorporated, Law Department, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, moving in express service, between Philadelphia, Pa., and Binghamton, N.Y., as follows: From Philadelphia over Pennsylvania Highway 43 to junction Conshohocken State Road, thence over Conshohocken State Road to Norristown, Pa., interchange of Pennsylvania Turnpike, thence over Northeast Extension of Pennsylvania Turnpike to Wilkes-Barre,

Pa., interchange of Pennsylvania Turnpike, thence over Pennsylvania Highway 115 to Wilkes-Barre, Pa., thence over Pennsylvania Highway 315 to junction U.S. Highway 11, thence over U.S. Highway 11 to Scranton, Pa. (also Northeast Extension of Pennsylvania Turnpike from Wilkes-Barre to Scranton, Pa.), thence over U.S. Highway 11 to Binghamton, and return over the same route, serving the intermediate points of Allentown, Wilkes-Barre, and Scranton, Pa. RESTRICTIONS: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

NOTE: Applicant states that traffic to be handled will be interchanged with rail or air express service on through trains or planes operating to or from points throughout the country at Philadelphia, Pa., and Binghamton, N.Y.

No. MC 66562 (Sub-No. 1858), filed November 15, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, Suite 1220, The Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service; serving Harriman, Tenn. as an intermediate point in connection with applicant's authorized regular route operations between Chattanooga, Tenn. and Oneida, Tenn., over U.S. Highway 27, in Certificate No. MC 66562 (Sub-No. 938). RESTRICTIONS: The service to be performed by applicant shall be service which is auxiliary to, or supplemental of, express service. Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt, covering in addition to the motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air. Such further specific conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operation to service which is auxiliary to, or supplemental of, express service.

No. MC 66562 (Sub-No. 1859), filed November 15, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service; serving Centreville, Md. as an off-route point in connection with applicant's presently authorized regular route operations between Dover, Del. and Oxford, Md. in Certificate No. MC 66562 (Sub-No. 1141). RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

No. MC 66562 (Sub-No. 1861), filed November 15, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between New Haven, Conn. and Springfield, Mass.; from New Haven over Alternate U.S. Highway 5 and U.S. Highway 5, and return over the same route, serving the intermediate points of Meriden, Berlin, and Hartford, Conn. RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

No. MC 109637 (Sub-No. 190), filed November 13, 1961. Applicant: SOUTHERN TANK LINES, INCORPORATED, 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Detergents*, in bulk, in tank vehicles, from Calvert City, Ky., to points in Arkansas.

NOTE: Applicant states that it is under common control with Alabama Tank Lines, Inc.

No. MC 111812 (Sub-No. 140), filed November 13, 1961. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Hospers, Iowa, to Chicago, Ill., and points in the Chicago, Ill., Commercial Zone as defined by the Commission in 1 M.C.C. 673, and Joliet, Ill.

No. MC 113325 (Sub-No. 14), filed November 15, 1961. Applicant: SLAY TRANSPORTATION CO., INC., 718 South Seventh Street, St. Louis, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis, 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trichlorosaline*, in bulk, in shipper-owned tank vehicles, from the plant site of Monsanto Chemical Company at or near St. Peters, Mo., to Sistersville, W. Va.

No. MC 123625 (Sub-No. 1), filed October 13, 1961. Applicant: GATE SIX WRECKER SERVICE, INC., Oak Grove, Ky. Applicant's attorney: D. Paul Alagia, Jr., 650 Baxter Avenue, Louisville 4, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles*; between points in Kentucky and Tennessee within 25 miles of the junction of U.S. Highway 41-A with the Kentucky-Tennessee State line.

No. MC 123992 (Sub-No. 1), filed November 15, 1961. Applicant: SCHWERMAN CO. OF PA., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* and *mortar*; from West Winfield, Pa., to points in Ashtabula, Trumbull, Mahoning, Columbiana, Jefferson, Harrison, Belmont, Geauga, Lake, Portage, Stark, Tuscarawas, Guernsey, Cuyahoga, Summit, Wayne, Holmes, Coshocton, Muskingum, Lorain, Medina, Ashland, Knox, Licking, Fairfield, Noble, Perry, Erie, Huron, Crawford, Morrow, Hocking, Morgan, Monroe, Washington, Athens, Meigs, Richland, and Carroll Counties, Ohio, Garrett, Allegany, Washington, Frederick, and Carroll Counties, Ohio, Garrett, Allegany, Ohio, Marshall, Wetzell, Monongalia, Preston, Marion, Tyler, Taylor, Pleasants, Wood, Ritchie, Doddridge, Harrison, Barbour, Tucker, Mineral, Grant, Hardy, Hampshire, Morgan, Berkeley, Jefferson, Wirt, Gilmer, Lewis, Upshur, Randolph, Pendleton, Jackson, Calhoun, Roane, Braxton, Clay, Nicholas, Webster, and Pocahontas Counties, W. Va.; and (2) from Universal, Pa., to points in Ohio, Maryland, and West Virginia within 175 miles of Universal.

NOTE: Applicant presently holds authority to perform the above-described operations as a contract carrier in Permit No. MC 111624. This is an application to convert its existing contract authority, as pertains to cement, to common carrier authority, and constitutes the election provided in report of the Commission, in No. MC 27817 (Sub-No. 35), H. C. Gabler, Inc., Extension—Cement, from Maryland and Pennsylvania Counties, decided July 19, 1961.

No. MC 124034 (Sub-No. 3), filed November 16, 1961. Applicant: SCHWERMAN TRUCKING CO. OF N.Y., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages; (1) From the plant site of the Universal Atlas Cement Division, United States Steel Corporation, located in or near Hudson, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; (2) From the plant site of Lone Star Cement Corporation, located in or near Hudson, N.Y., to points in Connecticut, Massachusetts, Maine, New Hampshire, New York, Rhode Island, and Vermont; and (3) From the plant site of the Alpha Portland Cement Company, located in or near Jamesville, N.Y., to points in McKean, Potter, Tioga, Bradford, Cameron, Susquehanna, Sullivan, Lycoming, and Clinton Counties, Pa.

NOTE: Applicant presently holds authority to perform the above-described operations as a contract carrier in Permit No. MC 117538 and Subs thereto. This is an application to convert its existing contract carrier authority, as pertains to cement, to common carrier authority, and constitutes the election provided in report of the Commission,

in No. MC 27817 (Sub-No. 35), H. C. Gabler, Inc., Extension—Cement, from Maryland and Pennsylvania Counties, decided July 19, 1961.

No. MC 124047, November 16, 1961. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement* and *mortar*; from Fairborn, Ohio, and points within one mile thereof, to points in Indiana and points in that part of Kentucky within 175 miles of Fairborn, Ohio; and (b) from Superior, Ohio, to points in Kentucky located in counties lying east of Jefferson, Spencer, Nelson, Marion, Taylor, Adair, Russell, Wayne, and McCreary Counties, and points in West Virginia (except those located in Preston, Tucker, Pendleton, Grant, Hardy, Mineral, Hampshire, Morgan, Berkeley, and Jefferson Counties); (2) *Cement*, between Ironton, Ohio, on the one hand, and, on the other, points in that part of Kentucky on and east of a line beginning at the Kentucky-Indiana State line, and extending along Kentucky Highway 55 to Columbia, Ky., thence along Kentucky Highway 80 to Somerset, Ky., and thence along U.S. Highway 27 to the Kentucky-Tennessee State line, and points in that part of West Virginia on and west of a line beginning at the West Virginia-Ohio State line and extending along U.S. Highway 250 to the West Virginia-Virginia State line; (3) *Cement*, in bulk and in packages, from the plant site of the Peninsular Portland Cement Division of the General Portland Cement Company, located at or near Paulding, Ohio, to points in Indiana, Ohio, and the lower peninsula of Michigan.

NOTE: Applicant presently holds authority to perform the above-described operations as a contract carrier in Permit No. MC 111623 and Subs thereto. This is an application to convert its existing contract authority, as pertains to cement, to common carrier authority, and constitutes the election provided in report of the Commission, in No. MC 27817 (Sub-No. 35), H. C. Gabler, Inc., Extension—Cement, from Maryland and Pennsylvania Counties, decided July 19, 1961.

No. MC 124048, filed November 16, 1961. Applicant: SCHWERMAN TRUCKING CO. OF INDIANA, INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement* and *mortar*, in bulk, in tank vehicles, and in bags; (a) from points in Greencastle Township, Putnam County, Ind., to points in Illinois, Ohio, and Kentucky within 150 miles of Greencastle, Ind., and points in the Chicago, Ill., Commercial Zone, as defined by the Commission; and (b) from Buffington, Ind., to points in Illinois, and Wisconsin, within 160 miles of Buffington. (2) *Cement*, in bulk; from the plant site of Universal Atlas Cement Division of United States Steel Corporation, at Buffington, Ind., to Muskegon, Mich., and points in Allegan,

Barry, Berrien, Branch, Calhoun, Cass, Eaton, Hillsdale, Ingham, Jackson, Kalamazoo, Kent, Lenawee, Livingston, St. Joseph, Van Buren, and Washtenaw Counties, Mich. (3) *Cement*, in bags; from the plant site of Universal Atlas Cement Division of United States Steel Corporation at Buffington, Ind., to points in Ingham, Jackson, Lenawee, Livingston, and Washtenaw Counties, Mich.

NOTE: Applicant presently holds authority to perform the above-described operations as a contract carrier in Permit No. MC 113833 and Subs thereto. This is an application to convert its existing contract authority, as pertains to cement, to common carrier authority and constitutes the election provided in report of the Commission, in No. MC-27817 (Sub-No. 35), H. C. Gabler, Inc., Extension—Cement, from Maryland and Pennsylvania Counties, decided July 19, 1961.

No. MC 124049, filed November 16, 1961. Applicant: SCHWERMAN TRUCKING CO. OF TEXAS, a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*; from Dallas and Houston, Tex., to points in Arkansas, Louisiana, and Oklahoma.

NOTE: Applicant presently holds authority to perform the above-described operations as a contract carrier in Permit No. 117175. This is an application to convert its existing contract authority, as pertains to cement, to common carrier authority and constitutes the election provided in report of the Commission, in No. MC 27817 (Sub No. 35), H. C. Gabler, Inc., Extension—Cement, from Maryland and Pennsylvania Counties, decided July 19, 1961.

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-7997. Authority sought for purchase by REPUBLIC VAN AND STORAGE CO., INC., 330 South Central Avenue, Los Angeles 13, Calif., of a portion of the operating rights of HOWARD TENNYSON, doing business as TENNYSON TRANSFER & STORAGE CO., 314 South Sixth Street, Boise, Idaho, and for acquisition by PAUL J. SMITH and O. K. FERRY, 330 South Central Avenue, Los Angeles 13, Calif., of control of such rights through the purchase. Applicants' attorneys: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis., and Maurice H. Greene, 300 North Sixth Street, Boise, Idaho. Operating rights sought to be transferred: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, over irregular routes, between points in Adams, Valley, Washington, Payette, Gem, Canyon, Boise, Ada, Elmore, and Owyhee Counties, Idaho, on the one hand, and on the other, points in Washington, Oregon, California, Nevada, and Utah, between points

in Malheur and Harvey Counties, Oreg., on the one hand, and on the other, points in Oregon, California, Washington, Nevada, and Utah, between points in Idaho, on the one hand, and on the other, points in Utah, Oregon, and Washington, and between points in Idaho, on the one hand, and on the other, points in Nevada. Vendee is authorized to operate as a *common carrier* in Illinois, Iowa, Minnesota, Nebraska, Colorado, Michigan, Wyoming, Utah, Nevada, California, Louisiana, Maine, Connecticut, Delaware, Indiana, Kentucky, Maryland, Mississippi, New Hampshire, Massachusetts, Missouri, New Jersey, New York, Ohio, Kansas, Texas, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, Oklahoma, Arkansas, Rhode Island, Vermont, Alabama, Florida, Georgia, North Carolina, South Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7998. Authority sought for purchase by GEORGE W. BROWN, INC., 1475 East 222d Street, New York, N.Y., of the operating rights of EAGLE MOTOR EXPRESS COMPANY (RUSSELL J. LaMARCA, TRUSTEE for CERTAIN CREDITORS of EAGLE MOTOR EXPRESS COMPANY), Berks County Trust Building, Reading, Pa., and for acquisition by GEORGE W. BROWN and GEORGE W. BROWN, JR., both of 1475 East 222d Street, New York, N.Y., of control of such rights through the purchase. Applicants' attorneys: William Biederman, 280 Broadway, New York 7, N.Y., and John W. Speicher, 44 North Sixth Street, Reading, Pa. Operating rights sought to be transferred: *General commodities*, except those of unusual value, Class A and B explosives, livestock, alcoholic liquors, household goods, commodities in bulk, and commodities requiring special equipment, as a *common carrier* over regular routes from Reading, Pa., to New York, N.Y., and from New York, N.Y., to Reading, Pa., serving all intermediate and certain off-route points. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Maryland, Massachusetts, Rhode Island, Virginia, Connecticut, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8001. Authority sought for purchase by HOWARD N. DAHLSTEN, an individual, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr., of a portion of the operating rights of KROBLIN REFRIGERATED EXPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicants' representative: C. A. Ross, 1005 Terminal Building, Lincoln 8, Nebr. Operating rights sought to be transferred: *Salt*, as a *common carrier* over irregular routes from Hutchinson, Kans., to points in Iowa, and from Kanopolis, Kans., to Ackley, Belmond, Buckingham, Des Moines, Galt, Hampton, Marshalltown, Roland, Sioux City, Walker, and Waverly, Iowa. Vendee is authorized to operate as a *common carrier* in Kansas, Illinois, Iowa, Nebraska, Colorado, Montana, Minnesota, North Dakota, South Dakota, Wyoming, Missouri, Oklahoma, Arkansas, New Mexico, and Texas. Ap-

plication has not been filed for temporary authority under section 210a(b).

No. MC-F-8002. Authority sought for purchase by GRAVES TRUCK LINE, INC., 739 North 10th Street, Salina, Kansas, of the operating rights of McMAKEN TRANSPORTATION COMPANY (EDWARD G. GARVEY, TRUSTEE), 4684 Leavenworth Street, Omaha, Nebr., and for acquisition by WILLIAM H. GRAVES, 236 South Phillips Street, Salina, Kans., JOHN A. GRAVES, 120 South Hilldale, Salina, Kans., LOWELL P. GRAVES, 92 Shawnee Avenue, Kansas City, Kans., and DWIGHT L. GRAVES, 2450 South Poplar, Wichita, Kans., of control of such rights through the purchase. Applicants' attorney: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 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 Norfolk, Nebr., and Omaha, Nebr., between Columbus, Nebr., and Omaha, Nebr., between Fremont, Nebr., and Omaha, Nebr., between Fremont, Nebr., and Lincoln, Nebr., between Westpoint, Nebr., and Blair, Nebr., between Westpoint, Nebr., and Sioux City, Iowa, between Oakland, Nebr., and junction U.S. Highway 77 and Nebraska Highway 94, serving all intermediate points except those between Lincoln and Omaha, Nebr., over U.S. Highways 6 and 275 and Nebraska Highways 31, 50, and 38; and the off-route points of Stanton, Nebr., and Council Bluffs, Iowa, with service restricted against the transportation of traffic moving solely between Norfolk and Columbus, Nebr.; *general commodities*, except those of unusual value, Class A and B explosives, livestock, household goods, commodities in bulk, other than salt, and those requiring special equipment, between Omaha, Nebr., and Plattsmouth, Nebr., serving no intermediate points, between Omaha, Nebr., and Wichita, Kans., serving Lincoln, Nebr., and all intermediate points between Belleville and Wichita, Kans., including Belleville; between junction U.S. Highway 81 and Kansas Highway 17, and Wichita, Kans., serving the intermediate point of Hutchinson, Kans., and between Newton, Kans., and Hutchinson, Kans., serving no intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, between Wichita, Kans., and Oklahoma City, Okla., serving the intermediate and off-route points of Enid, Okla., those within five miles of Wichita, Kans., and those in the Oklahoma City, Okla., Commercial Zone without restriction; the intermediate and off-route points of Blackwell, Okla., and those on U.S. Highway 60 between Tonkawa and Pond Creek, Okla., restricted to delivery, and the off-route point of Ponca City, Okla., restricted to delivery of the above-specified commodities, and pickup of *petroleum products in containers*, between Enid, Okla., and junction U.S. Highway 77 and Oklahoma Highway 15, serving all intermediate points and serving junction of U.S. Highway 77 and Oklahoma Highway 15 for the purpose of joinder only, and over

several alternate routes for operating convenience only; *lubricating oil and grease in containers*, over irregular routes from points in Oklahoma and Kansas, to Beatrice, Omaha, and Lincoln, Nebr. Vendee is authorized to operate as a *common carrier* in Kansas, Missouri, Colorado, Nebraska, Iowa, Oklahoma, and Texas. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8003. Authority sought for purchase by TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., of the operating rights of GUNN MOTOR EXPRESS, INCORPORATED, 188 Church Street, Beverly, N.J., and for acquisition by ROBERT B. GOTTFREDSON and CHARLOTTE B. GOTTFREDSON, both of Detroit, of control of such rights through the purchase. Applicants' attorney: Howell Ellis, 1210-12 Fidelity Building, Indianapolis 4, Ind. 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 Bordentown, N.J., and Philadelphia, Pa., serving all intermediate and certain off-route points; *pipe, pipe fittings, castings, and machinery*, over irregular routes from Florence, N.J., to Baltimore, Md., and Philadelphia, Pa., and points in Delaware and Pennsylvania within 85 miles of Philadelphia; *agricultural commodities*, from points in Burlington County, N.J., to New York, N.Y., and Philadelphia, Pa.; *fertilizer*, from Philadelphia, Pa., to points in Burlington County, N.J., and *iron grinding balls*, in bulk, in dump vehicles, from points in Cinnaminson Township, Burlington County, N.J., to certain points in Pennsylvania. Vendee is authorized to operate as a *common carrier* in Michigan, Illinois, Indiana, New York, Ohio, Pennsylvania, Missouri, Kentucky, Wisconsin, New Jersey, Connecticut, Iowa, Minnesota, Nebraska, Massachusetts, Rhode Island, Kansas, Maryland, West Virginia, Virginia, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F-7999. Authority sought for purchase by SCHENECTADY TRANSPORTATION CORPORATION, 1334 Albany Street, Schenectady, N.Y., of the operating rights and property of SARATOGA BUS SERVICE, INC., Excelsior Avenue, Saratoga Springs, N.Y., and for acquisition by T. MILEN RHODES, 1475 Broadway, New York, N.Y., of control of such rights and property through the purchase. Applicants' attorneys: Shereff Brothers, 292 Madison Avenue, New York 17, N.Y. Operating rights sought to be transferred: *Passengers* and their baggage in round trip charter-party service limited to eight passengers in addition to the driver in each vehicle, during the season from September 1 to June 15, inclusive, as a *common carrier* over irregular routes beginning and ending at Skidmore College in Saratoga Springs, N.Y., and ex-

tending to points in Connecticut, Massachusetts, New Hampshire, New Jersey, and Rhode Island. Vendee is authorized to operate as a *common carrier* in New York, Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8000. Authority sought for purchase by SCHENECTADY TRANSPORTATION CORPORATION, 1334 Albany Street, Schenectady, N.Y., of the operating rights and property of WHITEHALL AUTOBUS CO., INC., Excelsior Avenue, Saratoga Springs, N.Y., and for acquisition by T. MILEN RHODES, 1475 Broadway, New York, N.Y., of control of such rights and property through the purchase. Applicants' attorneys: Shereff Brothers, 292 Madison Avenue, New York 17, N.Y. Operating rights sought to be transferred: *Passengers* and their baggage, and *express, newspapers, and mail*, in the same vehicle with passengers, as a *common carrier* over regular routes between Rutland, Vt., and Cambridge, N.Y., between Rutland, Vt., and Whitehall, N.Y., between Whitehall, N.Y., and Glens Falls, N.Y., serving all intermediate points; and *passengers* and their baggage, restricted to traffic originating at the points and in the territory indicated, in charter operations, over irregular routes from Whitehall, N.Y., and points in New York within 25 miles of Whitehall, and those in Vermont within 20 miles of Whitehall, N.Y., to Hanover, N.H., New York, N.Y., and points in Massachusetts, and Vermont. Vendee is authorized to operate as a *common carrier* in New York, Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-11279; Filed, Nov. 28, 1961;
8:50 a.m.]

[Notice 571]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 24, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the

order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64442. By order of November 17, 1961, the Transfer Board approved the transfer to P & J Trucking Co., Inc., New York, N.Y., of Permit No. MC 84568, issued April 20, 1955, to Antonio Romano, Salvatore Romano, Michael Romano, and Mario Romano, a partnership, doing business as Romano & Sons Trucking Co., New York, N.Y., authorizing the transportation of: Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, between New York, N.Y., Philadelphia, Pa., and Forestville, Conn., on the one hand, and, on the other, points in New Jersey. Charles H. Trayford, 220 East 42d Street, New York 17, N.Y., representative for applicants.

No. MC-FC 64479. By order of November 17, 1961, the Transfer Board approved the transfer to Philip B. Gross and Laura E. Gross, doing business as Bellefonte Charter Bus Service, Bellefonte, Pa., a portion of Certificate No. MC 1501 Sub 92, issued July 16, 1956, to The Greyhound Corporation, Chicago, Ill., authorizing the transportation of: *Passengers* and their baggage, and *express, newspapers, and mail* in the same vehicle with passengers, between Northumberland and State College, Pa., over Pennsylvania Highways 14 and 45, serving all intermediate points. Barrett Elkins, 1400 West Third Street, Cleveland 13, Ohio, attorney for applicants.

No. MC-FC 64499. By order of November 17, 1961, the Transfer Board approved the transfer to Mary Ellen Stidham, N. Mex., Stidham, A. E. Mankins, and James E. Mankins Sr., doing business as Eagle Trucking Company, Kilgore, Tex., of Certificate No. MC 119774 Sub 1, issued January 31, 1961, to O. M. Stidham, Noble Martin Stidham, executor, N. Mex. Stidham, A. E. Mankins, and James E. Mankins, Sr., doing business as Eagle Trucking Company, Kilgore, Tex., authorizing the transportation of: Machinery, equipment, materials, and supplies, used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, equipment, materials, and supplies, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between points in Arkansas, Louisiana, Mississippi, and Texas, between points in Louisiana, Arkansas, Mississippi, and Texas, on the one hand, and, on the other, points in Georgia, Alabama, and Florida, and between points in Georgia, Alabama, and Florida. Ewell H. Muse, Jr., Perry Brooks Building, Austin 1, Tex., attorney for applicants.

No. MC-FC 64562. By order of November 17, 1961, the Transfer Board ap-

proved the transfer to Robert Lewerke, doing business as Bob's Freight Line, Britt, Iowa, of portion of Certificate in No. MC 36851, issued February 28, 1955, to Dean Goll, doing business as Goll Motor Freight, Garner, Iowa, authorizing the transportation of: General commodities, except those of unusual value, livestock, Class 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, between Mason City, Iowa, and Kanawha, Iowa, serving the intermediate points of Duncan and Britt, Iowa; and general commodities, excluding household goods, commodities in bulk, and other specified commodities between junction Iowa Highway 111 and unnumbered highway (approximately seven miles east of Corwith, Iowa) and Corwith, Iowa, serving no intermediate points. G. W. Templeton, Garner, Iowa, attorney for applicants.

No. MC-FC 64568. By order of November 17, 1961, the Transfer Board approved the transfer to Jack Singer Moving, Inc., Brooklyn, N.Y., of Certificate No. MC 74979, issued March 17, 1959, to Rose Singer, doing business as, Jack Singer Moving, Brooklyn, N.Y., authorizing the transportation of: Household goods, as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, and Pennsylvania. Morris Honig, 150 Broadway, New York 38, N.Y., attorney for applicants.

No. MC-FC 64570. By order of November 17, 1961, The Transfer Board approved the transfer to Harry Kaler, doing business as Kaler Freight Line, Mason City, Iowa, of portion of Certificate No. MC 36851, issued February 28, 1955, to Dean Goll, doing business as Goll Motor Freight, Garner, Iowa, authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Klemme, Iowa, and Mason City, Iowa, serving the intermediate points of Clear Lake, Ventura, and Garner, Iowa, with service at Garner, restricted to traffic moving to or from Mason City. N. Levinson, 21½ South Federal Avenue, Mason City, Iowa, attorney for applicants.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-11280; Filed; Nov. 28, 1961;
8:51 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 24, 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. 37454: Clay from Camden and Lipe, Tenn., to southwestern territory.

Filed by O. W. South, Jr., Agent (No. A4141), for interested rail carriers. Rates on clay, noibn, as described in the application, in carloads, from Camden and Lipe, Tenn., to points in southwest-
 ern territory.

Grounds for relief: Market competi-
 tion.

Tariff: Supplement 9 to Southern
 Freight Association tariff I.C.C. S-206.

FSA No. 37455: Soda—Seatrain Lines,
 Inc. Filed by Seatrain Lines, Inc. (No. 18), for interested carriers. Rates on bicarbonate of soda; soda ash; monohy-
 drate or sesquicarbonate; modified caustic soda other than liquid and caustic soda (sodium hydroxide), as described in the application from Edgewater, N.J. (Proportional rates), to points in Georgia, also Chattanooga, Tenn.

Grounds for relief: Rail competition.
 Tariff: Supplement 59 to Seatrain Lines, Inc., tariff I.C.C. 159.

By the Commission.

[SEAL] HAROLD D. McCoy,
 Secretary

[F.R. Doc. 61-11277; Filed, Nov. 28, 1961;
 8:50 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

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CFR SUPPLEMENTS

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1960 Supplement to Title 3 (\$0.50); Titles 1-4 (Revised) (\$4.00); Title 5 (Revised) (\$4.00); Title 6 (\$2.25); Title 7, Parts 1-50 (\$0.55); Parts 51-52 (\$0.60); Parts 53-209 (\$0.55); Parts 210-399 (\$0.35); Parts 400-899 (\$1.25); Parts 900-959 (\$1.75); Parts 960 to end (\$2.75); Title 8 (\$0.40); Title 9 (\$0.40); Titles 10-13 (\$0.75); Title 14, Parts 1-199 (Revised) \$3.75; Parts 200-399 (Revised) (\$1.50); Parts 400-599 (Revised) (\$1.00); Parts 600 to end (Revised) (\$2.25); Title 15 (\$1.25); Title 16 (\$0.35); Title 17 (\$1.00); Title 18 (Revised) (\$6.75); Title 19 (Revised) (\$5.50); Title 20 (Revised) (\$5.50); Title 21 (\$1.75); Titles 22-23 (\$0.50); Title 24 (\$0.55); Title 25 (\$0.50); Title 26, Part 1 (§§ 1.0-1-1.400) (Revised) (\$5.50); Part 1 (§§ 1.401-1.860) (Revised) (\$5.50); Part 1 (§ 1.861 to end) to Part 19 (Revised) (\$5.00); Parts 20-29 (Revised) (\$4.25); Parts 30-39 (Revised) (\$3.50); Parts 40-169 (Revised) (\$4.50); Parts 170-299 (Revised) \$6.25; Parts 300-499 (Revised) (\$4.00); Parts 500-599 (Revised) (\$4.25); Parts 600 to end (Revised) (\$3.00); Title 27 (Revised) (\$3.00); Titles 28-29 (\$1.75); Titles 30-31 (\$0.60); Title 32, Parts 1-39 (Revised) (\$5.50); Parts 40-399 (Revised) (\$4.00); Parts 400-699 (\$2.00); Parts 700-799 (\$1.00); Parts 800-999 (\$0.40); Parts 1000-1099 (\$1.00); Parts 1100 to end (\$0.60); Title 32A (\$0.60); Title 33 (\$1.75); Title 35 (\$0.30); Title 36 (\$0.30); Title 37 (\$0.30); Title 38 (\$1.25); Title 39 (\$1.50); Titles 40-41 (Revised) (\$1.50); Title 42 (\$0.35); Title 43 (\$1.00); Title 44 (\$0.30); Title 45 (\$0.40); Title 46, Parts 1-145 (\$1.25); Parts 146-149 (1961 Supp. 1) (\$1.00); Parts 150 to end (\$1.00); Title 47, Parts 1-29 (\$1.25); Parts 30 to end (\$0.40); Title 49, Parts 1-70 (\$1.00); Parts 71-90 (\$1.00); Parts 91-164 (\$0.50); Parts 165 to end (Revised) (\$5.00); Title 50 (Revised) (\$3.75); General Index (\$1.00).

Order from Superintendent of Documents,
Government Printing Office, Washington
25, D.C.

