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Volume 74**UNITED STATES STATUTES AT LARGE**

[86th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1960, proposed amendment to the Constitution, and Presidential proclamations

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Rules and Regulations

Title 7—AGRICULTURE

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

[Amdt. 2]

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for the 1962 Crop of Extra Long Staple Cotton

COUNTY RESERVES

The purpose of this amendment is to establish county reserves. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). Notice of the proposed issuance of acreage allotment regulations for the 1962 crop of extra long staple cotton was published in the FEDERAL REGISTER on August 25, 1961 (26 F.R. 7967) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) prior to issuance of such regulations.

In order that the Agricultural Stabilization and Conservation State and county committees may perform their assigned functions in an orderly manner, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.566(g) (2) of the regulations pertaining to acreage allotments for the 1962 crop of extra long staple cotton (26 F.R. 9975) is amended to read as follows:

(2) *County reserves.* There are set forth below the county reserves established for each county:

ARIZONA

County	County reserve (acres)	County	County reserve (acres)
Cochise	9.7	Pinal	22.6
Gila	.0	Santa Cruz	.0
Graham	225.3	Yuma	4.8
Maricopa	45.5	State total	312.7
Pima	4.8		

CALIFORNIA

Imperial	2.8
Riverside	14.9
State total	17.7

FLORIDA

County	County reserve (acres)	County	County reserve (acres)
Alachua	0.0	Putnam	0.0
Bradford	.0	Seminole	.0
Hamilton	.0	Sumter	.0
Jefferson	.0	Suwannee	.0
Lake	.0	Union	.2
Madison	.0	Volusia	2.0
Marion	.1	State total	2.3

GEORGIA

Berrien	17.0
Cook	5.1
Lanier	.6
State total	22.7

NEW MEXICO

County	County reserve (acres)	County	County reserve (acres)
Dona Ana	2,870.5	Otero	0.1
Eddy	9.9	Sierra	31.5
Luna	.0	State total	2,912.0

TEXAS

Brewster	1.0	Pecos	6.0
Culberson	2.9	Presidio	2.1
El Paso	9.2	Reeves	2.8
Hudspeth	4.9	Ward	.0
Loving	.0	State total	28.9

PUERTO RICO

North	38.2
South	3.6
Total	41.8

(Secs. 344, 347, 375, 63 Stat. 670, as amended; 52 Stat. 66, as amended; 7 U.S.C. 1344, 1347, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 8, 1961.

ROBERT G. LEWIS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-11785; Filed, Dec. 12, 1961; 8:51 a.m.]

[Amdt. 2]

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for the 1962 Crop of Upland Cotton

REVISION OF ALLOCATION FROM STATE RESERVE FOR KENTUCKY AND COUNTY RESERVES FOR ALL STATES

The purpose of this amendment is (1) to revise the allocation from the State reserve for small farms and inequities and hardships for Fulton County, Kentucky, and (2) to establish county reserves for all States. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). Notice of the proposed issuance of acreage allotment regulations for the 1962 crop of upland cotton was published in the FEDERAL REGISTER

on August 25, 1961 (26 F.R. 7968) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) prior to issuance of such regulations.

In order that the Agricultural Stabilization and Conservation State and county committees may perform their assigned functions in an orderly manner, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section. 722.516(h) (1) of Amendment 1 (26 F.R. 11472) of the regulations pertaining to allocations to counties from the State reserve for small farms and to correct inequities and prevent hardships is amended as follows: For Fulton County, Kentucky, the allocation of 13 acres in column (6) for small farms is reduced to zero and the allocation of 15 acres in column (7) for inequity and hardship cases is increased from 15 acres to 28 acres. Corresponding revisions are made in the State totals.

Section 722.516(h) (2) of the regulations pertaining to acreage allotments for the 1962 crop of upland cotton (26 F.R. 9966) is amended to read as follows:

(2) *County reserve.* There are set forth below the county reserves established for each county:

ALABAMA

County	County reserve (acres)	County	County reserve (acres)
Autauga	34.2	Geneva	55.6
Baldwin	11.2	Greene	34.5
Barbour	74.0	Hale	22.7
Bibb	29.2	Henry	98.8
Blount	150.7	Houston	33.6
Bullock	200.3	Jackson	93.6
Butler	446.4	Jefferson	605.7
Calhoun	148.7	Lamar	45.4
Chambers	63.4	Lauderdale	171.4
Cherokee	24.2	Lawrence	59.9
Chilton	209.5	Lee	39.6
Choctaw	737.5	Limestone	38.3
Clarke	778.9	Lowndes	28.2
Clay	21.1	Macon	81.1
Cleburne	62.1	Madison	77.3
Coffee	65.6	Marengo	30.6
Colbert	242.6	Marion	44.3
Conecuh	11.9	Marshall	5.3
Coosa	23.9	Mobile	25.3
Covington	39.5	Monroe	66.7
Crenshaw	251.0	Montgomery	84.3
Cullman	111.0	Morgan	49.3
Dale	334.2	Perry	66.8
Dallas	21.9	Pickens	74.1
DeKalb	15.8	Pike	77.7
Elmore	81.2	Randolph	48.5
Escambia	8.5	Russell	48.5
Etowah	167.5	St. Clair	98.3
Fayette	262.6	Shelby	42.7
Franklin	91.2	Sumter	241.5

RULES AND REGULATIONS

ALABAMA—Continued

County	County reserve (acres)	County	County reserve (acres)
Talladega	98.3	Washington	50.9
Tallapoosa	73.3	Wilcox	164.4
Tuscaloosa	43.4	Winston	55.7
Walker	134.2	State total	7,829.6

ARIZONA

Cochise	16.1	Pima	15.1
Gila	.0	Pinal	54.5
Graham	8.5	Santa Cruz	4.9
Greenlee	1.7	Yavapai	.0
Maricopa	61.0	Yuma	55.0
Mohave	2.2	State total	219.0

ARKANSAS

Arkansas	11.3	Lee	60.7
Ashley	4.3	Lincoln	10.4
Baxter	5.0	Little River	1.6
Benton	.0	Logan	4.9
Boone	2.0	Lonoke	12.4
Bradley	14.0	Marion	.0
Calhoun	13.2	Miller	3.9
Chicot	8.5	Mississippi	24.3
Clark	31.1	Monroe	7.2
Clay	12.4	Montgomery	1.0
Cleburne	19.8	Nevada	9.7
Cleveland	7.0	Newton	3.1
Columbia	30.0	Ouachita	22.0
Conway	9.7	Perry	2.3
Craighead	19.1	Phillips	6.1
Crawford	3.0	Pike	4.6
Crittenden	22.0	Poinsett	13.3
Cross	5.4	Polk	7.7
Dallas	9.0	Pope	10.9
Desha	15.7	Prarie	14.1
Drew	45.7	Pulaski	9.2
Faulkner	30.3	Randolph	9.8
Franklin	4.5	St. Francis	6.4
Fulton	2.7	Saline	3.4
Garland	.2	Scott	2.0
Grant	43.0	Searcy	11.3
Greene	13.4	Sebastian	30.1
Hempstead	14.3	Sevier	6.0
Hot Spring	9.5	Sharp	21.6
Howard	2.5	Stone	.9
Independence	6.1	Union	21.2
Izard	10.1	Van Buren	10.1
Jackson	10.1	Washington	.0
Jefferson	26.2	White	61.7
Johnson	10.1	Woodruff	8.5
Lafayette	18.1	Yell	3.2
Lawrence	9.6	State total	924.5

CALIFORNIA

Fresno	858.8	San Benito	0.0
Imperial	28.0	San Bernar-	
Kern	228.6	dino	10.1
Kings	217.6	San Diego	1.8
Los Angeles	2.1	Stanislaus	.0
Madera	376.5	Tulare	529.9
Merced	124.1	State total	2,401.8
Riverside	24.3		

FLORIDA

Alachua	24.6	Lafayette	42.4
Baker	.3	Leon	163.7
Bay	3.7	Levy	.0
Calhoun	110.3	Liberty	2.1
Clay	.0	Madison	324.5
Columbia	40.4	Nassau	.0
Dixie	.0	Okaloosa	257.2
Duval	.0	Putnam	.0
Escambia	250.6	Santa Rosa	735.3
Gadsden	34.7	Suwannee	113.7
Gilchrist	.7	Taylor	4.9
Hamilton	200.2	Union	2.2
Holmes	445.4	Walton	386.2
Jackson	567.5	Washington	152.7
Jefferson	137.7	State total	4,001.0

GEORGIA

Appling	222.6	Baldwin	40.8
Atkinson	100.1	Banks	98.4
Bacon	215.4	Barrow	201.0
Baker	19.9	Bartow	72.0

GEORGIA—Continued

County	County reserve (acres)	County	County reserve (acres)
Ben Hill	71.1	Lamar	132.7
Berrien	117.4	Lanier	92.2
Bibb	50.3	Laurens	78.0
Bleckley	23.1	Lee	16.0
Brantley	3.4	Liberty	13.9
Brooks	76.4	Lincoln	83.5
Bryan	19.6	Long	35.5
Bulloch	496.2	Lowndes	232.4
Burke	3,629.8	Lumpkin	2.2
Butts	94.5	McDuffie	398.8
Calhoun	7.3	Miller	.6
Camden	.1	Macon	37.0
Candler	171.7	Madison	679.3
Carroll	303.9	Marion	26.4
Catoosa	174.3	Meriwether	199.8
Charlton	1.0	Miller	95.4
Chatham	3.3	Mitchell	43.6
Chattahoo-		Monroe	49.1
chee	11.0	Mont-	
Chattooga	132.7	gomery	27.0
Cherokee	54.6	Morgan	249.4
Clarke	200.7	Murray	43.1
Clay	34.1	Muscogee	10.5
Clayton	51.6	Newton	127.1
Clinch	2.4	Oconee	300.9
Cobb	73.3	Oglethorpe	399.7
Coffee	265.0	Paulding	99.5
Colquitt	142.4	Peach	24.5
Columbia	169.6	Pickens	34.9
Cook	153.2	Pierce	355.0
Coweta	153.1	Pike	40.4
Crawford	45.2	Polk	270.4
Crisp	22.7	Pulaski	26.7
Dade	63.0	Putnam	75.3
Dawson	27.3	Quitman	15.2
Decatur	145.5	Randolph	48.9
De Kalb	40.0	Richmond	29.4
Dodge	43.9	Rockdale	101.5
Dooley	50.6	Schley	40.6
Dougherty	20.0	Screven	164.8
Douglas	69.7	Seminole	25.2
Early	150.3	Spalding	182.4
Echols	2.0	Stephens	113.0
Effingham	68.4	Stewart	51.3
Elbert	225.8	Sumter	32.9
Emanuel	224.3	Talbot	79.9
Evans	197.6	Taliaferro	20.4
Fayette	148.7	Tattnall	126.9
Floyd	159.2	Taylor	61.9
Forsyth	76.8	Telfair	56.5
Franklin	299.9	Terrell	60.3
Fulton	58.7	Thomas	38.9
Gilmer	.0	Tift	50.8
Glascock	76.9	Toombs	40.7
Gordon	249.7	Treutlen	25.6
Grady	57.0	Troup	76.8
Greene	100.5	Turner	31.2
Gwinnett	300.4	Twiggs	35.8
Habersham	30.4	Upson	55.6
Hall	150.8	Walker	98.4
Hancock	132.6	Walton	148.1
Haralson	30.3	Ware	50.9
Harris	20.0	Warren	585.2
Hart	105.7	Washington	105.9
Heard	41.1	Wayne	122.9
Henry	474.0	Webster	28.9
Houston	40.6	Wheeler	76.4
Irwin	30.4	White	29.5
Jackson	404.8	Whitfield	284.1
Jasper	126.1	Wilcox	202.2
Jeff Davis	138.5	Wilkes	100.4
Jefferson	1,764.8	Wilkinson	22.5
Jenkins	347.7	Worth	51.8
Johnson	495.8	State	
Jones	15.2	total	22,704.7

ILLINOIS

Alexander	100.2
Massac	.6
Pulaski	61.2
State total	162.0

KANSAS

Cowley	0.0
Montgomery	.0
State total	.0

KENTUCKY

County	County reserve (acres)	County	County reserve (acres)
Ballard	2.4	Hickman	63.3
Calloway	16.0	McCracken	0.6
Carlisle	8.8	Marshall	9.7
Fulton	9.1	State total	139.0
Graves	29.1		

LOUISIANA

Acadia	1,347.2	Morehouse	166.0
Allen	69.6	Natchi-	
Ascension	10.2	toches	3,503.2
Assumption	.0	Orleans	.0
Avoyelles	3,413.2	Ouachita	59.3
Beauregard	25.4	Pointe	
Bienville	724.2	Coupee	1,495.5
Bossier	2,799.5	Rapides	2,152.0
Caddo	4,950.4	Red River	1,594.6
Calcasieu	15.0	Richland	66.1
Caldwell	274.9	Sabine	155.9
Cameron	1.3	St. Helena	327.2
Catahoula	384.5	St. James	.0
Claiborne	993.1	St. John the	
Concordia	179.5	Baptist	.1
De Soto	636.3	St. Landry	4,905.2
East Baton		St. Martin	1,217.4
Rouge	105.8	St. Mary	.0
East Carroll	171.2	St. Tam-	
East		many	51.4
Feliciana	458.5	Tangipahoa	209.6
Evangeline	1,478.3	Tensas	2,668.2
Franklin	689.4	Union	852.5
Grant	524.3	Vermillion	482.2
Iberia	15.2	Vernon	110.9
Iberville	44.8	Washington	786.6
Jackson	158.6	Webster	978.2
Jefferson	.0	West Baton	
Jefferson		Rouge	166.0
Davis	38.2	West Carroll	259.4
Lafayette	1,915.9	West	
Lafourche	.0	Feliciana	341.5
LaSalle	50.7	Winn	143.8
Lincoln	487.0	State	
Livingston	9.4	total	44,687.1
Madison	22.7		

MARYLAND

Caroline	0.0
State total	.0

MISSISSIPPI

County	County reserve (acres)	County	County reserve (acres)
Adams	322.5	Jefferson	
Alcorn	195.1	Davis	448.4
Amite	263.8	Jones	1,116.6
Attala	361.1	Kemper	526.0
Benton	139.8	Lafayette	350.4
Bolivar	7.0	Lamar	44.3
Calhoun	265.9	Lauderdale	550.1
Carroll	250.8	Lawrence	731.2
Chickasaw	353.9	Leake	291.4
Choctaw	178.0	Lee	203.5
Claiborne	235.0	Leflore	11.8
Clarke	452.5	Lincoln	370.5
Clay	716.5	Lowndes	622.8
Coahoma	9.0	Madison	720.6
Copiah	429.2	Marion	1,222.1
Covington	740.1	Marshall	137.4
DeSoto	108.6	Monroe	167.3
Forrest	165.8	Montgomery	160.8
Franklin	34.8	Neshoba	913.1
George	101.4	Newton	925.6
Greene	21.6	Noxubee	2,335.6
Grenada	411.0	Oktibbeha	47.1
Hancock	.3	Panola	957.5
Harrison	.3	Pearl River	9.9
Hinds	2,549.3	Perry	172.7
Holmes	24.7	Pike	198.3
Humphreys	9.1	Pontotoc	410.9
Issaquena	1.1	Prentiss	373.9
Itawamba	488.2	Quitman	39.7
Jackson	8.7	Rankin	1,130.6
Jasper	665.4	Scott	997.9
Jefferson	278.6	Sharkey	6.0

MISSISSIPPI—Continued

County	County reserve (acres)	County	County reserve (acres)
Simpson	512.4	Warren	247.6
Smith	1,121.8	Washington	15.7
Stone	8.7	Wayne	838.2
Sunflower	9.5	Webster	179.8
Tallahatchie	26.1	Winston	195.2
Tate	33.6	Winston	595.0
Tippah	341.6	Yalobusha	13.4
Tishomingo	130.7	Yazoo	53.9
Tunica	15.7	State	
Union	202.4	total	31,543.0
Walthall	1,018.6		

MISSOURI

County	County reserve (acres)	County	County reserve (acres)
Bollinger	4.0	Oregon	3.0
Butler	60.0	Ozark	.0
Cape Girardeau	1.1	Pemiscot	27.6
Carter	.5	Ripley	5.0
Dunklin	18.6	Scott	2.9
Howell	1.0	Stoddard	14.4
Jefferson	.9	Vernon	.0
Mississippi	25.0	Wayne	.6
New Madrid	38.7	State total	203.3

NEVADA

County	County reserve (acres)
Clark	0.0
Nye	.0
State total	.0

NEW MEXICO

County	County reserve (acres)	County	County reserve (acres)
Bernalillo	0.0	Lea	325.8
Chaves	2,025.0	Luna	14.2
Curry	36.0	Otero	12.8
DeBaca	11.9	Quay	49.9
Dona Ana	11.5	Roosevelt	71.9
Eddy	3,988.9	Sierra	166.4
Grant	.7	Socorro	65.5
Guadalupe	.0	Valencia	4.0
Hidalgo	19.0	State total	6,803.5

NORTH CAROLINA

County	County reserve (acres)	County	County reserve (acres)
Alamance	2.4	Lenoir	13.1
Alexander	94.2	Lincoln	338.8
Anson	10.7	Martin	13.9
Beaufort	22.1	Mecklenburg	837.5
Bertie	12.5	Montgomery	7.2
Bladen	24.7	Moore	6.3
Brunswick	7.7	Nash	18.7
Burke	17.3	New Hanover	3.9
Cabarrus	176.5	Northampton	11.8
Caldwell	8.9	Onslow	58.9
Camden	29.4	Orange	14.1
Carteret	6.8	Pamlico	4.2
Catawba	77.2	Pasquotank	5.7
Chatham	56.0	Pender	10.3
Chowan	5.6	Perquimans	15.5
Cleveland	45.8	Person	.3
Columbus	10.3	Pitt	25.0
Craven	8.5	Polk	25.8
Cumberland	30.2	Randolph	17.0
Currituck	10.3	Richmond	48.2
Davidson	72.3	Robeson	35.2
Davie	168.5	Rockingham	1.0
Duplin	13.5	Rowan	272.5
Durham	5.4	Rutherford	25.5
Edgecombe	5.9	Sampson	46.4
Forsyth	24.3	Scotland	10.4
Franklin	14.1	Stanly	198.5
Gaston	379.6	Tyrell	4.1
Gates	15.9	Union	94.4
Granville	2.4	Vance	10.0
Greene	12.7	Wake	25.8
Guilford	2.3	Warren	15.5
Halifax	10.2	Washington	16.2
Harnett	55.3	Wayne	25.8
Hartford	15.7	Wilkes	1.2
Hoke	18.3	Wilson	8.6
Hyde	.9	Yadkin	2.8
Iredell	50.0	State total	3,865.3
Johnston	50.6		
Jones	2.5		
Lee	17.7		

OKLAHOMA

County	County reserve (acres)	County	County reserve (acres)
Adair	0.0	Lincoln	85.7
Atoka	52.0	Logan	23.3
Beaver	.0	Love	49.8
Beckham	166.0	McClain	17.0
Blaine	163.2	McCurtain	121.1
Bryan	38.2	McIntosh	87.1
Caddo	72.8	Major	8.1
Canadian	23.6	Marshall	79.5
Carter	1.7	Mayes	1.4
Cherokee	.8	Murray	1.4
Choctaw	480.8	Muskogee	128.5
Cleveland	15.0	Noble	121.0
Coal	24.5	Nowata	18.8
Comanche	9.2	Okfuskee	10.2
Cotton	84.5	Oklahoma	63.8
Craig	12.0	Okmulgee	68.6
Creek	12.9	Osage	89.4
Custer	131.7	Pawnee	37.6
Dewey	91.8	Payne	86.4
Ellis	7.2	Pittsburg	54.5
Garfield	12.3	Pontotoc	77.0
Garvin	16.9	Pottawatomie	62.8
Grady	47.1	Pushmataha	16.0
Grant	.0	Roger Mills	49.8
Greer	65.8	Rogers	2.8
Harmon	156.9	Seminole	152.1
Harper	.0	Sequoyah	4.5
Haskell	2.0	Stephens	141.6
Hughes	29.0	Texas	.0
Jackson	85.7	Tillman	200.6
Jefferson	2,035.5	Tulsa	.2
Johnston	36.6	Wagoner	83.4
Kay	39.5	Washington	.0
Kingfisher	261.5	Washita	341.7
Kiowa	83.5	Woodward	16.7
Latimer	.0	State total	6,674.1
LeFlore	111.5		

SOUTH CAROLINA

County	County reserve (acres)	County	County reserve (acres)
Abbeville	453.6	Hampton	20.8
Aiken	42.0	Horry	145.8
Allendale	20.0	Jasper	263.4
Anderson	1,491.2	Kershaw	204.8
Bamberg	26.0	Lancaster	339.0
Barnwell	28.0	Laurens	327.9
Beaufort	148.0	Lee	70.0
Berkeley	302.5	Lexington	22.7
Calhoun	30.0	McCormick	167.0
Charleston	204.0	Marion	20.1
Cherokee	746.2	Marlboro	70.0
Chester	132.6	Newberry	85.0
Chesterfield	146.1	Oconee	973.2
Clarendon	68.0	Orangeburg	69.2
Colleton	28.0	Pickens	802.9
Darlington	63.0	Richland	178.3
Dillon	44.0	Saluda	448.8
Dorchester	201.6	Spartanburg	1,998.3
Edgefield	54.0	Sumter	70.0
Fairfield	279.8	Union	173.7
Florence	64.0	Williamsburg	66.0
Georgetown	63.3	York	217.8
Greenville	1,931.8	State	
Greenwood	264.6	total	13,567.0

TENNESSEE

County	County reserve (acres)	County	County reserve (acres)
Bedford	153.2	Haywood	422.5
Benton	30.5	Henderson	55.2
Bradley	39.6	Henry	102.3
Cannon	4.8	Hickman	3.4
Carroll	110.0	Humphreys	1.9
Chester	42.5	Lake	22.4
Coffee	191.4	Lauderdale	20.4
Crockett	48.6	Lawrence	73.4
Cumberland	.0	Lewis	45.5
Davidson	.1	Lincoln	88.1
Decatur	6.8	Loudon	.2
DeKalb	5.1	McMinn	40.0
Dyer	62.7	McNairy	46.1
Fayette	343.8	Madison	607.4
Franklin	407.7	Marion	37.0
Gibson	17.5	Marshall	56.1
Giles	69.1	Mauzy	32.1
Grundy	24.2	Meigs	24.6
Hamilton	15.5	Monroe	25.9
Hardeman	54.5	Moore	12.4
Hardin	322.2	Obion	20.8

TENNESSEE—Continued

County	County reserve (acres)	County	County reserve (acres)
Perry	15.4	Van Buren	5.4
Polk	23.6	Warren	84.7
Rhea	.3	Wayne	14.8
Roane	.0	Weakley	97.3
Robertson	.0	White	7.4
Rutherford	16.1	Williamson	17.7
Shelby	52.5	Wilson	4.0
Tipton	515.4	State total	4,542.1

TEXAS

County	County reserve (acres)	County	County reserve (acres)
Anderson	99.2	Foard	7.2
Andrews	4.0	Fort Bend	11.3
Angelina	120.6	Franklin	55.7
Aransas	.7	Freestone	76.0
Archer	12.8	Frio	12.1
Armstrong	16.4	Gaines	103.7
Atascosa	125.2	Galveston	5.1
Austin	26.7	Garza	19.5
Bailey	19.8	Gillespie	55.4
Bandera	.0	Glasscock	2.5
Bastrop	1,636.7	Goliad	60.2
Baylor	11.8	Gonzales	55.9
Bee	18.8	Gray	11.8
Bell	40.1	Grayson	45.4
Bexar	62.0	Gregg	78.9
Blanco	5.1	Grimes	143.8
Borden	15.2	Guadalupe	153.3
Bosque	331.8	Hale	12.2
Bowie	98.9	Hall	45.1
Brazoria	11.9	Hamilton	101.4
Brazos	100.1	Hansford	17.9
Brewster	3.0	Hardeman	29.3
Briscoe	32.0	Hardin	8.1
Brooks	22.2	Harris	11.4
Brown	172.0	Harrison	198.9
Burleson	335.5	Hartley	10.0
Burnet	67.6	Haskell	42.9
Caldwell	51.3	Hays	102.0
Calhoun	29.0	Hemphill	6.1
Callahan	28.0	Henderson	94.7
Cameron	54.7	Hidalgo	270.7
Camp	52.5	Hill	302.8
Carson	15.7	Hockley	36.1
Cass	69.4	Hood	87.5
Castro	40.3	Hopkins	49.7
Chambers	5.6	Houston	297.5
Cherokee	505.5	Howard	404.6
Childress	54.8	Hudspeth	4.3
Clay	106.7	Hunt	95.8
Cochran	23.8	Irion	2.8
Coke	49.8	Jack	80.8
Coleman	90.8	Jackson	51.0
Collin	97.8	Jasper	79.8
Collingsworth	21.9	Jeff Davis	3.0
Colorado	24.2	Jefferson	.1
Comal	21.3	Jim Hogg	16.7
Comanche	733.0	Jim Wells	46.5
Concho	40.2	Johnson	73.2
Cooke	63.1	Jones	61.7
Coryell	126.5	Karnes	73.6
Cottle	2.3	Kaufman	95.6
Crockett	.0	Kendall	6.6
Crosby	10.5	Kent	9.5
Culberson	5.8	Kerr	1.2
Dallam	6.0	Kimble	29.9
Dallas	81.3	King	2.6
Dawson	28.3	Kinney	12.1
Deaf Smith	32.4	Kleberg	50.2
Delta	51.2	Knox	50.9
Denton	63.7	Lamar	138.9
DeWitt	82.3	Lamb	26.4
Dickens	60.7	Lampasas	35.6
Dimmit	21.3	LaSalle	149.7
Donley	10.1	Lavaca	135.2
Duval	32.3	Lee	117.6
Eastland	101.8	Leon	63.2
Ector	.9	Liberty	20.6
Ellis	63.8	Limestone	51.4
El Paso	55.2	Live Oak	22.3
Erath	80.4	Llano	28.5
Falls	98.7	Loving	1.9
Fannin	55.2	Lubbock	41.8
Fayette	1,154.4	Lynn	98.6
Fisher	20.7	McCulloch	135.6
Floyd	49.3	McLennan	71.6
		McMullen	49.2
		Madison	49.6

TEXAS—Continued

County	County reserve (acres)	County	(acres)
Marion	29.4	Schleicher	1.9
Martin	19.9	Scurry	40.3
Mason	49.0	Shackelford	59.8
Matagorda	5.1	Shelby	13.8
Maverick	100.5	Smith	280.3
Medina	128.9	Somervell	48.4
Menard	41.4	Starr	85.1
Midland	20.4	Stephens	13.7
Milam	54.0	Sterling	10.1
Mills	71.3	Stonewall	17.8
Mitchell	27.6	Sutton	.0
Montague	262.3	Swisher	32.0
Montgomery	67.0	Tarrant	75.3
Moore	47.4	Taylor	33.6
Morris	40.3	Terrell	.0
Motley	21.0	Terry	20.0
Nacogoches	71.2	Throckmorton	40.9
Navarro	97.4	Titus	39.3
Newton	50.2	Tom Green	203.0
Nolan	40.6	Travis	100.8
Nueces	90.6	Trinity	45.3
Ochiltree	24.9	Tyler	10.2
Oldham	2.0	Upshur	43.0
Palo Pinto	69.3	Upton	.1
Panola	99.2	Uvalde	9.0
Parker	97.6	Val Verde	1.0
Parmer	35.3	Van Zandt	75.8
Pecos	6.6	Victoria	26.3
Polk	115.6	Walker	81.5
Potter	2.9	Waller	26.7
Presidio	29.9	Ward	4.4
Rains	169.3	Washington	598.1
Randall	46.0	Webb	23.0
Reagan	5.0	Wharton	18.0
Real	.0	Wheeler	28.0
Red River	65.1	Wichita	51.8
Reeves	4.5	Wilbarger	60.5
Refugio	17.5	Willacy	17.9
Roberts	2.0	Williamson	61.2
Robertson	52.5	Wilson	241.2
Rockwall	42.1	Winkler	.0
Runnels	119.6	Wise	58.5
Rusk	275.9	Wood	29.0
Sabine	141.2	Yoakum	12.8
San Augustine	106.2	Young	291.2
San Jacinto	51.3	Zapata	25.7
San Patricio	104.1	Zavala	50.1
San Saba	172.4	State total	19,176.8

VIRGINIA

Accomack	0.0	Lunenburg	35.2
Appomattox	.0	Mecklenburg	32.1
Brunswick	141.3	Nansemond	152.4
Caroline	.0	Norfolk	4.2
Charlotte	1.5	Patrick	.0
Chesterfield	.3	Prince Edward	.0
Cumberland	.1	Prince George	1.6
Dinwiddie	32.8	Princess Anne	.0
Franklin	.0	Southampton	224.0
Greensville	23.8	Surry	1.5
Halifax	.1	Sussex	119.2
Hanover	.0	State total	809.6
Henrico	.0		
Isle of Wight	39.5		

(Secs. 344, 375; 63 Stat. 670, as amended; 52 Stat. 66, as amended; 7 U.S.C. 1344, 1375)

Effective date: Date of filing this document with the Director, Office of the FEDERAL REGISTER.

Signed at Washington, D.C., on December 8, 1961.

ROBERT G. LEWIS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-11786; Filed, Dec. 12, 1961; 8:51 a.m.]

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

[Navel Orange Reg. 217, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(iii) of § 914.517 (Navel Orange Regulation 217, 26 F.R. 11417) are hereby amended to read as follows:

(iii) District 3: 150,000 cartons.

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

Dated: December 8, 1961.

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

[F.R. Doc. 61-11802; Filed, Dec. 12, 1961; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-344]

PART 287—EXEMPTION AND APPROVAL OF CERTAIN INTERLOCKING RELATIONSHIPS

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

In a notice of proposed rule making published in the FEDERAL REGISTER on July 19, 1961, 26 F.R. 6479, and circulated to the industry as EDR-29, dated July 13, 1961, Docket 12783, the Board proposed the adoption of a new Part 287 of the Economic Regulations which would exempt direct and indirect air carriers from the provisions of section 409(a) of the Act in respect of certain classes of interlocking relationships having little or no regulatory significance and would also approve in advance pursuant to that Section the participation of individuals in such specified classes of interlocking relationships.

Paragraphs (d) of § 287.2 and 287.3 of the notice each provided that the exemptions respectively accorded to direct and indirect air carriers by such paragraphs should not extend to interlocking relationships with any common carrier or person engaged in a phase of aeronautics which is, either directly or indirectly, affiliated with any air carrier. In consideration of various comments filed with respect to these provisions of the proposed rule, the Board has decided to make certain amendments relating thereto. Thus, this exclusion from the scope of the exemptions conferred has been made applicable to each of the separate exemptions contained in the paragraphs (a) through (e) of § 287.2 and (a) through (d) of § 287.3. Also, § 287.1 has been amended by the addition of a definition of the term "affiliated" in order to insure that the limitation on the exemption will be confined to situations where the affiliated enterprises and persons are, or may be, commonly controlled, and to grant the exemption in situations where such affiliation is of minimal significance. Furthermore, the provisions thus limiting the exemption conferred have been revised so that the exemption will not be withdrawn when the affiliation involved has been specifically authorized by the Board, either by an order of approval under section 408 of the Act or by an exemption therefrom under section 416 of the Act.¹ This liberalization of the proposed regulation reflects the fact that an interlocking relationship lacks regulatory significance where the

¹ Thus, a control relationship which antedated the enactment of the Civil Aeronautics Act of 1938 and has never been specifically authorized by the Board would not come within the purview of this exception to the limitation on the exemptions conferred upon nonaffiliated enterprises and persons.

enterprises and persons involved are commonly controlled and the Board has specifically found such control to be consistent with the public interest in a section 408 proceeding or by exemption from section 408, but all interested persons are reminded that any augmented degree of control, reduced competition or other significant consequences which may flow from such interlocking relationships may require redetermination of the status of the control relationship.

Paragraphs (d) of §§ 287.2 and 287.3 of the notice limited the exemptions respectively conferred thereby to interlocking relationships with a person engaged in a phase of aeronautics by excluding therefrom certain specified classes of such persons. One such excluded class comprises persons whose principal business is ownership or control of any other person engaged in a phase of aeronautics. Under the terms of the notice the latter class of persons would be excluded even when their business was the holding of stock in, or control of an air taxi operator, indirect surface common carrier or direct surface common carrier whose own interlocking relationships with the air carrier involved would fall within the scope of the granted exemption. Since such exclusion does not serve any valid regulatory purpose, paragraphs (d) of §§ 287.2 and 287.3 have been further amended so that the limitation on the exemption applies only when the owned or controlled enterprise is one to which the exemption provided by paragraph (d) does not apply.

The exemption afforded by proposed § 287.2 to indirect air carriers has been broadened to include any surface common carrier which is engaged only in pipeline or communications operations or in the transportation of passengers. This action has been taken to make the scope of the exemptions afforded indirect air carriers comparable, in this respect, to that afforded direct air carriers whose interlocking relationships with pipeline or communication companies have been exempted. Furthermore, since indirect air carriers are engaged only in the transportation of cargo, there is no danger of a conflict of interest between such enterprises and direct surface common carriers engaged only in the transportation of passengers. For this reason, § 287.2 has also been liberalized to encompass an exemption in this situation by the addition of new paragraph (e).

Section 287.2(b) of the notice proposed to exempt all interlocking relationships between indirect air carriers and indirect surface common carriers. One of the comments received objected to this proposed blanket exemption because a number of indirect surface carriers are directly or indirectly controlled by direct surface carriers, engaged in long-haul operations by railroad or motor vehicle. In order to obviate any danger of potential restraint or competition or conflict of interest due to such situations, § 287.2(b) has been amended to limit this exemption to those indirect surface common carriers which are not affiliated with any direct surface common carrier unless the latter carrier would itself be exempt under § 287.2(c) if it had an in-

terlocking relationship with an indirect air carrier.

Section 287.3(c) of the notice proposed to exempt interlocking relationships between any direct air carrier and any surface common carrier engaged only in the local or regional transportation of cargo which either does not serve any point in common with such air carrier or serves such point only on a route which can be encompassed within the geographic area of any arbitrarily centered circle with a maximum radius of 50 miles. By way of contrast, paragraph (b) of § 287.3 of the notice proposed to exempt interlocks between direct air carriers and surface common carriers engaged only in local transit operations for passengers if the certificated routes of such surface carrier could be encompassed within the geographic area of any arbitrarily centered circle with a maximum radius of 50 miles. It is believed that administration of the rule would be substantially simpler if proposed § 287.3(c) were amended to limit its exemption to those surface common carriers engaged only in the transportation of cargo which operates only intrastate routes or have certificated interstate routes which can be encompassed within the geographic area of any arbitrarily centered circle with a maximum radius of 50 miles.

The notice contemplated that the newly created exemption embodied in this part would be applicable only to interlocking relationships arising after its effective date. One air carrier has suggested that a number of interlocking relationships which have been approved by the Board in the past require the submission of periodic reports by the parties thereto which are burdensome for the carriers to prepare and for the Board to review so that it is desirable to extend the applicability of the new Part to such previously approved interlocking relationships. This proposal appears to be meritorious and has been adopted in new § 287.7. That section provides, however, that this Part will become applicable to existing interlocking relationships which are otherwise eligible for the exemption only if, and when, the air carrier furnishes written notice to the Board of its election to seek such relief and 90 days have elapsed since the date of such notice during which period the Board has not exercised an option of notifying the air carrier concerned that the exemption will not be made retroactively effective with respect to the particular interlocking relationship involved.

The exemption and approval conferred by this new part is entirely permissive in nature. It does not confer immunity from the antitrust law for the interlocking relationships which it makes permissible. Persons who wish to obtain immunity from the antitrust laws may request the issuance of a Board order approving any such relationship under sections 409 and 414 of the Act.

The Board finds that enforcement of section 409(a) of the Act insofar as it would require the individual and air carrier parties to a prohibited interlocking relationship to obtain Board approval thereof by filing an application for such approval, pursuant to Part

251 of the Economic Regulations, would be an undue burden on such air carriers by reason of the limited extent of, or unusual circumstances affecting, their operations and would not be in the public interest. The Board further finds that to the extent that any individual party to such a relationship would, without the prior approval of the Board, be in violation of any provision of that section by reason of any interlocking relationship which has been exempted with respect to the participation of an air carrier party thereto, under this regulation, such relationship will not adversely affect the public interest.

Interested persons have been afforded an opportunity to participate in the formulation of this new part, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby promulgates new Part 287 of the Economic Regulations (14 CFR Part 287) effective December 13, 1961, to read as follows:

- 287.1 Definitions.
- 287.2 Exemption of indirect air carriers with respect to certain interlocking relationships.
- 287.3 Exemption of direct air carriers with respect to certain interlocking relationships.
- 287.4 Approval of certain interlocking relationships.
- 287.5 Termination of exemptions and approvals.
- 287.6 Effect of exemption on antitrust laws.
- 287.7 Effect of exemption on existing interlocking relationships.

AUTHORITY: §§ 287.1 to 287.7 issued under sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 101(3), 409 and 416, 72 Stat. 737, 768 and 771; 49 U.S.C. 1301, 1379 and 1387.

§ 287.1 Definitions.

For the purposes of this part:

(a) "Indirect air carrier" means any air carrier not engaged directly in the operation of aircraft in air transportation which comes within the classification of "Air Freight Forwarders" and "Cooperative Shippers Associations," established by Part 296 of this chapter or within the classification of "International Air Freight Forwarders" established by Part 297 of this chapter.

(b) "Direct air carrier" means any air carrier directly engaged in the operation of aircraft, pursuant to a certificate of public convenience and necessity issued under section 401 of the Act, or pursuant to exemption authority conferred under section 416(b) (other than air carriers under Part 298 of this chapter) or pursuant to interim operating authority under Public Law 86-661, dated July 14, 1960.

(c) "Interlocking relationship" means any of the relationships set forth in section 409(a) of the Act which are set forth in Appendix I of this part.

(d) "Aircraft manufacturer" means any person engaged in the design and final fabrication of an integrated, major assembly or subassembly who:

- (1) Makes civil aircraft, or engines and propellers for use therewith, or
- (2) Makes any appliances (as that term is defined in section 101(11) of the Federal Aviation Act of 1958, as

amended) for use aboard civil aircraft and whose sales of such appliances to any air carrier with whom it has an interlocking relationship exceed \$100,000 at any time during a calendar year.

(e) "Affiliated" means a relationship wherein a person engaged in a phase of aeronautics or a common carrier directly or indirectly (1) is controlled by an air carrier; (2) controls an air carrier; (3) is under common control with an air carrier; or (4) where the power to exercise such control presently exists.

§ 287.2 Exemption of indirect air carriers with respect to certain interlocking relationships.

Subject to the other provisions of this part, indirect air carriers are hereby relieved from the provisions of section 409(a) of the Act and Part 251 of this chapter with respect to any interlocking relationship between any such air carrier and, respectively:

(a) Air taxi operators as defined in Part 298 of this chapter;

(b) Any indirect surface common carrier not affiliated, directly or indirectly, with any direct surface common carrier except those covered by paragraph (c) of this section;

(c) Any direct surface common carrier who operates only intrastate routes or whose certificated interstate routes can be encompassed within the geographic area of any arbitrarily centered circle having a radius of 50 miles or less which can be drawn; and

(d) Any person engaged in a phase of aeronautics otherwise than as an air carrier, but not

(1) Foreign air carriers,

(2) Persons engaged in either private or common carriage by air for compensation or hire, who are not subject to Board regulation as statutory "air carriers," and

(3) Persons whose principal business is the holding of stock in, or control of, any other person engaged in any phase of aeronautics to whom the exemption provided by this paragraph does not apply.

(e) Any surface common carrier which is engaged only in pipeline or communications operations or in the transportation of passengers.

Provided, however, That no exemption conferred by this section shall extend to a relationship with respect to any common carrier or person engaged in a phase of aeronautics which is, directly or indirectly, affiliated with any air carrier unless such affiliation has previously been expressly authorized by the Board by approval under section 408 of the Act, or by exemption therefrom, and is currently so authorized.

§ 287.3 Exemption of direct air carriers with respect to certain interlocking relationships.

Subject to the other provisions of this part, direct air carriers are hereby relieved from the provisions of section 409(a) of the Act and Part 251 of the Economic Regulations with respect to any interlocking relationship between any such air carrier and, respectively:

(a) Any surface common carrier which is engaged only in pipeline or communications operations;

(b) Any surface common carrier which is engaged only in local transit operations by providing street, railway or bus transportation (except for airport limousines) for passengers and has certificated or franchised routes which can be encompassed within the geographic area of any arbitrarily centered circle having a radius of 50 miles or less which can be drawn;

(c) Any surface common carrier which is engaged only in the transportation of cargo by motor vehicle, rail or water and which operates only intrastate routes or whose certificated interstate routes can be encompassed within the geographic area of any arbitrarily centered circle having a radius of 50 miles or less which can be drawn; and

(d) Any persons engaged in any phase of aeronautics otherwise than as an air carrier, except

(1) Foreign air carriers, travel or ticket agents,

(2) Aircraft manufacturers,

(3) Persons engaged in private or common carriage by air, for compensation or hire, who are not subject to Board regulation as statutory "air carriers", and persons whose principal business is the holding of stock in, or control of, any other person engaged in any phase of aeronautics to whom the exemption provided by this paragraph does not apply.

Provided, however, That no interlocking relationship shall be exempted under this paragraph if the transactions between the air carrier and the person engaged in any phase of aeronautics involved exceed \$100,000 at any time during a calendar year, excluding transactions involving the furnishing of transportation service by an air carrier pursuant to tariff rates duly filed with the Board and published. For the purpose of determining whether the qualifying conditions specified in paragraphs (a), (b), and (c) of this section are met, both the operations of the surface carrier's own system and those of its subsidiaries or parent companies shall be considered. Furthermore, any direct air carrier, which has been exempted under the provisions of this paragraph, shall use reasonable diligence in determining when the \$100,000 limit specified in § 281.1(d) or § 287.3(d) has been exceeded.

Provided, further, That no exemption conferred by this section shall extend to a relationship with respect to any common carrier or person engaged in a phase of aeronautics which is, directly or indirectly, affiliated with any air carrier unless such affiliation has previously been expressly authorized by the Board by approval under section 408 of the Act, or by exemption therefrom, and is currently so authorized.

§ 287.4 Approval of certain interlocking relationships.

To the extent that any officer, director or member of an air carrier, or stockholder holding a controlling interest in an air carrier (or the representative or nominee of any such person) would,

without prior approval of the Board, be in violation of any provision of section 409(a) of the Act, by reason of any interlocking relationship directly involving such air carrier which has been exempted under this part, such relationship is hereby approved for the duration of such exemption.

§ 287.5 Termination of exemptions and approvals.

Any exemption and approval granted by this part may be terminated by the Board at any time, after notice and opportunity to submit written views and data, when the Board finds that the continuance of such exemption and approval will adversely affect the public interest.

§ 287.6 Effect of exemption on antitrust laws.

The exemption and approval granted herein shall not constitute an order made under section 409(a) of the Act within the meaning of section 414 of the Act and shall not confer any immunity or relief from operation of the "antitrust laws" or any other statute (except the Federal Aviation Act of 1958, as amended) with respect to any interlocking relationship otherwise within the purview of said section 409(a).

§ 287.7 Effect of exemption on existing interlocking relationships.

The exemption and approval granted by this Part shall supersede any approval (including any conditions thereto) previously granted by the Board in respect to a specific interlocking relationship when the following conditions obtain:

(a) The air carrier concerned has furnished written notice to the Board of its election to invoke the provisions of this section with respect to such interlocking relationship, and

(b) The circumstances surrounding such interlocking relationship fully meet the conditions specified in this part, and

(c) A period of 90 days after the date of such written notice has elapsed during which the Board has not notified the air carrier concerned, in writing, that it does not wish to make the exemption and approval conferred by this part retroactively effective with respect to such interlocking relationship.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 101(8), 409 and 416, 72 Stat. 737, 768 and 771; 49 U.S.C. 1301, 1379 and 1387)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

APPENDIX I

SEC. 409. [72 Stat. 768, 49 U.S.C. 1379].
(a) It shall be unlawful, unless such relationship shall have been approved by order of the Board upon due showing, in the form and manner prescribed by the Board, that the public interest will not be adversely affected thereby—

(1) For any air carrier to have and retain an officer or director who is an officer, director, or member, or who as a stockholder holds a controlling interest, in any other person who is a common carrier or is engaged in any phase of aeronautics.

(2) For any air carrier, knowingly and willfully, to have and retain an officer or

director who has a representative or nominee who represents such officer or director as an officer, director, or member, or as a stockholder holding a controlling interest, in any other person who is a common carrier or is engaged in any phase of aeronautics.

(3) For any person who is an officer or director of an air carrier to hold the position of officer, director or member, or to be a stockholder holding a controlling interest, or to have a representative or nominee who represents such person as an officer, director, or member, or as a stockholder holding a controlling interest, in any other person who is a common carrier or is engaged in any phase of aeronautics.

(4) For any air carrier to have and retain an officer or director who is an officer, director, or member, or who as a stockholder holds a controlling interest, in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person engaged in any phase of aeronautics.

(5) For any air carrier, knowingly and willfully, to have and retain an officer or director who has a representative or nominee who represents such officer or director as an officer, director, or member, or as a stockholder holding a controlling interest, in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person engaged in any phase of aeronautics.

(6) For any person who is an officer or director of an air carrier to hold the position of officer, director, or member, or to be a stockholder holding a controlling interest, or to have a representative or nominee who represents such person as an officer, director, or member, or as a stockholder holding a controlling interest, in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person engaged in any phase of aeronautics.

[F.R. Doc. 61-11801; Filed, Dec. 12, 1961; 8:52 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-NY-28]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration of Federal Airway

On August 25, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 7971), stating that the Federal Aviation Agency was considering the extension of intermediate altitude VOR Federal airway No. 1727 from Buffalo, N.Y., to Boston, Mass.

No adverse comments were received regarding the proposed alteration.

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 in the notice, the following action is taken:

In § 600.1727 (26 F.R. 1092) the following changes are made:

1. In the caption "(Rosewood, Ohio, to Buffalo, N.Y.)" is deleted and "(Rosewood, Ohio, to Boston, Mass.)" is substituted therefor.

No. 239—2

2. In the text "to the Buffalo VOR." is deleted and "Buffalo VOR; INT of the Buffalo VOR 098° and the Georgetown, N.Y., VOR 272° radials; Georgetown VOR; INT of the Georgetown VOR 093° and the Albany, N.Y., VOR 270° radials; to the Albany VOR; thence 14-mile wide airway via the INT of the Albany VOR 094° and the Boston, Mass., VOR 287° radials; to the Boston VOR. The portion of this airway within R-4108 shall be used only after obtaining prior approval from the appropriate authority." is substituted therefor.

This amendment shall become effective 0001 e.s.t., February 8, 1962.

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

Issued in Washington, D.C., on December 6, 1961.

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

[F.R. Doc. 61-11750; Filed, Dec. 12, 1961; 8:45 a.m.]

[Airspace Docket No. 61-NY-26]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Alteration of Federal Airway and Associated Control Areas

On August 30, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8117), stating that the Federal Aviation Agency proposed to extend low altitude VOR Federal airway No. 39 northward from Presque Isle, Maine, to the United States-Canadian border and to designate the control areas associated with this segment of Victor 39 to extend upward from 700 feet above the surface to the base of the continental control area.

The Air Transport Association of America concurred with the proposed amendment. The Department of the Air Force offered no objection. No other comments were received regarding the proposed amendment.

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

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

1. In § 600.6039 (14 CFR 600.6039, 26 F.R. 643, 1855) the following changes are made:

a. In the caption "Presque Isle, Maine" is deleted and "the United States-Canadian Border" is substituted therefor.

b. In the text "to the Presque Isle, Maine VOR." is deleted and "Presque Isle, Maine, VOR; to the INT of the Presque Isle VOR 359° radial with the

United States-Canadian border." is substituted therefor.

2. In the caption of § 601.6039 (14 CFR 601.6039) "Presque Isle, Maine" is deleted and "United States-Canadian Border" is substituted therefor.

These amendments shall become effective 0001 e.s.t., February 8, 1962.

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

Issued in Washington, D.C., on December 6, 1961.

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

[F.R. Doc. 61-11749; Filed, Dec. 12, 1961; 8:45 a.m.]

[Airspace Docket No. 60-NY-34]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Modification

On July 16, 1960, there were published in the FEDERAL REGISTER (25 F.R. 6753), amendments to Parts 600 and 601 of the regulations of the Administrator. These amendments, among other actions, designated low altitude VOR Federal airway No. 475 and its associated control areas from Deer Park, N.Y., to Putnam, Conn., via VORs to be commissioned near Deer Park, N.Y., and New Haven, Conn., and extended low altitude VOR Federal airway No. 140, and its associated control areas, from Idlewild, N.Y., to Deer Park. These amendments were originally to become effective April 6, 1961. However, this date was subsequently changed to January 11, 1962 (26 F.R. 2219), due to the postponement of the commissioning dates of the New Haven and Deer Park VORs.

On April 25, 1961, Airspace Docket No. 60-WA-140 was published in the FEDERAL REGISTER (26 F.R. 3521), which, in part, designated a segment of Victor 475 and its associated control areas from Coyle, N.J., to Deer Park, N.Y., effective October 19, 1961.

On September 15, 1961, Airspace Docket No. 60-NY-34 was published in the FEDERAL REGISTER (26 F.R. 8629) in which the Federal Aviation Agency withdrew the actions regarding Victor 475 and its associated control areas from Airspace Docket No. 60-WA-140 and incorporated them with those outstanding actions regarding Victor 475 in Airspace Docket No. 60-NY-34. This action was taken due to the postponement of the commissioning date of the Deer Park VOR. The effective date of all actions contained in Airspace Docket No. 60-NY-34 is January 11, 1962.

Revised traffic control procedures in the New York Metropolitan area have obviated the requirement for the segment of Victor 475 between Coyle and Deer Park, and the segment of Victor 140 between Idlewild and Deer Park. Furthermore, it has now been deter-

mined that the New Haven, Conn., VOR will not be commissioned until approximately July 26, 1962. Accordingly, action is taken herein to alter Airspace Docket No. 60-NY-34, as amended, by deleting the segment of Victor 475 between Coyle and Deer Park, and the segment of Victor 140 between Idlewild and Deer Park, and by postponing the effective date of the designation of the segment of Victor 475 between Deer Park and Putnam and the revocation of Victor 463 between Norwich and Putnam until July 26, 1962.

Since thirty days will elapse from the time of publication of these amendments as modified herein to the new effective date, these changes are in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60-NY-34 (25 F.R. 2753, 26 F.R. 2219, 8629) is altered as follows:

1. Items No. 1 and No. 4 are deleted.
2. Item No. 3 is amended to read:

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

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

3. Item No. 6 is amended to read:

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

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

4. "Effective 0001 e.s.t., January 11, 1962," is deleted and "Effective 0001 e.s.t., July 26, 1962," is substituted therefor.

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

Issued in Washington, D.C., on December 6, 1961.

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

[F.R. Doc. 61-11751; Filed, Dec. 12, 1961; 8:45 a.m.]

[Airspace Docket No. 60-NY-43]

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

Alteration and Revocation of Control Area Extensions

On November 24, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 11185), stating that the Federal Aviation Agency (FAA) proposed to alter the Bangor, Maine, control area extension (§ 601.1047) and to revoke the Bar Harbor, Maine, (§ 601.1346) and the Rockland, Maine, (§ 601.1345) control area extensions.

The Aircraft Owners and Pilots Association (AOPA) and the National

Aviation Trades Association (NATA) objected to the designation of airspace, of any large size, with floors of 700 feet above the surface.

At the time the notice was published, no regulatory provision existed providing for variations in the base of control area. In accordance with Part 601 of the regulations of the Administrator, control area was to be designated upward from 700 feet above the surface. Subsequent to publication of the notice, Amendment 60-21 was adopted providing for the designation of transition areas to extend upward from 1200 feet or higher above the surface when designated to complement control zones.

It is recognized that implementation of 60-21 in the Bangor area would result in considerable changes being made to the controlled airspace proposed in the notice. Due to the magnitude of the task of implementing Amendment 60-21, however, the review of the controlled airspace in the Bangor area which is required before this implementation can be accomplished has not been completed. Since the requirement by Air Traffic Service for the additional controlled airspace proposed in the notice can no longer be deferred, the FAA finds it necessary to designate the control area extension proposed in the notice. When the Amendment 60-21 study of the Bangor area is completed, separate airspace action will be initiated to convert the Bangor control area extension to a transition area with an appropriate controlled airspace floor assignment.

No other adverse comments were received regarding the proposed amendments.

In the notice, it was proposed that the Bangor control area extension be bounded on the northwest by the eastern boundary of VOR Federal airway No. 39 between the Augusta and Millinocket VORs. Subsequent to publication of the notice, this segment of Victor 39 was realigned to the west leaving a small amount of uncontrolled airspace between the realigned airway and the boundary originally proposed in the notice. To provide continuity of controlled airspace, action is taken herein to include it within the control area extension.

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

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

1. Section 601.1047 (14 CFR 601.1047, 26 F.R. 3464) Control area extension (Bangor, Maine) is amended to read:

§ 601.1047 Control area extension (Bangor, Maine).

That airspace bounded on the E by the United States/Canadian Border and a line extending from latitude 45°37'30" N., longitude 67°39'00" W., via latitude

44°45'00" N., longitude 67°30'00" W., to latitude 44°25'00" N., longitude 67°30'00" W.; on the SE by a line extending from latitude 44°25'00" N., longitude 67°30'00" W., via latitude 44°18'00" N., longitude 68°00'00" W., to latitude 43°45'00" N., longitude 69°15'00" W.; on the SW by the Brunswick, Maine, control area extension (§ 601.1324); and on the W and NW by VOR Federal airway No. 39 SW of the Millinocket VOR and VOR Federal airway No. 471 from the Millinocket VOR to the United States/Canadian Border. The portion of this control area extension which coincides with R-3901 is excluded during the time of designation of the restricted area. The portion of this control area extension which coincides with R-3903 shall be used only after obtaining prior approval from appropriate authority.

§ 601.1345 [Revocation]

2. Section 601.1345 Control area extension (Rockland, Maine) is revoked.

§ 601.1346 [Revocation]

3. Section 601.1346 Control area extension (Bar Harbor, Maine) is revoked.

These amendments 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 December 7, 1961.

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

[F.R. Doc. 61-11748; Filed, Dec. 12, 1961; 8:45 a.m.]

[Airspace Docket No. 61-WA-126]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area; Modification of Amendment

On November 25, 1961, there was published in the FEDERAL REGISTER (26 F.R. 11048), an amendment to § 608.29 of the regulations of the Administrator. This amendment altered the Jacksonville West, Fla., Restricted Area R-2903D.

Upon publication of the FEDERAL REGISTER on November 25, 1961, an error was noted in a geographical coordinate included in the description of R-2903D. Therefore, action is taken herein to correct this error.

Since this amendment corrects an error and imposes no additional burden on any person, the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 61-WA-126 (26 F.R. 11048) is hereby modified as follows:

In the description of the Jacksonville, Fla., Restricted Area R-2903D, "counterclockwise along an arc of a circle 3 nautical miles in radius centered at latitude 29°53'30" N., longitude 82°00'25" W.," is deleted and "counterclockwise along an arc of a circle 3 nautical miles in radius centered at latitude 29°-

53°20' N., longitude 82°00'25' W.;" is substituted therefor.

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

Issued in Washington, D.C., on December 6, 1961.

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

[F.R. Doc. 61-11752; Filed, Dec. 12, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8384 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Central Career Service and William H. Fenner

Subpart—Advertising falsely or misleadingly: § 13.115 *Jobs and employment service*; § 13.115-20 *Government*; § 13.125 *Limited offers or supply*; § 13.143 *Opportunities*; § 13.225 *Services*.

(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, William H. Fenner doing business as Central Career Service, Duluth, Minn., Docket 8384, Sept. 20, 1961]

In the Matter of William H. Fenner, an Individual Doing Business as Central Career Service

Consent order requiring a Duluth, Minn., seller of a correspondence course on civil service preparation to cease representing falsely in advertising and through salesmen that a person completing his course was qualified for and assured of a U.S. Civil Service position, and in the area of his choice, that such openings were available, that he would notify the student of examinations to be held, that the time in which his course could be purchased was limited, etc.

The order to cease and desist is as follows:

It is ordered, That Respondent, William H. Fenner, individually and doing business under the name of Central Career Service, or under any other name, and his representatives, agents and employees, directly or through any corporate or other device, in the connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of study and instruction, do forthwith cease and desist from representing, directly or by implication, that:

1. Respondent offers employment when, in fact, employment is not offered;
2. Completion of respondent's course of study will qualify persons for United States Civil Service Positions;

3. Any position in the United States Civil Service is open, unless such be a fact at the time the representation is made;

4. Any position in the United States Civil Service is open in any particular locality or section of the United States, unless such be a fact at the time the representation is made;

5. Respondent notifies the student when and where Civil Service examinations will be held;

6. Respondent's offer of sale of his course of study is limited as to time;

7. Completion of respondent's course of study assures or guarantees the person completing it a position in the United States Civil Service.

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

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

Issued: September 20, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-11753; Filed, Dec. 12, 1961; 8:45 a.m.]

[Docket 8414 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Scherer, Bildner & Allen, et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*; § 13.1108-45 *Fur Products Labeling Act*. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements*: § 13.1212-30 *Fur Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*: § 13.1845-30 *Fur Products Labeling Act*; § 13.1852 *Formal regulatory and statutory requirements*: § 13.1852-35 *Fur Products Labeling Act*; § 13.1886 *Quality, grade or type*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Abraham Scherer et al. trading as Scherer, Bildner & Allen, New York, N.Y., Docket 8414, Sept. 20, 1961]

In the Matter of Abraham Scherer, Charles Bildner and Daniel Allen, Individually and as Copartners Trading as Scherer, Bildner & Allen

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by failing to disclose on labels and invoices the true animal name of the fur used in a fur product and that the fur was dyed, and to disclose on labels that a product was composed of bellies, and failing to com-

ply in other respects with labeling and invoicing requirements.

The order to cease and desist is as follows:

It is ordered, That Abraham Scherer, Charles Bildner and Daniel Allen, individually and as copartners trading as Scherer, Bildner & Allen or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of fur products; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

A. Misbranding fur products by:

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

2. Setting forth on labels affixed to fur products:

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

b. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

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

C. Furnishing false guarantees that any fur or any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur or fur product may be introduced, sold, transported or distributed in commerce.

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

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

Issued: September 20, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-11754; Filed, Dec. 12, 1961; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4434]

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Exemption for Local Offerings From Registration

The meaning and application of the exemption from registration provided by section 3(a)(11) of the Securities Act of 1933, as amended, have been the subject of court opinions, releases of the Securities and Exchange Commission (Release Nos. 33-1459 (1937) and 33-4386 (1961)), and opinions and interpretations expressed by the staff of the Commission in response to specific inquiries. This release is published to provide in convenient and up-to-date form a restatement of the principles underlying section 3(a)(11) as so expressed over the years and to facilitate an understanding of the meaning and application of the exemption.¹

General nature of exemption. Section 3(a)(11), as amended in 1954, exempts from the registration and prospectus requirements of the Act:

Any security which is a part of an issue offered and sold only to persons resident within a single State or Territory, where the issuer of such security is a person resident and doing business within, or, if a corporation, incorporated by and doing business within, such State or Territory.

The legislative history of the Securities Act clearly shows that this exemption was designed to apply only to local financing that may practicably be consummated in its entirety within the State or Territory in which the issuer is both incorporated and doing business. As appears from the legislative history, by amendment to the Act in 1934, this exemption was removed from section 5(c) and inserted in section 3, relating to "Exempted Securities", in order to relieve dealers of an unintended restriction on trading activity.² This amendment was not intended to detract from its essential character as a transaction exemption.³

¹ Since publication of the 1937 release, the Investment Company Act of 1940 was enacted, and under section 24(d) thereof, the section 3(a)(11) exemption for an intrastate offering is not available for an investment company registered or required to be registered under the Investment Company Act.

² H.R. Report No. 1838, 73d Cong., 2d sess. (1934), p. 40.

³ See Report of the Securities and Exchange Commission to the Committee on Interstate and Foreign Commerce, dated Aug. 7, 1941, on Proposals for Amendments to the Securities Act of 1933 and the Securities Exchange Act of 1934 where in referring to sections 3(a)(1), 3(a)(9), 3(a)(10) 3(a)(11) and 3(b) of the Securities Act of 1933, it was said: ". . . Since these are in reality transaction exemptions, the Commission proposes

"Issue" concept. A basic condition of the exemption is that the entire issue of securities be offered and sold exclusively to residents of the state in question. Consequently, an offer to a nonresident which is considered a part of the intrastate issue will render the exemption unavailable to the entire offering.

Whether an offering is "a part of an issue", that is, whether it is an integrated part of an offering previously made or proposed to be made, is a question of fact and depends essentially upon whether the offerings are a related part of a plan or program. Unity Gold Corp., 3 S.E.C. 613, 625 (1938); Peoples Securities Co., SEA Release No. 6176, February 10, 1960. Thus, the exemption should not be relied upon in combination with another exemption for the different parts of a single issue where a part is offered or sold to nonresidents.

The determination of what constitutes an "issue" is not governed by State law. *Shaw v. U.S.*, 131 F. 2d 476, 480 (C.A. 9, 1942). Any one or more of the following factors may be determinative of the question of integration: (1) Are the offerings part of a single plan of financing; (2) do the offerings involve issuance of the same class of security; (3) are the offerings made at or about the same time; (4) is the same type of consideration to be received, and (5) are the offerings made for the same general purpose.

Moreover, since the exemption is designed to cover only those security distributions, which, as a whole, are essentially local in character, it is clear that the phrase "sold only to persons resident" as used in section 3(a)(11) cannot refer merely to the initial sales by the issuing corporation to its underwriters, or even the subsequent resales by the underwriters to distributing dealers. To give effect to the fundamental purpose of the exemption, it is necessary that the entire issue of securities shall be offered and sold to, and come to rest only in the hands of residents within the state. If any part of the issue is offered or sold to a nonresident, the exemption is unavailable not only for the securities so sold, but for all securities forming a part of the issue, including those sold to residents. Securities Act Release No. 201 (1934); Brooklyn Manhattan Transit Corp.; 1 S.E.C. 147 (1935); S.E.C. v. Hillsborough Investment Corp., 173 F. Supp. 86 (D.N.H. 1958); Hillsborough Investment Corp. v. S.E.C., 276 F. 2d 665 (C.A. 1, 1960); S.E.C. v. Los Angeles Trust Deed & Mortgage Exchange et al., 186 F. Supp. 830, 871 (S.D. Cal., 1960), aff'd 285 F. 2d 162 (C.A. 9, 1960). It is incumbent upon the issuer, underwriter, dealers and other persons connected with the offering to make sure that it does not become an interstate distribution through resales. It is understood to be customary for such persons to obtain assurances that purchases are not made with a view to resale to nonresidents.

Doing business within the State. In view of the local character of the section

and representatives of the securities' industry agree that they should be redesignated as transaction exemptions and transferred to Section 4. . . ." (p. 24).

3(a)(11) exemption, the requirement that the issuer be doing business in the State can only be satisfied by the performance of substantial operational activities in the State of incorporation. The doing business requirement is not met by functions in the particular State such as bookkeeping, stock record and similar activities or by offering securities in the State. Thus, the exemption would be unavailable to an offering by a company made in the State of its incorporation of undivided fractional oil and gas interests located in other States even though the company conducted other business in the State of its incorporation. While the person creating the fractional interests is technically the "issuer" as defined in section 2(4) of the Act, the purchaser of such security obtains no interest in the issuer's separate business within the State. Similarly, an intrastate exemption would not be available to a "local" mortgage company offering interests in out-of-State mortgages which are sold under circumstances to constitute them investment contracts. Also, the same position has been taken of a sale of an interest, by a real estate syndicate organized in one State to the residents of that State, in property acquired under a sale and leaseback arrangement with another corporation organized and engaged in business in another State.

If the proceeds of the offering are to be used primarily for the purpose of a new business conducted outside of the State of incorporation and unrelated to some incidental business locally conducted, the exemption should not be relied upon. *S.E.C. v. Truckee Showboat, Inc.*, 157 F. Supp. 824 (S.D. Cal. 1957). So also, a section 3(a)(11) exemption should not be relied upon for each of a series of corporations organized in different States where there is in fact and purpose a single business enterprise or financial venture whether or not it is planned to merge or consolidate the various corporations at a later date. *S.E.C. v. Los Angeles Trust Deed & Mortgage Exchange et al.*, 186 F. Supp. 830, 871 (S.D. Cal. 1960), aff'd 285 F. 2d 162 (C.A. 9, 1960).

Residence within the State. Section 3(a)(11) requires that the entire issue be confined to a single State in which the issuer, the offerees and the purchasers are residents. Mere presence in the State is not sufficient to constitute residence as in the case of military personnel at a military post. *S.E.C. v. Capital Funds, Inc. No. A46-60*, D. Alaska, 1960. The mere obtaining of formal representations of residence and agreements not to resell to nonresidents or agreements that sales are void if the purchaser is a nonresident should not be relied upon without more as establishing the availability of the exemption.

An offering may be so large that its success as a local offering appears doubtful from the outset. Also, reliance should not be placed on the exemption for an issue which includes warrants for the purchase of another security unless there can be assurance that the warrants will be exercised only by residents. With respect to convertible securities, a

section 3(a)(9) exemption may be available for the conversion.

A secondary offering by a controlling person in the issuer's State of incorporation may be made in reliance on a section 3(a)(11) exemption provided the exemption would be available to the issuer for a primary offering in that State. It is not essential that the controlling person be a resident of the issuer's State of incorporation.

Resales. From these general principles it follows that if during the course of distribution any underwriter, any distributing dealer (whether or not a member of the formal selling or distributing group), or any dealer or other person purchasing securities from a distributing dealer for resale were to offer or sell such securities to a nonresident, the exemption would be defeated. In other words, section 3(a)(11) contemplates that the exemption is applicable only if the entire issue is distributed pursuant to the statutory conditions. Consequently, any offers or sales to a nonresident in connection with the distribution of the issue would destroy the exemption as to all securities which are a part of that issue, including those sold to residents regardless of whether such sales are made directly to nonresidents or indirectly through residents who as part of the distribution thereafter sell to nonresidents. It would furthermore be immaterial that sales to nonresidents are made without use of the mails or instruments of interstate commerce. Any such sales of part of the issue to nonresidents, however few, would not be in compliance with the conditions of section 3(a)(11), and would render the exemption unavailable for the entire offering including the sales to residents. Petersen Engine Co., Inc., 2 S.E.C. 893, 903 (1937); Professional Investors, 37 S.E.C. 173, 175 (1956); Universal Service, 37 S.E.C. 559, 563-564 (1957); S.E.C. v. Hillsborough Investment Corp., 173 F. Supp. 86 (D.N.H. 1958); Hillsborough Investment Corp., v. S.E.C. 276 F. 2d 665 (C.A. 1, 1960).

This is not to suggest, however, that securities which have actually come to rest in the hands of resident investors, such as persons purchasing without a view to further distribution or resale to nonresidents, may not in due course be resold by such persons, whether directly or through dealers or brokers, to nonresidents without in any way affecting the exemption. The relevance of any such resales consists only of the evidentiary light which they might cast upon the factual question whether the securities had in fact come to rest in the hands of resident investors. If the securities are resold but a short time after their acquisition to a nonresident this fact, although not conclusive, might support an inference that the original offering had not come to rest in the State, and that resale therefore constituted a part of the process of primary distribution; a stronger inference would arise if the purchaser involved were a security dealer. It may be noted that the non-residence of the underwriter or dealer is not pertinent so long as the ultimate

distribution is solely to residents of the State.

Use of the mails and facilities of interstate commerce. The intrastate exemption is not dependent upon nonuse of the mails or instruments of interstate commerce in the distribution. Securities issued in a transaction properly exempt under this provision may be offered and sold without registration through the mails or by use of any instruments of transportation or communication in interstate commerce, may be made the subject of general newspaper advertisement (provided the advertisement is appropriately limited to indicate that offers to purchase are solicited only from, and sales will be made only to, residents of the particular State involved), and may even be delivered by means of transportation and communication used in interstate commerce, to the purchasers. Similarly, securities issued in a transaction exempt under section 3(a)(11) may be offered without compliance with the formal prospectus requirements applicable to registered securities. Exemption under section 3(a)(11), if in fact available, removes the distribution from the operation of the registration and prospectus requirements of section 5 of the Act. It should be emphasized, however, that the civil liability and anti-fraud provisions of sections 12(2) and 17 of the act nevertheless apply may give rise to civil liabilities and to other sanctions applicable to violations of the statute.

Conclusion. In conclusion, the fact should be stressed that section 3(a)(11) is designed to apply only to distributions genuinely local in character. From a practical point of view, the provisions of that section can exempt only issues which in reality represent local financing by local industries, carried out through local investment. Any distribution not of this type raises a serious question as to the availability of section 3(a)(11). Consequently, any dealer proposing to participate in the distribution of an issue claimed to be exempt under section 3(a)(11) should examine the character of the transaction and the proposed or actual manner of its execution by all persons concerned with it with the greatest care to satisfy himself that the distribution will not, or did not, exceed the limitations of the exemption. Otherwise the dealer, even though his own sales may be carefully confined to resident purchasers, may subject himself to serious risk of civil liability under section 12(1) of the act for selling without prior registration a security not in fact entitled to exemption from registration. In Release No. 4386, we noted that the quick commencement of trading and prompt resale of portions of the issue to nonresidents raises a serious question whether the entire issue has, in fact, come to rest in the hands of investors resident in the state of the initial offering.

The Securities Act is a remedial statute, and the terms of an exemption must be strictly construed against one seeking to rely on it. S.E.C. v. Sunbeam Gold Mining Co., 95 F. 2d 699,

701 (C.A. 9, 1938). The courts have held that he has the burden of proving its availability. Gilligan, Will & Co. v. S.E.C. 267 F. 2d 461, 466 (C.A. 2, 1959); S.E.C. v. Ralston Purina Co., 346 U.S. 119, 126 (1954); S.E.C. v. Colpepper, 270 F. 2d 241, 246 (C.A. 2, 1959).

[SEAL] ORVAL L. DUBOIS,
Secretary.

DECEMBER 6, 1961.

[F.R. Doc. 61-11764; Filed, Dec. 12, 1961;
8:48 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

SUBCHAPTER D—APPROVED FORMS, FEDERAL POWER ACT

[Docket No. R-198; Order No. 238]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Revision of Annual Report Form for Class A and B Electric Utilities, Licensees, and Others

DECEMBER 7, 1961.

This Commission has under consideration in this proceeding the revision of its F.P.C. Form No. 1, Annual Report Form Prescribed for Class A and Class B Electric Utilities, Licensees and Others Subject to the Provisions of the Federal Power Act and § 141.1, Part 141, Subchapter D, Approved Forms, Federal Power Act, Chapter I, Title 18, Code of Federal Regulations (CFR), prescribing F.P.C. Form No. 1. That Report Form, as revised, is prescribed hereinafter effective for use in reporting for the calendar year beginning January 1, 1961, or subsequently during the calendar year 1961 if an established fiscal year is other than the calendar year, and thereafter.

The various schedules comprising F.P.C. Form No. 1 now prescribed in § 141.1 (18 CFR 141.1) of Part 141, Title 18, correspond to, and appear as unnumbered and numbered pages 1-103, 701-718 of the Commission's F.P.C. Form No. 1 Electric Utilities and Licensees, initially prescribed by Order of August 6, 1937, and amended by Order of October 12, 1937; by Order of October 22, 1938 (3 F.R. 2582, October 29, 1938); by Order of October 17, 1939 (4 F.R. 4369, October 26, 1939); by Order No. 75 of September 24, 1940 (5 F.R. 3859, October 1, 1940); by Order No. 142 of October 6, 1948 (13 F.R. 6315, October 28, 1948); by Order No. 161 of October 30, 1951 (16 F.R. 11766, November 21, 1951); by Order No. 168 of January 6, 1954 (19 F.R. 214, January 12, 1954); by Order No. 176 of November 24, 1954 (19 F.R. 7872, December 1, 1954); by Order No. 199 of March 17, 1958 (23 F.R. 1888, March 21, 1958); by Order No. 204 of May 29, 1958 (23 F.R. 4160, June 12, 1958); and by Order No. 207 of August 7, 1958 (23 F.R. 6238, August 14, 1958). Section 141.1, Part 141, Subchapter D, Approved Forms, Federal Power Act was

contained in the codification and re-issuance of the Commission's general rules promulgated by Order No. 141 of December 11, 1947 (12 F.R. 8592, December 19, 1947).

This proceeding was commenced by notice of proposed rule making served upon interested parties, including State and Federal regulatory agencies, and by publication in the FEDERAL REGISTER on June 9, 1961 (26 F.R. 5180). As proposed, the subject matters and revisions in § 141.1, and the General Instructions and other Schedules comprising F.P.C. Form No. 1 were set forth in narrative form in the notice or set forth in the form of proposed revised Schedules including as a part thereof the General Instructions. Copies of the proposed revised Schedules including the General Instructions were served upon the aforesaid interested parties as a part of the notice of proposed rule making as well as being filed as a part of the notice as submitted to the FEDERAL REGISTER for publication (26 F.R. 5180).

The notice of proposed rule making afforded a period of 30 days for the submission to the Commission of written data, views, comments and suggestions concerning the proposed revisions of F.P.C. Form No. 1 and Part 141. Numerous responses were received and all are now before the Commission for consideration. As pointed out hereinafter the conclusions expressed in certain of the data, views, comments and suggestions are adopted and others rejected. F.P.C. Form No. 1, as revised and promulgated herein, is as set forth in the attached Appendix A¹ which shows the changes adopted herein in typed or handscript form rather than the printed form in which those changes will ultimately appear. Copies of F.P.C. Form No. 1, as revised and promulgated herein, will be available in printed format at a later date from the Commission or the Superintendent of Documents, United States Government Printing Office. The intervening period will afford time for complete familiarization with the Report Form as finally adopted and promulgated herein by all personnel of the reporting parties charged with responsibility for its preparation prior to the close of the current reporting year and the date for filing the revised form of report.

Overall, the revisions or changes and improvements to be found in the revised F.P.C. Form No. 1, as prescribed herein, are designed to coordinate the Commission's Report Form for Classes A and B electric utilities, licensees and others with the accounting classifications and procedures prescribed as a part of the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act (Class A and Class B) effective January 1, 1961.² Additionally, the format of F.P.C. Form No. 1 has been revised so as to facilitate its coordinate use in reporting to this Commission and to State regulatory authorities. This is accomplished through sectionalized

numbering of schedule pages to allow integration of operating and statistical schedules for non-electric utility departments of reporting parties which are subject to reporting requirements prescribed by various State regulatory bodies.

Where the revisions or changes and improvements reflected in the revised F.P.C. Form No. 1 elicit data currently reported in different form or additional information they reflect two basic considerations. The general revision of the Commission's Uniform System of Accounts for Public Utilities and Licensees creates new accounts, deletes certain accounts and consolidates other accounts. This in turn makes necessary corresponding revisions in the format of numerous schedules of the Commission's Report Form since those schedules generally reflect the accounting classifications and procedures of the Commission's Uniform System of Accounts. More important or noteworthy among the schedule revisions of this type are: Comparative Balance Sheet; Summary of Utility Plant and Accumulated Provisions for Depreciation, Amortization and Depletion; Statement of Income for the Year; Statement of Earned Surplus; Nonutility Property; Investments; Special Funds; Special Deposits; Notes and Accounts Receivable; Accounts Receivable; Materials and Supplies; Capital Stock Subscribed, Capital Stock Liability for Conversion, Premium on Capital Stock, and Installments Received on Capital Stock; Other Paid-in Capital; Particulars Concerning Certain Other Income Accounts; Particulars Concerning Certain Income Deduction and Interest Charges Accounts; Common Utility Plant and Expenses; Electric Plant in Service; Construction Work in Progress and Completed Construction not Classified—Electric; Accumulated Provisions for Depreciation of Electric Plant; Electric Operating Revenues; Electric Operation and Maintenance Expenses; Joint Expenses, Debit and Credit; Construction Overheads Electric; Depreciation and Amortization of Electric Plant; Generating Station Statistics; Transmission Line Statistics; and Electric Distribution Meters and Line Transformers. The foregoing are all as more fully set forth in Appendix A together with other revisions or changes and improvements of this general type reflected in the revised Report Form as prescribed herein.

Secondly, the Commission's experience and certain developments in the electric utility industry over past years have shown the reporting of additional financial and operating data not presently reported to be necessary for the carrying out of the purposes intended to be served by the Federal Power Act. Information of the latter type or amplification of data previously reported would be solicited in the revised Report Form chiefly through the following Schedules: Notes to Balance Sheet; Notes to Income Statement; Prepayments; Reconciliation of Reported Net Income with Taxes; Accumulated Deferred Income Taxes; Taxable Income for Federal Income Taxes; Transmission of Electricity For or By Others; and Miscellaneous General Expenses. These Schedules are all as more fully set forth in Appendix A.

Prior developments in the electric utility industry giving rise to this needed additional information include, among others, increased power and energy exchange operations among electric utilities; the impact of income tax requirements when applied to electric utility operations; activities of electric utilities in research and development programs, especially nuclear operations; and considerations arising from the collection of operating revenues subject to future administrative determination in rate or other proceedings as well as the payment of purchased power and energy costs subject to similar administrative determinations.

Under the wording of § 141.1, Part 141, Subchapter D, Approved Forms, Federal Power Act, prescribing F.P.C. Form No. 1, as revised herein, the size classifications for Class A and Class B Public Utilities and Licensees prescribed in the Commission's Uniform System of Accounts, effective January 1, 1961, are adopted and made applicable to reporting parties except "municipalities" as defined in section 3 of the Federal Power Act. The Report Form, as revised and promulgated herein is not applicable to municipalities.³ Similar revisions appear in the wording of the General Instructions to the Report Form as prescribed herein.

Other of the revisions or changes and improvements reflected in the various schedules (including as a part thereof the General Instructions) of the revised F.P.C. Form No. 1 are more particularly of a clarifying or an editorial nature. As in the case of the previously-mentioned revisions or changes and improvements they are shown upon the revised F.P.C. Form No. 1 set forth in Appendix A.

The revised F.P.C. Form No. 1 adopted herein was developed by this Commission's staff in collaboration with inter alia the Committee on Accounts and Statistics of the National Association of Railroad and Utilities Commissioners as was the existing Report Form to be superseded.⁴

Subsequent to the general public notice of rule making in this proceeding on June 9, 1961 (26 F.R. 5180), comments and suggestions were filed by the following classes of respondents:

State Public Service Commission (Colorado)	1
State Auditors (Washington)	1
Electric Utilities	71
Holding Company Service Companies ..	1
Utility Service Companies	1
Total	75

A number of the responses received by the Commission present factual and policy considerations in support of suggested technical changes in the Report

³ As pointed out in the notice of proposed rule making in this proceeding, the Commission contemplates promulgation at a later date of a separate report form for use by municipalities in reporting financial and statistical data to this Commission.

⁴ Prior to the general public notice of rule making a number of communications were received and are contained in the formal files of the Commission.

¹ Filed as part of original document.

² Commission Order No. 218 issued June 7, 1960, 25 F.R. 5013, 23 FPC 772.

Form as noticed. In some instances specific language or format was presented in substitution. Certain of the suggested changes are adopted in the Report Form as set for in Appendix A hereto. See, for example, the Schedule of Transmission Line Statistics which has been modified to provide for separate grouping of investment and operating costs of transmission facilities of 110 kv or over rather than 66 kv, as proposed in the notice of rule making.

However, by far the greater number of all responses received are intended to present objections to the increased reporting requirements of the following Schedules as noticed: Schedule of Reconciliation of Reported Net Income with Taxable Income for Federal Income Taxes; Schedule of Accumulated Deferred Income Taxes; Schedule of Taxes Charged During Year; Notes to Balance Sheet; and Notes to Statement of Income. The bases of the tendered objections range from factual or policy considerations to legal arguments. In some instances this class of response proffers alternative suggested means for accomplishing the objectives sought to be achieved by the Schedules and Notes as presented in the notice of rule making herein. However, in most instances, they do not. In this respect, they are negative in character. Nevertheless, accommodation of the various considerations and arguments raised in the responses has been effected in the Report Form as prescribed herein to the maximum extent possible without undue sacrifice of the basic considerations of the Federal Power Act which necessitate and authorize the reporting of the additional information called for. Generally speaking, these further revisions have resulted in several changes as respects the Notes to Balance Sheet and Notes to Statement of Income and the Schedule of Taxes Charged During Year from the form thereof as set forth in the notice of rule making herein. The specific nature of these and the previously mentioned changes may be seen from a comparison of F.P.C. Form No. 1 as set forth in Appendix A hereto and the notice of rule making.

Additionally, an electric utility through an untimely filing raises a series of challenges to Commission adoption, as a part of the revised F.P.C. Form No. 1, of the Schedule of General Instructions as attached to the notice of rule making in this proceeding. The arguments advanced in support of these challenges misconceive the nature of this proceeding. The matter here before the Commission is the adoption and promulgation of a revised Report Form, F.P.C. Form No. 1, to be filed hereafter. Our action in that respect, as set forth herein, is within the statutory authority conferred upon this Commission both under the Federal Power Act and the Administrative Procedure Act. The statutory findings and conclusions which we reach authorize the revised F.P.C. Form No. 1 adopted and promulgated by this order. The objections which the protesting company advances all spring from an allegation that copies of this Commission's F.P.C. Form No. 1 filed by it for a

number of years prior to the present time are in whole or in part unauthorized and invalid Report Forms.

Following the conclusion of the period afforded for the submission of written responses to the notice of rule making herein, the staff of this Commission again correlated its activities with those of the NARUC Committee on Accounts and Statistics at a conference held on August 15, and 16, 1961. The staff recommends Commission adoption of the revised Report Form as set forth in the annexed Appendix A as this Commission's F.P.C. Form No. 1 effective for use in reporting for the calendar year beginning January 1, 1961 or subsequently during the calendar year 1961 if an established fiscal year is other than the calendar year, and years thereafter.

In view of the Commission's revision of its Uniform System of Accounts for Public Utilities and Licensees, any continuation of the Commission's F.P.C. Form No. 1 as presently constituted would be unduly burdensome and expensive for reporting parties. Moreover, the Commission is of the opinion that the physical burden and monetary cost involved in connection with the transition from the present to the revised Report Form will be minor especially when viewed in relation to the immediate and future benefits to be derived from the revised Report Form, as prescribed herein.

The Commission further finds:

(1) The notice and opportunity to participate in this rule making proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, suggestions and arguments in the manner as described above are consistent and in accordance with all procedural requirements therefor as prescribed in section 4 of the Administrative Procedure Act. Opportunity for further hearing in this matter would serve no useful purpose in view of the foregoing and is therefore unnecessary.

(2) In view of the foregoing, and upon consideration of all relevant matters presented, it is necessary and appropriate for the purposes of the Federal Power Act that:

(a) The revised Report Form as set forth in annexed Appendix A be adopted and promulgated as this Commission's F.P.C. Form No. 1 effective for use in reporting for the calendar year beginning January 1, 1961, or subsequently during the calendar year 1961 if an established fiscal year is other than the calendar year, and years thereafter; all as hereinafter provided.

(b) Sections 141.1 (a), (b), (c), and (d), Part 141, Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18, Code of Federal Regulations be amended to read as hereinafter provided.

(3) Good cause exists for adoption and promulgation of the matters referred to above immediately upon issuance of this order; all as hereinafter provided.

The Commission acting pursuant to the Federal Power Act, as amended, particularly sections 3(13), 4 (a), (b), (c), 301(a), 302, 304, 309, and 311 thereof

(16 U.S.C. 796 (13), 797 (a), (b), (c), 825 (a), 825a, 825c, 825h, and 825j) orders:

(A) The revised Report Form as set forth in annexed Appendix A is hereby adopted and promulgated as this Commission's F.P.C. Form No. 1 effective for use in reporting for the calendar year beginning January 1, 1961, or subsequently during the calendar year 1961 if an established fiscal year is other than the calendar year, and years thereafter.

(B) Section 141.1 (a), (b), (c), and (d), Part 141, Subchapter D—Approved Forms, Federal Power Act of Chapter I of Title 18 of the Code of Federal Regulations, are hereby amended to read as follows:

§ 141.1 Form No. 1, Annual report for electric utilities, licensees and others (Class A and Class B).

(a) The form of Annual Report for Classes A and B electric utilities, licensees and others, designated herein as F.P.C. Form No. 1 is prescribed for the year 1961 and thereafter.

(b) (1) Each Class A electric utility, licensee, and others; i.e., each corporation, person, or licensee as defined in section 3 of the Federal Power Act, including any agency, authority or other legal entity or instrumentality and any agency, authority or instrumentality of the United States engaged in generation, transmission, distribution, or sale of electric energy, however produced, throughout the United States and its possessions, having annual electric operating revenues of \$2,500,000 or more, whether or not the jurisdiction of the Commission is otherwise involved, shall prepare and file with the Commission for the year beginning January 1, 1961, or subsequently during the calendar year 1961 if its established fiscal year is other than the calendar year, and for each year thereafter, on or before the last day of the third month following the close of the calendar year or other established fiscal year, an original and such number of conformed copies of the above-designated F.P.C. Form No. 1 as are indicated in the General Instructions set out in that form, all properly filled out and verified: *Provided*, That with the exception of the following schedules: viz., Important Changes During the Year, Comparative Balance Sheet, Notes to Balance Sheet, Summary of Utility Plant and Accumulated Provision for Depreciation, Amortization and Depletion, Statement of Income for the Year, Notes to Statement of Income, Statement of Earned Surplus, and Electric Operating Revenues, the filing of the complete report, which shall include the above excepted schedules originally filed, may be postponed for 30 days beyond the established filing date without further authorization by the Commission. One copy of said report should be retained by the correspondent in its files. The conformed copies may be carbon copies, if legible.

(2) This report form is not prescribed for municipalities as defined in section 3 of the Federal Power Act; i.e., a city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the

laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power.

(c) (1) Each Class B electric utility, licensee, and others; i.e., each corporation, person, or licensee as defined in section 3 of the Federal Power Act, including any agency, authority or other legal entity or instrumentality and any agency, authority or instrumentality of the United States engaged in generation, transmission, distribution, or sale of electric energy, however produced, throughout the United States and its possessions, having annual electric operating revenues of more than \$1,000,000 but less than \$2,500,000, whether or not the jurisdiction of the Commission is otherwise involved, shall prepare and file with the Commission for the year beginning January 1, 1961, or subsequently during the calendar year 1961 if its established fiscal year is other than the calendar year, and for each year thereafter, on or before the last day of the third month following the close of the calendar year or other established fiscal year, an original and such number of conformed copies of the above-designated F.P.C. Form No. 1 as are indicated in the General Instructions set out in that form, all properly filled out and verified: *Provided*, That with the exception of the following schedules: viz., Important Changes During the Year, Comparative Balance Sheet, Notes to Balance Sheet, Summary of Utility Plant and Accumulated Provision for Depreciation, Amortization and Depletion, Statement of Income for the Year, Notes to Statement of Income, Statement of Earned Surplus, and Electric Operating Revenues, the filing of the complete report, which shall include the above excepted schedules originally filed, may be postponed for 30 days beyond the established filing date without further authorization from the Commission. One copy of said report should be retained by the correspondent in its files. The conformed copies may be carbon copies, if legible.

(2) This report form is not prescribed for municipalities as defined in section 3 of the Federal Power Act; i.e., a city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power.

(d) This annual report contains the following schedules:

Identification.
General Instruction.
General Information.
Control Over Respondent.
Corporations Controlled by Respondent.
Officers.
Directors.
Security Holders and Voting Powers.
Important Changes During the Year.
Comparative Balance Sheet—Statement A.
Notes to Balance Sheet—Statement A (Continued).
Summary of Utility Plant and Accumulated Provisions for Depreciation, Amortization, and Depletion—Statement B.
Statement of Income for the Year—Statement C.
Notes to Statement of Income—Statement C (Continued).

Statement of Earned Surplus—Statement D.
Nonutility Property.
Accumulated Provision for Depreciation and Amortization of Nonutility Property.
Investments.
Special Funds.
Special Deposits.
Notes and Accounts Receivable.
Accumulated Provision for Uncollectible Accounts—Cr.
Notes Receivable.
Accounts Receivable.
Receivables from Associated Companies.
Materials and Supplies.
Plant Materials and Operating Supplies.
Production Fuel and Oil Stocks.
Prepayments.
Miscellaneous Current and Accrued Assets.
Extraordinary Property Losses.
Unamortized Debt Disc. and Exp. and Unamort. Premium on Debt.
Preliminary Survey and Investigation Charges.
Clearing Accounts.
Miscellaneous Deferred Debits.
Deferred Regulatory Commission Expenses.
Capital Stock.
Capital Stock Subscribed, Capital Stock Liability for Conversion, Premium on Capital Stock, and Installments Received on Capital Stock.
Other Paid-in Capital.
Discount on Capital Stock.
Capital Stock Expense.
Long-Term Debt.
Securities Issued or Assumed and Securities Refunded or Retired During the Year.
Notes Payable.
Payables to Associated Companies.
Accrued and Prepaid Taxes.
Reconciliation of Reported Net Income with Taxable Income for Federal Income Taxes.
Miscellaneous Current and Accrued Liabilities.
Customer Advances for Construction.
Other Deferred Credits.
Operating Reserves.
Contributions in Aid of Construction.
Accumulated Deferred Income Taxes.
Income from Utility Plant Leased to Others.
Income from Merchandising, Jobbing, and Contract Work.
Particulars Concerning Certain Other Income Accounts.
Particulars Concerning Certain Income Deduction and Interest Charges Accounts.
Common Utility Plant and Expenses.
Taxes Charged During Year.
Regulatory Commission Expenses.
Charges for Professional Services.
Distribution of Salaries and Wages.
Electric Plant in Service.
Electric Plant Leased to Others.
Electric Plant Held for Future Use.
Construction Work in Progress and Completed Construction not Classified—Electric.
Electric Plant Acquisition Adjustments and Accumulated Provision for Amortization of Electric Plant Acquisition Adjustments.
Accumulated Provisions for Depreciation of Electric Plant.
Electric Operating Revenues.
Sales of Electricity—By Communities.
Sales for Resale.
Sales of Electricity by Rate Schedules.
Sales to Railroads and Railways and Interdepartmental Sales.
Rent from Electric Property and Interdepartmental Rents.
Sales of Water and Water Power.
Miscellaneous Service Revenues and Other Electric Revenues.
Electric Operation and Maintenance Expenses.
Number of Electric Department Employees.
Rents Charged to Electric Operating Expenses.
Purchased Power.
Interchange Power.
Transmission of Electricity for or by Others.

Franchise Requirements.
Miscellaneous General Expenses.
General Description of Construction Overhead Procedure.
Construction Overheads—Electric.
Depreciation and Amortization of Electric Plant.
Electric Energy Account.
Monthly Peaks and Output.
Generating Station Statistics (Large Stations).
Generating Station Statistics (Small Stations).
Changes Made or Scheduled to be Made in Generating Station Capacities.
Steam Generating Stations.
Hydroelectric Generating Stations.
Combustion Engine and Other Generating Stations.
Transmission Line Statistics.
Transmission Lines Added During Year.
Substations.
Conduit, Underground Cable and Submarine Cable.
Electric Distribution Meters and Line Transformers.
Verification.

(C) This order shall be effective upon the date of issuance thereof.

(D) The Secretary of the Commission shall cause prompt publication of this order.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11777; Filed, Dec. 12, 1961;
8:49 a.m.]

SUBCHAPTER G—APPROVED FORMS, NATURAL GAS ACT

[Docket No. R-201; Order No. 239]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Revision of Annual Report Form For Class A and B Natural Gas Companies

DECEMBER 7, 1961.

This Commission has under consideration in this proceeding the revision of its F.P.C. Form No. 2, Annual Report Form Prescribed for Class A and Class B Natural Gas Companies¹ Subject to the Provisions of the Natural Gas Act and § 260.1, Part 260, Subchapter G, Approved Forms, Natural Gas Act, Chapter I, Title 18, Code of Federal Regulations (CFR), prescribing F.P.C. Form No. 2. That Report Form, as revised is prescribed hereinafter effective for use in reporting for the calendar year beginning January 1, 1961 or subsequently during the calendar year 1961 if an established fiscal year is other than the calendar year, and thereafter.

The various schedules comprising F.P.C. Form No. 2 now prescribed in § 260.1 (18 CFR 260.1) of Part 260, Title

¹ It should be noted that this Commission's Order No. 174-B of December 16, 1954 (19 F.R. 8807, December 23, 1954, 13 FPC 1576), waived the application of the Commission's Uniform System of Accounts to independent producers of natural gas. Pursuant to this Commission's Order No. 231 of December 21, 1960 (25 F.R. 13882, December 29, 1960, 24 FPC 1117) and 18 CFR 260.5 as prescribed by that order, independent producers of natural gas are presently required to file annually a Statement of Sales and Revenues.

18, correspond to, and appear as unnumbered and numbered pages 1-121 of the Commission's F.P.C. Form No. 2, Natural Gas Companies initially prescribed by Commission Order No. 100 of November 24, 1942 (7 F.R. 10045, December 3, 1942); and amended by Order No. 113 of December 21, 1943 (8 F.R. 17338, December 28, 1943); by Order No. 162 of October 30, 1951 (16 F.R. 11767, November 21, 1951); by Order No. 167 of January 6, 1954 (19 F.R. 215, January 12, 1954); by Order No. 171 of April 21, 1954 (19 F.R. 2450, April 27, 1954); by Order No. 177 of November 30, 1954 (19 F.R. 8012, December 4, 1954); by Order No. 185 of February 8, 1956 (21 F.R. 1485, March 8, 1956); by Order No. 200 of March 17, 1958 (23 F.R. 1890, March 21, 1958); by Order No. 203 of May 29, 1958 (23 F.R. 4164, June 12, 1958) and by Order No. 208 of August 7, 1958 (23 F.R. 6239, August 14, 1958). Section 260.1, Part 260, Subchapter G, Approved Forms, Natural Gas Act was contained in the codification and reissuance of the Commission's general rules promulgated by Order No. 141 of December 11, 1947 (12 F.R. 8658, December 19, 1947).

This proceeding was commenced by notice of proposed rule making served upon interested parties, including State and Federal regulatory agencies, and by publication in the FEDERAL REGISTER on June 9, 1961 (26 F.R. 5182). As proposed, the subject matters and revisions of § 260.1, Part 260 and the various schedules comprising F.P.C. Form No. 2 were set forth in narrative form in the notice or set forth in form of proposed revised schedules. Copies of the proposed revised schedules were served upon the aforesaid interested parties as a part of the notice of proposed rule making as well as being filed as a part of the notice as submitted to the FEDERAL REGISTER for publication (26 F.R. 5183).

The notice of proposed rule making, afforded a period of 30 days for the submission to the Commission of written data, views, comments and suggestions concerning the proposed revisions of F.P.C. Form No. 2 and Part 260. Numerous responses were received and all are now before the Commission for consideration. As pointed out hereinafter the conclusions expressed in certain of the data, views, comments and suggestions are adopted and others rejected. F.P.C. Form No. 2, as revised and promulgated herein, is as set forth in the attached Appendix A² which shows the changes adopted herein in typed or handscript form rather than the printed form in which those changes will ultimately appear. Copies of F.P.C. Form No. 2, as revised and promulgated herein, will be available in printed format at a later date from the Commission or the Superintendent of Documents, United States Government Printing Office. The intervening period will afford time for complete familiarization with the Report Form as finally adopted and promulgated herein by all personnel of the reporting parties charged with responsibility for its preparation prior to the close of the current reporting year and

the date for filing the revised form of report.

Overall, the revisions or changes and improvements to be found in the revised F.P.C. Form No. 2, as prescribed herein, are designed to coordinate the Commission's Report Form for Classes A and B natural gas companies with the accounting classifications and procedures prescribed as a part of the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act (Class A and Class B) effective January 1, 1961.³ Additionally, the format of F.P.C. Form No. 2 has been revised so as to facilitate its coordinate use in reporting to this Commission and to State regulatory authorities. This is accomplished through sectionalized numbering of schedule pages to allow integration of operating and statistical schedules for nongas utility departments of reporting parties which are subject to reporting requirements prescribed by various State regulatory bodies.

Where the revisions or changes and improvements reflected in the revised F.P.C. Form No. 2 elicit data currently reported in different form or additional information they reflect two basic considerations. The general revision of the Commission's Uniform System of Accounts for Natural Gas Companies creates new accounts, deletes certain accounts and consolidates other accounts. This in turn makes necessary corresponding revisions in the format of numerous schedules of the Commission's Report Form since those schedules generally reflect the accounting classifications and procedures of the Commission's Uniform System of Accounts. More important or noteworthy among the schedule revisions of this type are Comparative Balance Sheet; Summary of Utility Plant and Accumulated Provisions for Depreciation, Amortization and Depletion; Statement of Income for the Year; Statement of Earned Surplus; Nonutility Property; Investments; Special Funds; Special Deposits; Notes and Accounts Receivable; Accounts Receivable; Materials and Supplies; Gas Stored Underground; Capital Stock Subscribed, Capital Stock Liability for Conversion, Premium on Capital Stock, and Installments Received on Capital Stock; Other Paid-in Capital; Particulars Concerning Certain Other Income Accounts; Particulars Concerning Certain Income Deduction and Interest Charges Accounts; Common Utility Plant and Expenses; Gas Plant in Service; Construction Work in Progress and Completed Construction not Classified—Gas; Accumulated Provisions for Depreciation of Gas Plant; Accumulated Provision for Amortization of Underground Storage Land and Land Rights; Accumulated Provisions for Amortization of Other Gas Plant in Service, Amortization and Depletion of Gas Plant Leased to Others, Amortization of Other Gas Plant Held for Future Use; Gas Operating Revenues; Gas Operation and Maintenance Expenses; Gas

Purchases; Exchange Gas Transactions; Other Gas Supply Expenses; Joint Expenses, Debit and Credit; Construction Overheads—Gas; Depreciation, Depletion and Amortization of Gas Plant. The foregoing are all as more fully set forth in Appendix A together with other revisions or changes and improvements of this general type reflected in the revised Report Form as prescribed herein.

Secondly, the Commission's experience and certain developments in the natural gas industry over past years have shown the reporting of additional financial and operating data not presently reported to be necessary for the carrying out of the purposes intended to be served by the Natural Gas Act. Information of the latter type or amplification of data previously reported would be solicited in the revised Report Form chiefly through the following Schedules: Notes to Balance Sheet; Notes to Income Statement; Prepayments; Reconciliation of Reported Net Income with Taxable Income for Federal Income Taxes; Accumulated Deferred Income Taxes; Miscellaneous General Expenses; Natural Gas Reserves; and Changes in Estimated Natural Gas Reserves. These Schedules are as more fully set forth in Appendix A. Prior developments in the natural gas industry giving rise to this needed additional information include, among others, increased gas exchange operations among gas utilities; development and utilization of underground storage; the impact of income tax requirements when applied to gas utility operations; activities of natural gas companies in research and development programs; and considerations arising from the collection of operating revenues subject to future administrative determination in rate or other proceedings as well as the payment of purchased gas costs subject to similar administrative determinations.

Under the wording of § 260.1, Part 260, Subchapter G, Approved Forms, Natural Gas Act, prescribing F.P.C. Form No. 2, as revised herein, the size classifications for Class A and Class B Natural Gas Companies prescribed in the Commission's Uniform System of Accounts, effective January 1, 1961, are adopted and made applicable to natural gas companies.

Other of the revisions or changes and improvements reflected in the various schedules (including as a part thereof the General Instructions) of the revised F.P.C. Form No. 2 are more particularly of a clarifying or an editorial nature. As in the case of the previously mentioned revisions or changes and improvements they are shown upon the revised F.P.C. Form No. 2 set forth in Appendix A.

The revised F.P.C. Form No. 2 adopted herein was developed by this Commission's staff in collaboration with inter alia the Committee on Accounts and Statistics of the National Association of Railroad and Utilities Commissioners as was the existing Report Form to be superseded.⁴

⁴ Prior to the general public notice of rule making a number of communications were received and are contained in the formal files of the Commission.

² Filed as part of original document.

³ Commission Order No. 219 issued June 21, 1960, 25 F.R. 5615, 23 F.P.C. 825.

Subsequent to the general public notice of rule making in this proceeding on June 9, 1961⁵ (26 F.R. 5182), comments and suggestions were filed by the following classes of respondents:

State Public Service Commissions (Kansas)-----	1
Natural Gas Companies-----	32
Utility Districts-----	1
Natural Gas Associations-----	1
Holding Company Service Companies-----	1
Utility Service Companies-----	1
Total -----	37

A number of the responses received by the Commission present factual and policy considerations in support of technical changes in the Report Form as noticed. In some instances, specific language or format was presented in substitution. Certain of the suggested changes are adopted in the Report Form as set forth in Appendix A hereto.

However, by far the greater number of all responses received were intended to present objections to the increased reporting requirements of the following Schedules as noticed: Schedule of Reconciliation of Reported Net Income with Taxable Income for Federal Income Taxes; Schedule of Accumulated Deferred Income Taxes; Schedule of Taxes Charged During Year; Notes to Balance Sheet; and Notes to Statement of Income. The bases of the tendered objections range from factual or policy considerations to legal arguments. In some instances, this class of response proffers alternative suggested means for accomplishing the objectives sought to be achieved by the Schedules and Notes as presented in the notice of rule making herein. However, in most instances, they do not. In this respect they are negative in character. Nevertheless, accommodation of the various considerations and arguments raised in the responses has been effected in the Report Form as prescribed herein to the maximum extent possible without undue sacrifice of the basic considerations of the Natural Gas Act which necessitate and authorize the reporting of the additional information called for. Generally speaking, these further revisions have resulted in several changes as respects the Notes to Balance Sheet and Notes to Statement of Income and the Schedule of Taxes Charged During Year from the form thereof as set forth in the notice of rule making herein. The specific nature of these and the previously-mentioned changes may be seen from a comparison of F.P.C. Form No. 2 as set forth in Appendix A hereto and the notice of rule making.

Following the conclusion of the period afforded for the submission of written responses to the notice of rule making herein, the staff of this Commission again correlated its activities with those of the NARUC Committee on Accounts and Statistics at a conference

⁵ All parties were given to and including July 5, 1961, later extended to and including July 20, 1961 (26 F.R. 6001, July 4, 1961), to submit data, views, comments and suggestions in writing concerning the aforesaid proposed revision in the Commission's F.P.C. Form No. 2.

held on August 15 and 16, 1961. The staff recommends Commission adoption of the revised Report Form as set forth in the annexed Appendix A as this Commission's F.P.C. Form No. 2 effective for use in reporting for the calendar year beginning January 1, 1961 or subsequently during the calendar year 1961 if an established fiscal year is other than the calendar year, and years thereafter.

In view of the Commission's revision of its Uniform System of Accounts for Natural Gas Companies any continuation of the Commission's F.P.C. Form No. 2 as presently constituted would be unduly burdensome and expensive for reporting parties. Moreover, the Commission is of the opinion that the physical burden and monetary cost involved in connection with the transition from the present to the revised Report Form will be minor especially when viewed in relation to the immediate and future benefits to be derived from the revised Report Form, as prescribed herein.

The Commission further finds:

(1) The notice and opportunity to participate in this rule making proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, suggestions and arguments in the manner as described above are consistent and in accordance with all procedural requirements therefor as prescribed in Section 4 of the Administrative Procedure Act. Opportunity for further hearing in this matter would serve no useful purpose in view of the foregoing and is therefore unnecessary.

(2) In view of the foregoing, and upon consideration of all relevant matters presented, it is necessary and appropriate for the purposes of the Natural Gas Act that:

(a) The revised Report Form as set forth in annexed Appendix A be adopted and promulgated as this Commission's F.P.C. Form No. 2 effective for use in reporting for the calendar year beginning January 1, 1961, or subsequently during the calendar year 1961 if an established fiscal year is other than the calendar year, and years thereafter; all as hereinafter provided.

(b) Sections 260.1 (a), (b), and (c), Part 260, Subchapter G, Approved Forms, Natural Gas Act, Chapter I, Title 18, Code of Federal Regulations be amended to read as hereinafter provided.

(3) Good cause exists for adoption and promulgation of the matters referred to above immediately upon issuance of this order; all as hereinafter provided.

The Commission acting pursuant to the Natural Gas Act, as amended, particularly sections 8, 9, 10, and 16 (15 U.S.C. 717g, 717h(b), 717i, and 717o) orders:

(A) The revised Report Form as set forth in annexed Appendix A is hereby adopted and promulgated as this Commission's F.P.C. Form No. 2 effective for use in reporting for the calendar year beginning January 1, 1961, or subsequently during the calendar year 1961 if an established fiscal year is other than the calendar year, and years thereafter.

(B) Section 260.1 (a), (b), and (c), Part 260, Subchapter G, Approved Forms,

Natural Gas Act, of Chapter I of Title 18 of the Code of Federal Regulations, are hereby amended to read as follows:

§ 260.1 Form No. 2, Annual report for natural gas companies (Class A and Class B).

(a) The form of Annual Report for Classes A and B natural gas companies, designated herein as F.P.C. Form No. 2 is prescribed for the year 1961 and thereafter.

(b) Each natural gas company, as defined in the Natural Gas Act (52 Stat. 821) which is included in Classes A or B as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act, shall prepare and file with the Commission for the year beginning January 1, 1961, or subsequently during the calendar year 1961, if its established fiscal year is other than the calendar year, and for each year thereafter, on or before the last day of the third month following the close of the calendar year or other established fiscal year an original and such number of conformed copies of the above-designated F.P.C. Form No. 2 as are indicated in the General Instructions set out in that Form, all properly filled out and verified: *Provided*, That with the exception of the following schedules; viz., Important Changes During the Year, Comparative Balance Sheet, Notes to Balance Sheet, Summary of Utility Plant and Accumulated Provision for Depreciation, Amortization and Depletion, Statement of Income for the year, Notes to Statement of Income, Statement of Earned Surplus, and Gas Operating Revenues, the filing of the complete report, which shall include the above-accepted schedules originally filed, may be postponed for 30 days beyond the established filing date without further authorization from the Commission. One copy of said report should be retained by the correspondent in its files. The conformed copies may be carbon copies if legible.

(c) This annual report contains the following schedules:

Identification.
General Instructions.
General Information.
Control Over Respondent.
Corporations Controlled by Respondent.
Officers.
Directors.
Security Holders and Voting Powers.
Important Changes During the Year.
Comparative Balance Sheet—Statement A.
Notes to Balance Sheet—Statement A (Continued).
Summary of Utility Plant and Accumulated Provisions for Depreciation, Amortization, and Depletion—Statement B.
Statement of Income for the Year—Statement C.
Notes to Statement of Income—Statement C (Continued).
Statement of Earned Surplus—Statement D.
Nonutility Property.
Accumulated Provision for Depreciation and Amortization of Nonutility Property.
Investments.
Special Funds.
Special Deposits.
Notes and Accounts Receivable.
Accumulated Provision for Uncollectible Accounts—Cr.
Notes Receivable.

Accounts Receivable.
 Receivables from Associated Companies.
 Materials and Supplies.
 Gas Stored Underground.
 Plant Materials and Operating Supplies.
 Production Fuel and Oil Stocks.
 Prepayments.
 Miscellaneous Current and Accrued Assets.
 Extraordinary Property Losses.
 Unamortized Debt Disc. and Exp. and Un-
 amort. Premium on Debt.
 Preliminary Survey and Investigation
 Charges.
 Clearing Accounts.
 Miscellaneous Deferred Debits.
 Deferred Regulatory Commission Expenses.
 Capital Stock.
 Capital Stock Subscribed, Capital Stock Lia-
 bility for Conversion, Premium on Capital
 Stock, and Installments Received on Capi-
 tal Stock.
 Other Paid-in Capital.
 Discount on Capital Stock.
 Capital Stock Expense.
 Long-Term Debt.
 Securities Issued or Assumed and Securities
 Refunded or Retired During the Year.
 Notes Payable.
 Payables to Associated Companies.
 Accrued and Prepaid Taxes.
 Reconciliation of Reported Net Income with
 Taxable Income for Federal Income Taxes.
 Miscellaneous Current and Accrued Liabili-
 ties.
 Customer Advances for Construction.
 Other Deferred Credits.
 Operating Reserves.
 Contributions in Aid of Construction.
 Accumulated Deferred Income Taxes.
 Income from Utility Plant Leased to Others.
 Income from Merchandising, Jobbing, and
 Contract Work.
 Particulars Concerning Certain Other In-
 come Accounts.
 Particulars Concerning Certain Income De-
 duction and Interest Charges Accounts.
 Common Utility Plant and Expenses.
 Taxes Charged During Year.
 Regulatory Commission Expenses.
 Charges for Professional Services.
 Distribution of Salaries and Wages.
 Gas Plant in Service.
 Gas Plant Leased to Others.
 Gas Plant Held for Future Use.
 Construction Work in Progress and Com-
 pleted. Construction not Classified—Gas.
 Accumulated Provisions for Depreciation of
 Gas Plant.
 Accumulated Provision for Amortization and
 Depletion of Producing Natural Gas Land
 and Land Rights.
 Accumulated Provision for Amortization of
 Underground Storage Land and Land
 Rights.
 Accumulated Provisions for Amortization of
 Other Gas Plant in Service, Amortization
 and Depletion of Gas Plant Leased to
 Others, Amortization of Other Gas Plant
 Held for Future Use.
 Accumulated Provision for Abandoned Leases.
 Gas Plant Acquisition Adjustments and Ac-
 cumulated Provision for Amortization of
 Gas Plant Acquisition Adjustments.
 Gas Operating Revenues.
 Sales of Natural Gas by Communities.
 Residential and Commercial Space Heating
 Customers.
 Interruptible, Off Peak, and Firm Sales to
 Distribution System Industrial Customers.
 Main Line Industrial Sales of Natural Gas.
 Sales for Resale—Natural Gas.
 Interdepartmental Sales—Natural Gas.
 Rent from Gas Property and Interdepartmen-
 tal Rents.
 Revenue from Transportation of Gas of
 Others—Natural Gas.
 Sales of Products Extracted from Natural
 Gas.
 Revenues from Natural Gas Processed by
 Others.

Incidental Gasoline and Oil Sales and Other
 Gas Revenues.
 Gas Operation and Maintenance Expenses.
 Number of Gas Department Employees.
 Rents Charged to Gas Operating Expenses.
 Exploration and Development Expenses.
 Abandoned Leases.
 Gas Purchases.
 Exchange Gas Transactions.
 Exchange Gas Accounting.
 Gas Used in Utility Operations—Credit.
 Other Gas Supply Expenses.
 Transmission and Compression of Gas by
 Others.
 Franchise Requirements.
 Miscellaneous General Expenses (Gas).
 General Description of Construction Over-
 head Procedure.
 Construction Overheads—Gas.
 Depreciation, Depletion, and Amortization of
 Gas Plant.
 Natural Gas Land Acreage.
 Natural Gas Reserves.
 Changes in Estimated Natural Gas Reserves.
 Natural Gas Reserves Available from Pur-
 chase Agreements.
 Natural Gas Production Statistics.
 Products Extraction Operations—Natural
 Gas.
 Compressor Stations.
 Number of Gas and Oil Wells.
 Field and Storage Lines.
 Underground Gas Storage.
 Transmission Lines.
 Manufactured Gas Production Statistics.
 Liquefied Petroleum Gas Operations.
 Transmission System Peak Deliveries.
 Auxiliary Peaking Facilities.
 Gas Account—Natural Gas.
 Service Interruptions and Property Damage.
 System Map.
 Verification.

(C) This order shall be effective upon the date of issuance thereof.

(D) The Secretary of the Commission shall cause prompt publication of this order.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
 Secretary.

[F.R. Doc. 61-11776; Filed, Dec. 12, 1961;
 8:49 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

Dogs and Cats

On page 9173 of the FEDERAL REGISTER of September 29, 1961, there was published a notice and text of a proposed amendment to Part 1 of Title 36 Code of Federal Regulations. The purpose of the amendment is to authorize superintendents to prohibit dogs, cats, and other pets from being taken into eating establishments and grocery stores in national parks and monuments. This amendment is in accord with public health and sanitation measures and one which is enforced universally.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No

comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(39 Stat. 535; 16 U.S.C. 3)

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

DECEMBER 7, 1961.

A new subparagraph (1) is added to paragraph (a) of § 1.13 to read as follows:

§ 1.13 Dogs and cats.

(a) * * *

(1) Under no conditions are dogs, cats, or other pets permitted in eating establishments or any food stores in the national parks or monuments.

[F.R. Doc. 61-11760; Filed, Dec. 12, 1961;
 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 17—CONDITIONS APPLICABLE TO PARCELS ADDRESSED TO CER- TAIN MILITARY POST OFFICES OVERSEAS

PART 27—OFFICIAL MAIL

PART 33—METERED STAMPS

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

§ 17.1 [Amendment]

I. In § 17.1 *Conditions applicable to parcels addressed to certain military post offices overseas*, as published in 26 F.R. 11535-11536, make the following changes:

A. Insert in proper numerical order the following military APO number with its accompanying data:

699 ----- X X ' X -----

B. Amend footnote 8 to read as follows:

* This prohibition does not apply to gift shipments of cigarettes, tobacco, and tobacco products donated by tobacco companies to hospitalized military personnel when addressed to the commanding officer of a military hospital, nor to parcels addressed to Exchange or Special Services Offices at APO's when endorsed "For Military Agency."

NOTE: The corresponding Postal Manual part is 127.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

§ 27.2 [Amendment]

II. In § 27.2 *Executive and Judicial Officers*, as published in 26 F.R. 11554-11555, amend subdivision (ii) of paragraph (c) (1) by inserting in proper alphabetical order therein the following additional departments and agencies which are authorized to use the indicia "Postage and Fees Paid":

Department of Defense or (D.O.D.),
Federal Deposit Insurance Corporation.
Federal Maritime Commission.
National Cultural Center.
Office of Civil Defense.
Office of Emergency Planning.
Peace Corps.
President's Railroad Commission.
U.S. Customs Court.
U.S. General Accounting Office.
U.S. Soldiers' Home.

NOTE: The corresponding Postal Manual section is 137.231b.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4151, 4152)

III. In § 33.3 *Use of meter*, as published in 26 F.R. 11563, subparagraph (2) of paragraph (b) is amended to show that local postmasters may set a meter for use in paying postage on all classes of mail to be presented at another post office under the conditions stated in subparagraph (2) therein. As so amended, subparagraph (2) reads as follows:

§ 33.3 Use of meter.

(b) *Payment of postage.* * * *
(2) Local postmasters may set a meter for use in paying postage on mail to be presented at another post office under the following conditions:

(i) A meter license must be obtained from the post office where the mailing is to be presented. (See § 33.2(a).) When the license is received, it must be presented to the local post office with the meter for setting. The license will be returned to the licensee.

(ii) A separate meter must be used for each post office. The postmark die must show the name of the post office of mailing.

(iii) Payment for each meter setting must be made by certified check payable to the postmaster at the post office where mailings will be made. The check must be presented to the local post office when the meter is set.

(iv) The mail may not be consigned to the post office in bulk by freight, express, or other carrier. It must be presented at a designated receiving point in the post office by the mailer's representative. The postmaster may not act as the mailer's representative and the Department has no responsibility for the articles until they are actually accepted in the mail. See Part 42 of this chapter concerning the carriage of letters outside the mail.

(v) Matter sent to other post offices for mailing must be shipped in private containers. Post offices will not furnish mail sacks for this purpose.

(vi) When the use of a meter is discontinued, it must be presented to the post office where it was set for checking out of service. Any postage adjustment will be made by the postmaster where the packages have been mailed.

NOTE: The corresponding Postal Manual section is 143.322.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4052, 4053)

LOUIS J. DOYLE,
General Counsel.

[FR. Doc. 61-11778; Filed, Dec. 12, 1961; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 2—Federal Aviation Agency

PART 2-12—LABOR

Part 2-12 is supplemented as follows:

Subpart 2-12.4—Labor Standards in Construction Contracts

- | | |
|------------|---|
| Sec. | |
| 2-12.450 | Scope of subpart. |
| 2-12.451 | Statutory requirements. |
| 2-12.451-1 | Davis-Bacon Act (Act of March 3, 1931, as amended, 40 U.S.C. 276a). |
| 2-12.451-2 | Copeland Act (Act of June 13, 1934, as amended, 18 U.S.C. 874; 40 U.S.C. 276c). |
| 2-12.451-3 | Eight-hour law (Act of June 19, 1912, as amended, 40 U.S.C. 321-326). |
| 2-12.451-4 | Department of Labor regulations. |
| 2-12.452 | Applicability. |
| 2-12.452-1 | Noncoverage (Davis-Bacon and Copeland Acts). |
| 2-12.452-2 | Noncoverage (Eight-hour law). |
| 2-12.453 | Penalties (Davis-Bacon and Copeland Acts, and Eight-hour law). |
| 2-12.454 | Contract clauses. |
| 2-12.454-1 | Clauses for general use. |
| 2-12.454-2 | Contracts for \$2,000 or less. |
| 2-12.454-3 | Contracts with a State or political subdivision. |
| 2-12.455 | Administration and enforcement. |
| 2-12.455-1 | Scope. |
| 2-12.455-2 | Responsibilities. |
| 2-12.455-3 | Delegation of authority by contracting officer. |

Subpart 2-12.6—Walsh-Healey Public Contracts Act

- | | |
|------------|--|
| 2-12.602-2 | Department of Labor regulations and interpretations. |
| 2-12.650 | Designation of responsibility. |

AUTHORITY: §§ 2-12.450 through 2-12.650 issued under secs. 303, 313, 72 Stat. 747, 752; U.S.C. 1344, 1354.

Subpart 2-12.4—Labor Standards in Construction Contracts

§ 2-12.450 Scope of subpart.

This subpart deals with the labor standards for construction contracts as prescribed by the statutes and regulations set forth in this section, and defines the authority and responsibilities of the contracting officer and his representative in the area of labor standards; and provides instructions for assuring labor standards compliance, routine enforcement activities, special investigations, and for reporting violations.

§ 2-12.451 Statutory requirements.

§ 2-12.451-1 Davis-Bacon Act (Act of March 3, 1931, as amended, 40 U.S.C. 276a).

All construction contracts in excess of \$2,000, executed by FAA, under which laborers or mechanics are employed directly upon the site of the work, are subject to the Davis-Bacon Act which provides for:

(a) Payment of laborers or mechanics not less often than once a week;

(b) Payment of wages in accordance with the prevailing minimum wage rates prescribed by the Secretary of Labor;

(c) Payment of wages without deductions except as authorized by law;

(d) Posting of wage rates and Form SOL-155 at the job site in a prominent place during construction;

(e) Withholding from contractors of amounts considered necessary to pay laborers or mechanics any discrepancies between the amounts received and the amounts due (SF-1093); and

(f) Termination of work for failure to pay required minimum wages.

§ 2-12.451-2 Copeland Act (Act of June 13, 1934, as amended, 18 U.S.C. 874; 40 U.S.C. 276c).

The Copeland (Anti-Kickback) Act makes it illegal for anyone to make unauthorized deductions, or to exact rebates from, the wages of any person employed in a construction project that is financed in whole or in part by loans or grants from the United States. Further, it requires the Secretary of Labor to make reasonable regulations for contractors and subcontractors engaged in such work, including provisions that each such contractor shall furnish a weekly statement with respect to the wages paid each employee during the preceding week.

§ 2-12.451-3 Eight-hour law (Act of June 19, 1912, as amended, 40 U.S.C. 321-326).

The Eight-hour law provides that all contracts to which the United States is a party, except supply contracts covered by the Walsh-Healey Public Contracts Act and other exclusions set forth in § 2-12.452-2, shall contain a provision making it illegal for the contractor or subcontractor to employ laborers or mechanics, on the work contemplated by the contract, more than 8 hours in one day unless all hours in excess of this limit be compensated at least one and one-half times the basic rate of pay.

§ 2-12.451-4 Department of Labor regulations.

Pursuant to the foregoing statutes and also the Reorganization Plan No. 14 of 1950 (15 F.R. 3176), the Secretary of Labor has issued two sets of regulations relating to the administration and enforcement of these statutes: (1) Regulations, Part 3, Title 29, Subtitle A, Code of Federal Regulations (Copeland Act); and (2) Regulations, Part 5, Title 29, Subtitle A, Code of Federal Regulations (Davis-Bacon Act). These regulations are contained in the FAA Labor Standards Handbook.

§ 2-12.452 Applicability.

The requirements set forth in § 2-12.451 are applicable to construction contracts. Construction contracts include work that involves the construction, alteration or repair, including painting and decorating of public buildings or public works. The statutes and regulations are applicable irrespective of whether the contract was entered into as a result of formal advertising or negotiation, or whether it is a fixed-price or cost-reimbursement type contract. The requirements under the Davis-Bacon Act apply only to work performed in the United States, while the Eight-Hour laws and the Copeland Act apply not only to such work but also to work

in other areas over which the United States has direct legislative control.

§ 2-12.452-1 Noncoverage (Davis-Bacon and Copeland Acts).

(a) The requirements set forth in § 2-12.451 in respect to the Davis-Bacon and Copeland Acts do not apply to the following:

(1) Contracts for furnishing supplies and equipment, including installation, where the installation requires only an incidental amount of work (as defined in (b) below) that would otherwise be considered construction, alteration and/or repair of a public building or work.

(2) Contracts for servicing or maintenance work in an existing plant, including installation or movement of machinery or other equipment, and plant rearrangement which involve only an incidental amount of work (as defined in (b) below) that would otherwise be considered construction, alteration and/or repair.

(3) Contracts for demolition, except where indispensable and preliminary to schedule new construction.

(4) Contracts with a state or political subdivision thereof (although the requirements do apply, and the contract must so provide, to a subcontract thereunder with a private person or firm which involves the construction, alteration and/or repair of public buildings or public works).

(b) As used in (a) (1) and (a) (2) above, "an incidental amount of work" is defined as work directly related to the installation, movement or rearrangement of equipment or machinery, relatively small in amount, and which does not include changes in a facility affecting its architectural or structural strength, stability, safety, size, or function as a public work.

§ 2-12.452-2 Noncoverage (eight-hour law).

The requirements set forth in § 2-12.451 in respect to the eight-hour law do not apply to the following:

(a) Contracts with a state or political subdivision thereof (although the requirement does apply, and the contract must so provide, to a subcontract thereunder with a private person or firm);

(b) Contracts (or portions thereof) for materials or articles usually bought in the open market, other than armor or armor plate, or for supplies in connection with which any required services are merely incidental to the sale and do not require substantial employment of laborers or mechanics;

(c) Contracts to which the provisions of the Walsh-Healey Public Contracts Act are clearly applicable for the complete performance of the contract;

(d) Contracts for transportation by land or water; and

(e) Contracts for transmission of intelligence.

§ 2-12.453 Penalties (Davis-Bacon and Copeland Acts, and eight-hour law).

(a) Violations under the Davis-Bacon Act are punishable in the following ways:

(1) Termination of the contractor's right to proceed with the work or such

part of the work where there has been a failure to pay the required wages, with the contractor and his sureties being liable to the Government for any excess completion costs occasioned the Government thereby.

(2) Withholding of funds for direct payment of required wages to underpaid employees by the Comptroller General. (See GAO Policy & Procedures Manual, 4 G.A.O. 4500 and 7 G.A.O. 3530. The procedures set forth in the GAO Manual supersede the Comptroller General's letter A-34106 of February 28, 1936, cited in Department of Labor regulations.)

(3) Ineligibility for Government contracts for 3 years. (For reporting procedures see GAO Policy and Procedures Manual, 4 G.A.O. 4500 and 7 G.A.O. 3530.)

(4) Suits against the contractor by employees to recover unpaid portion of wages due them where insufficient funds have been withheld to pay required wages. (See Section 3, Davis-Bacon Act, 40 U.S.C. 276a.)

(5) Violations under the Copeland Act are punishable in the following ways:

(1) The weekly compliance statement is subject to Section 1001 of Title 18 of the United States Code (Criminal Code and Criminal Procedure) which provides, among other things, that any false, fictitious or fraudulent statement is subject to a \$10,000 fine or five years imprisonment, or both.

(2) Anyone who unlawfully exacts rebates is subject to a \$5,000 fine or five years imprisonment, or both.

(c) Violations under the eight-hour law are punishable in the following ways:

(1) Government officials, contractors, or subcontractors that employ, direct, or control any laborer or mechanic in connection with dredging or rock excavation in any river or harbor in the United States are subject to a \$1,000 fine or six months imprisonment, or both.

(2) For each violation in every applicable contract, a penalty of \$5 is imposed for each laborer or mechanic for each day in which he shall be required or permitted to work more than eight hours without overtime pay.

§ 2-12.454 Contract clauses.

§ 2-12.454-1 Clauses for general use.

Except as provided in § 2-12.454-3 every construction contract in excess of \$2,000 within the United States shall include the Labor Standards provisions appearing in Standard Form 19A. (See § 1-16.901-19A.)

§ 2-12.454-2 Contracts for \$2,000 or less.

Except as provided in § 2-12.454-3, every construction contract for \$2,000 or less within the United States shall include the Labor Standards Provisions appearing as clause 10 on page 2 of Standard Form 19. (See § 1-16.901-19.)

§ 2-12.454-3 Contracts with a state or political subdivision.

In the case of contracts with a state, or political subdivision thereof, which involves construction, the contract clauses required by Standard Form 19, or Standard Form 19A, as applicable, shall be in-

serted therein, and such clauses shall be prefaced by the following provision: "The contractor agrees to insert the following in all subcontracts hereunder with private persons or firms".

§ 2-12.455 Administration and enforcement.

§ 2-12.455-1 Scope.

The following subsections list the specific details of procedures and responsibilities of the contracting officer in regard to the statutes and regulations summarized in § 2-12.451.

§ 2-12.455-2 Responsibilities.

(a) The responsibilities of the contracting officer in the discharge of duties relative to labor standards are the following:

(1) Secure wage determinations from the Secretary of Labor and include them in the appropriate contract documents whenever work subject to the coverage of the Davis-Bacon Act is to be performed. The substitution of a blanket provision, in specifications, that contractors shall pay minimum wage rates, regardless of whether the wage rate determination is received before or after award, is not permitted.

(i) Requests for wage determinations should be made on Form DB-11, directly to the Secretary of Labor at least 30 days before advertisement of specifications or the beginning of negotiations for the contract for which the determination is sought.

(ii) In urgent cases, the Department of Labor will act immediately to compile a determination on a telephonic or telegraphic request. Such a request should be followed with a confirmation on Form DB-11. The use of this privilege should be kept to a minimum.

(iii) If a construction program in a given area requires that several contracts be awarded within a 90-day period, a blanket wage determination may be secured to cover all contracts. Such an exception, however, requires the approval of the Solicitor of Labor and must be adequately justified. (See § 2-12.455-2(a) (8) (iv).)

(iv) In general, the Davis-Bacon Act rates applicable to a contract at the time it is awarded continue in effect during its term regardless of whether it is a fixed-price or cost-type contract. Any substantial addition to a properly awarded contract, made more than 90 days from the date of the determination being used, requires a new determination for such additional work. If the wage determination expires before award of a contract, a current determination shall be secured.

(v) In the event any class of laborers or mechanics are employed which are not listed in the wage determination, the contracting officer, contractor, and employee (or union as the case may be) shall agree on the classification or reclassification. The report of the administrative action taken, or notice of dispute with recommendation, shall be submitted directly to the Secretary of Labor. (29 CFR 5.6(c).)

(2) Provide to the contractor posters (SOL-155) with appropriate information

inserted together with copies of the wage determinations.

(3) Obtain from the contractor certification of compliance or of the existence of an honest dispute. (29 CFR 5.6(a).)

(4) Obtain and examine payrolls and preserve them 3 years from date of completion of contract. (29 CFR 5.6(d).) Form SOL-184 and the continuation sheet SOL-185, available to the contractor at the Government Printing Office, are recommended for use. In checking the payroll reports, the contracting officer should:

(i) Look for violation of the Copeland Act, bearing in mind that payroll deductions may be made only in accordance with § 3.5 of regulations of Secretary of Labor, Part 3. (29 CFR 3.5.)

(ii) Determine if any employee who worked more than 8 hours in any one day was duly compensated for such work in accordance with the eight-hour law.

(iii) Determine the correctness of job classifications and payment according to the Secretary of Labor's determinations. A review of the job classifications, with knowledge of the construction involved, may reveal misassignment of employees or incorrect payment.

(iv) Determine whether apprentices are duly registered and whether the number employed is disproportionate to the journeymen. According to the Solicitor of Labor's letter of May 23, 1956, "The duties of the contracting officer do not extend beyond the establishment of bona fide registration. In other words, the contracting officer has no responsibility to determine whether or not the apprentice is receiving the training called for by the program under which he is registered." (See also 29 CFR 5.6(e).)

(5) Make investigations for compliance with labor standards, stipulations and applicable laws. On-the-job investigations, including observation of the work and employee interviews, shall be made as necessary to insure compliance. Full-scale investigations shall be made on a selective basis, or when the Agency is put on notice of any violations which are not readily adjustable or are of a serious nature. Full-scale investigations should also be made when requested by the Secretary of Labor. (29 CFR 5.6(e).) For full-scale investigation procedure, see Part II, Investigation and Enforcement Manual With Respect to Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction Pursuant to Regulations, Part 5, of the Secretary of Labor.

(6) Cooperate with any representative of the Secretary of Labor making an authorized inspection. (29 CFR 5.10(a).)

(7) Deal with the appropriate Regional office of the Department of Labor in the day-to-day administration and enforcement of labor standards provisions. Cases not involving the consideration of ineligibility or criminal sanctions should be processed to completion on a local basis.

(8) Submit to the Materiel Policy Division, Office of Management Services, the following:

(i) Reports of violations including findings and recommendations on cases

involving the consideration of ineligibility or criminal sanctions. (29 CFR 5.6(b), 5.7 and 5.9(b).)

(ii) Recommendations for a hearing by the Secretary of Labor. (29 CFR 5.10(b).)

(iii) Requests for rulings or interpretations by the Secretary of Labor. (29 CFR 5.11.)

(iv) Requests for initial approval for the use of blanket wage determinations. (§ 2-12.455-2(a)(1)(iii).)

(b) The responsibilities of the Materiel Policy Division, Office of Management Services, in coordinating the activities under this subpart are the following:

(1) Establishment and maintenance of controls for the application and enforcement of the Davis-Bacon Act.

(2) Maintenance of liaison with the Department of Labor, and with national employer and employee organizations as required.

(3) Submission of requests to the Department of Labor for rulings, interpretations, hearings, etc.

§ 2-12.455-3 Delegation of authority by contracting officer.

(a) Pursuant to Agency Practice 4-4, the contracting officer is permitted to delegate to technical personnel various responsibilities in connection with contract administration, one of which is the checking of labor standards compliance on the job site. In this connection, the contractor shall be informed that the representative is empowered to interview employees, to observe the work, and to secure and review the payrolls, including spot checking original time books or time cards.

(b) The contracting officer shall issue more detailed instructions to guide personnel charged with checking labor standards compliance. The following letter and form are suggested:

(1) Suggested letter of instruction:

In order to determine if a contractor is complying with the labor standards provisions of this contract, you should check the following:

1. The posting of Form SOL-155 and minimum wage determination sheet in prominent and readily accessible view of the employees.

2. The correctness of job classification or reclassification. Are the employees performing the work designated under their job classifications? (Example of violation: a laborer doing the work of a plumber or electrician.)

3. The contractor's weekly payroll, and spot check the original time books or time cards, to ascertain if wages being paid agree with payroll data submitted to the contracting officer.

4. The registration of apprentices with the Department of Labor's Bureau of Apprenticeship or similar State agency.

Reports shall be made to the contracting officer at least once in each thirty (30) day period. The report should contain a description of each failure to comply with the labor standards under the representative's jurisdiction and any documents, records of interviews, or other material relevant to each violation. Large-scale violations (misclassification of workers, manipulation or understatement of hours) shall be reported immediately to the contracting officer. A negative report shall be submitted if no violations have been found.

Subpart 2-12.6—Walsh-Healey Public Contracts Act

§ 2-12.602-2 Department of Labor regulations and interpretations.

The regulations and interpretations compiled by the Secretary of Labor entitled "Walsh-Healey Public Contracts Act, Rulings and Interpretations, No. 3" are included in FAA Labor Standards Handbook.

§ 2-12.650 Delegation of responsibility.

(a) It shall be the responsibility of the contracting officer to institute procedures to assure compliance with the requirements of § 1-12.603 (a) through (d) of this title.

(b) Violations shall be reported by the contracting officer concerned to the Materiel Policy Division, Office of Management Services, who will take appropriate steps for reporting the violation to the Department of Labor.

Effective date: These regulations are effective December 15, 1961.

Dated: December 8, 1961

PHILIP I. RYTHER,
Acting Director of
Management Services.

[F.R. Doc. 61-11784; Filed, Dec. 12, 1961; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2552]

[Montana 043540]

MONTANA

Revoking Certain Stock Driveway Withdrawals and Public Water Reserves

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental orders of August 15, 1924, and June 15, 1938, and any other order or orders reserving lands for stock driveways under the act of December 29, 1916, supra, are hereby revoked so far as they affect the following described lands:

PRINCIPAL MERIDIAN

T. 5 N., R. 3 W.,
Sec. 6, Lots 3, 4, 5, and SE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 7 S., R. 2 W.,
Sec. 7, lots 1, 2, 3, 4, and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 17, S $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$;
Sec. 19, E $\frac{1}{2}$ E $\frac{1}{2}$;
Secs. 20 and 29;
Sec. 30, E $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 31, E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 32.

- T. 6 S., R. 3 W.,
 - Sec. 1, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
 - Sec. 2, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$;
 - Sec. 7, lot 5;
 - Sec. 9, lots 11, 12, 13, 14, 15, and NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 - Sec. 10, N $\frac{1}{2}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 - Sec. 13, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$;
 - Sec. 14, N $\frac{1}{2}$, and SE $\frac{1}{4}$;
 - Sec. 18, lots 1, 2, 3, 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;
 - Sec. 24, lot 1, NE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$.
- T. 10 S., R. 5 W.,
 - Sec. 3, lots 2, 3, and 4;
 - Sec. 4, lots 1, 2, 3, and 4;
 - Sec. 5, lots 1, 2, 3, and 4;
 - Sec. 6, lots 1, 2, 3, and 4.
- T. 8 S., R. 6 W.,
 - Sec. 5, lots 3, 4, and S $\frac{1}{2}$ NW $\frac{1}{4}$;
 - Sec. 6, lot 1 and S $\frac{1}{2}$ NE $\frac{1}{4}$.
- T. 10 S., R. 6 W.,
 - Sec. 1, lots 1, 2, 3, and 4;
 - Sec. 34, S $\frac{1}{2}$.
- T. 12 S., R. 6 W.,
 - Sec. 5, lot 3 and SE $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 8 S., R. 7 W.,
 - Sec. 1, lots 2, 3, 4, and SW $\frac{1}{4}$;
 - Sec. 2, lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 - Sec. 11, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 - Sec. 14, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Sec. 23, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$.
- T. 13 S., R. 7 W.,
 - Sec. 8, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 - Sec. 9, N $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 7 S., R. 10 W.,
 - Sec. 4, N $\frac{1}{2}$ SW $\frac{1}{4}$.
- T. 14 S., R. 10 W.,
 - Sec. 27, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 1 S., R. 14 W.,
 - Sec. 4, lots 1, 2, 3, and 4.
- T. 12 S., R. 14 W.,
 - Sec. 1, N $\frac{1}{2}$ N $\frac{1}{2}$;
 - Sec. 2, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Sec. 3, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 - Sec. 4, N $\frac{1}{2}$.

The areas described aggregate approximately 9,852 acres, of which approximately 1,989 acres are patented or withdrawn for other purposes.

2. The Executive orders of November 10, 1917, April 8, 1919, and June 14, 1921, which established Public Water Reserve Nos. 51, 62, and 78, respectively, are hereby revoked so far as they affect the following described lands:

PRINCIPAL MERIDIAN

- T. 7 S., R. 11 W.,
 - Public Water Reserve No. 62:
 - Sec. 7, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
 - Public Water Reserve No. 51:
 - Sec. 18, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
 - Public Water Reserve No. 78:
 - Sec. 19, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described aggregate 160 acres of patented lands.

3. The lands are situated in Beaverhead, Jefferson, and Madison Counties. Their physical characteristics are rugged and mountainous. Vegetative cover consists of native grass, sagebrush, and coniferous and deciduous trees.

4. The public lands released from withdrawal by paragraph 1, of this order are hereby restored to the operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals: *Provided*, That until 10:00 a.m., on June 7, 1962, the State of Montana shall have a preferred right to apply to select the lands in accordance with subsection (c) of section 2 of

the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the regulations in 43 CFR 185.35-185.36.

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

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

DECEMBER 6, 1961.

[F.R. Doc. 61-11759; Filed, Dec. 12, 1961; 8:46 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 61-52]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Procedures regarding inspection and certification of vessels, margin lines for passenger vessels, fusible plug reports, portable radio apparatus on nautical school ships, and amendments to prior document.

The procedures applicable to the public with regard to inspection and certification of vessels are amended to agree with the revised vessel inspection regulations previously prescribed and published in 46 CFR Chapter I. The changes in 46 CFR 2.01-1 bring up-to-date the text describing procedures for submitting applications for inspection and certification of various types of vessels as required by various inspection laws. The changes in 46 CFR 2.01-5 bring up-to-date the text describing various certificates issued by the Coast Guard in connection with vessel inspections performed. The changes in 46 CFR 2.01-25 bring up-to-date the text describing various certificates required by the 1948 Convention for the Safety of Life at Sea.

The definition of "margin line" for certain passenger vessels in 46 CFR 73.05-6(b) is used in determining watertight subdivision. When determining the reserve of buoyancy and stability required for certain types of passenger vessels under damaged condition assumptions, the use of this definition for passenger vessels having no sheer presents an illogical situation when such vessels are compared with vessels having defined acceptable sheer. Therefore, the amendment to 46 CFR 73.05-6(b) in this document changes the definition of "margin line" in order to provide a more equitable effective sheer when determining the placement of the margin line for vessels having little or no sheer.

Since 1960 the revised regulations in 46 CFR 52.70-40 in the Marine Engineering Regulations provide for a letter to be used in reporting the renewal of fusible plugs in fire tube boilers rather than requiring the use of the Coast Guard Form CG-945, Report of Renewal of Fusible Plugs. Subsequently, this Form CG-945 was canceled and is no longer printed. The regulations as set forth in 46 CFR

2.20-40 and 52.70-40 regarding submittal of a letter report when renewing fusible plugs are considered adequate. Therefore, the regulations designated 46 CFR 78.33-15 and 97.30-15, regarding the use of Coast Guard Form CG-945, are canceled.

The current regulation in 46 CFR 167.35-70, regarding portable radio apparatus provided on nautical school ships, is incomplete and does not reflect administrative practices followed. The regulation is unsatisfactory because it does not specify (1) that the portable radio apparatus shall comply with the requirements of the Federal Communications Commission; (2) where the portable radio apparatus shall be stowed on the nautical school ship; and (3) that such portable radio apparatus need not be carried when at least one lifeboat on each side of the school ship is fitted with a fixed radio installation. The amendment to 46 CFR 167.35-70 in this document is intended to correct these deficiencies, and is similar in wording to the regulation governing passenger vessels in 46 CFR 75.55-1(a).

The Coast Guard document CGFR 61-15 (F.R. 61-9356) contained miscellaneous amendments to the vessel inspection regulations and was published as Part II of the FEDERAL REGISTER dated September 30, 1961 (26 F.R. 9253-9304). In the printing of these changes several mistakes occurred which are corrected by this document. For convenience in checking these corrections in the regulations, appropriate amendments are also set forth in this document under the sections affected. In the amendment designated 46 CFR 34.10-15(c), regarding piping—T/ALL (26 F.R. 9257, 3d column), the word "values" in the first line is changed to "valves." In the revised Table 76.05-1(a) in 46 CFR 76.05-1 (26 F.R. 9285), regarding fire detecting systems, the requirements for "service spaces" designated as "motion picture booths and film lockers" were not changed to agree with the new requirements designated 46 CFR 78.75-1 (26 F.R. 9287, 3d column), for motion picture film and equipment or those in 46 CFR 72.05-10 (26 F.R. 9274-9276) for type, location, and construction of fire control bulkheads and decks for new vessels. Therefore, Table 76.05-1(a) is corrected as follows: (1) Opposite "Motion picture booths and film lockers" (the 3d item in the 1st column under centerheading "Service spaces") in the 2d column ("Detecting Systems") change the phrase "Automatic sprinkling¹" to read "Electric, pneumatic, or automatic sprinkling¹", and in the 3d column ("Fixed extinguishing systems") change the phrase "Automatic sprinkling¹" to read "None required¹"; and (2) correct footnote 2 by deleting the last sentence so that it will read: "Sprinkler heads may be attached to sanitary system provided electrical or pneumatic detecting is installed." In the instruction numbered "2" under Subpart 92.07 in Part 92 (26 F.R. 9288, 2d column), the reference to the insertion to be after "§ 92.05-10" is corrected by changing the section number to "§ 92.05-15" because this new subpart should follow § 92.05-15 rather than precede it.

Because the amendments to the regulations in this document are changes in procedures, or changes considered to be editorial in nature, or clarification of practices and administration, or corrections of a prior document, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon and effective date requirements thereof) is impracticable and unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-9, dated August 3, 1954 (19 F.R. 5915), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-20, dated June 18, 1956 (21 F.R. 4894), and 167-38, dated October 26, 1959 (24 F.R. 8857), to promulgate regulations in accordance with the statutes cited with the regulations below, the following regulations are prescribed and shall become effective on and after the date of publication of this document in the FEDERAL REGISTER:

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

PART 2—VESSEL INSPECTIONS

Subpart 2.01—Inspecting and Certifying of Vessels

1. Section 2.01-1 is amended to read as follows:

§ 2.01-1 Applications for inspections.

(a) *Application forms.* (1) Applications for the inspections of vessels required to be inspected by the Coast Guard by 46 U.S.C. 362, 363, 367, 390a, 391, 391a, 392, 395, 404, 405, 526, 1333, or 50 U.S.C. 198, shall be made by the master, owner or agent on the following Coast Guard forms which are obtainable from the Officer in Charge, Marine Inspection, at any local Marine Inspection Office, U.S. Coast Guard:

(i) CG-833—Application for Inspection of Vessel.

(ii) CG-986—Application for Inspection of Foreign Vessel.

(iii) CG-3752—Application for Inspection of Small Passenger Vessel.

(2) These applications require information on name and type of vessel, nature of employment and route in which to be operated, and place where and date when the vessel may be inspected.

(b) *To whom submitted.* The completed form shall be submitted to the Officer in Charge, Marine Inspection, in the Marine Inspection Office located in, or nearest, the port at which the inspection is to be made. The applicant will be advised in writing of the time when the inspection will be made.

(c) *New vessels.* Applications for inspection of new vessels shall be preceded by the submission of applicable drawings or prints in accordance with the specific requirements in Subchapters D (Tank Vessels), E (Load Lines), F (Marine Engineering), H (Passenger Vessels), I (Cargo and Miscellaneous Vessels), J (Electrical Engineering), and/or T (Small Passenger Vessels) of this chapter applicable to that particular type of

vessel and/or type of service in which the vessel is proposed to be operated.

2. Section 2.01-5 is amended by revising subparagraph (3) and adding a new subparagraph (5) in paragraph (a), by revising subparagraphs (1) and (2) in paragraph (b), and by revising paragraph (d) to read as follows:

§ 2.01-5 Certificate of inspection.

(a) * * *

(3) CG-989—Certificate of Examination for Foreign Passenger Vessel.

* * * * *

(5) CG-3753—Certificate of Inspection (for small passenger vessel).

(b) *Vessels issued certificates.* (1) All domestic vessels shall be issued a Temporary Certificate of Inspection (CG-854) and a Certificate of Inspection (CG-841) or Certificate of Inspection (for small passenger vessel) (CG-3753).

(2) Foreign passenger vessels of countries signatory to the International Convention for the Safety of Life at Sea, 1948, shall be issued a Certificate of Examination for Foreign Passenger Vessel (CG-989).

* * * * *

(d) *Amending certificates.* Where by reason of a change in the character of a vessel or in her route, equipment, etc., the vessel will not comply with the requirements of the certificate of inspection previously issued, a certificate amending such certificate may be issued at the discretion of the Officer in Charge, Marine Inspection, to whom request is made, on Coast Guard Form CG-858—Certificate of Inspection Amendment.

3. Section 2.01-25 is amended by revising paragraphs (d), (e), and (f) to read as follows:

§ 2.01-25 International Convention for the Safety of Life at Sea, 1948.

* * * * *

(d) *CG-969—Notice of Receipt of Application for Safety Certificate.* Upon receipt of an application for a safety certificate, the Officer in Charge, Marine Inspection, will issue to the ship a completed Form CG-969. In the event the completion of the certification of any passenger vessel cannot be effected prior to the sailing of the ship on a foreign voyage, or in any case where the safety certificate is not received from the Commandant before the ship sails, this letter (Form CG-969) may be exhibited in explanation of the failure of the ship to have on board a current safety certificate.

(e) *Exempted vessel.* (1) A vessel may be exempted by the Commandant from complying with certain requirements of the Convention under his administration upon request made in writing to him. In such case the exemptions are stated in the exemption certificate, which is issued by the Commandant through the appropriate Officer in Charge, Marine Inspection.

(2) The exemption certificates which modify the safety radiotelephony certificates or the safety radiotelegraphy certificates are issued by the Federal Communications Commission.

(f) *Foreign flag vessels.* At the request of the government of a country in which is registered a vessel engaged in international voyages, such a vessel may be issued the applicable certificate or certificates listed in paragraph (a) of this section. The certificate will be issued only after inspection has been made of the vessel and the vessel is found to comply with the requirements of the Convention.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

SUBCHAPTER D—TANK VESSELS

PART 34—FIRE-FIGHTING EQUIPMENT

Subpart 34.10—Fire Main System, Details

Section 34.10-15(c) published in the FEDERAL REGISTER of September 30, 1961 (26 F.R. 9257), is corrected by changing the word "values" to "valves" so that it reads as follows:

§ 34.10-15 Piping—T/ALL.

* * * * *

(c) All distribution valves shall be marked as required by § 35.40-10 of this subchapter.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416)

SUBCHAPTER H—PASSENGER VESSELS

PART 73—WATERTIGHT SUBDIVISION

Subpart 73.05—Definitions

Section 73.05-6(b) is amended to read as follows:

§ 73.05-6 Margin line.

* * * * *

(b) In the case of vessels with continuous bulkhead decks, where the average value of the sheer at bow and stern is less than 12 inches, a modified margin line 3 inches below the top of deck at the ends but lowered amidships to the position indicated in Table 73.05-6(b) is to be used.

TABLE 73.05-6(b)

Average value of sheer at bow and stern (inches)	Required position of margin line below top of deck, at side, amidships (inches)
12	3
6	6
0	9

(1) Interpolation is required for intermediate values not shown in Table 73.05-6(b).

(2) The modified margin line shall be parabolic through the midship and end points indicated in this paragraph. Margin lines so determined are based upon the assumption that the bulkhead deck is continuous and has existing parabolic sheer. Where this is not the case, the margin line shall be such as to give at least a standard of safety equivalent

to the standard described in this paragraph.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 482, 483, 363, 85a, 88a, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 76—FIRE PROTECTION EQUIPMENT

Subpart 76.05—Fire Detecting and Extinguishing Equipment, Where Required

§ 76.05-1 [Amendment]

Table 76.05-1(a) in § 76.05-1(a) *Fire detecting systems*, published in the FEDERAL REGISTER of September 30, 1961 (26 F.R. 9285), is corrected as follows:

In Table 76.05-1(a) the requirements for "service spaces" designated as "motion picture booths and film lockers" in the first column are corrected as follows:

(1) Opposite "Motion picture booths and film lockers" (the 3d item in the 1st column under centerheading "Service spaces") in the 2d column ("Detecting Systems") change the phrase "Automatic sprinkling^{1,2}" to read "Electric, pneumatic, or automatic sprinkling^{1,2}", and in the 3d column ("Fixed extinguishing systems") change the phrase "Automatic sprinkling¹" to read "None required^{1,2}".

(2) Correct footnote 2 at the end of the table by deleting the last sentence so that it will read: "2 Sprinkler heads may be attached to sanitary system provided electrical or pneumatic detecting is installed."

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

PART 78—OPERATIONS

Subpart 78.33—Reports of Accidents, Repairs, and Unsafe Equipment

§ 78.33-15 [Cancellation]

Section 78.33-15 *Fusible plugs* is canceled. (Section 52.70-40 in Subchapter F—Marine Engineering of this chapter requires a letter to be used in reporting the renewal of fusible plugs.)

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 97—OPERATIONS

Subpart 97.30—Reports of Accidents, Repairs, and Unsafe Equipment

§ 97.30-15 [Cancellation]

Section 97.30-15 *Fusible plugs* is canceled. (Section 52.70-40 in Subchapter F—Marine Engineering of this chapter

requires a letter to be used in reporting the renewal of fusible plugs.)

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

**SUBCHAPTER R—NAUTICAL SCHOOLS
PART 167—PUBLIC NAUTICAL SCHOOL SHIPS**

Subpart 167.35—Lifesaving Equipment

Section 167.35-70 is amended to read as follows:

§ 167.35-70 Portable radio apparatus.

(a) Each nautical school ship shall be provided with a portable radio apparatus complying with the requirements of the Federal Communications Commission, unless at least one lifeboat on each side of the vessel is fitted with a fixed radio installation. The apparatus shall be so designed that it may be used by an unskilled person.

(b) The portable radio apparatus shall be kept in the radio room, chart room, or other suitable location ready to be moved to one or other of the lifeboats in the event of an emergency.

(R.S. 4405, as amended; 46 U.S.C. 375. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4428-4434, as amended, 4450, as amended, 4488, as amended, 4491, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, as amended, secs. 1-22, 54 Stat. 163-167, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 406-412, 239, 481, 489, 363, 367, 526-526u, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Dated: December 6, 1961.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 61-11788; Filed, Dec. 12, 1961; 8:51 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

Designation for Hearing; Local Notice; Conditional Grant

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of December 1961;

The Commission having under consideration § 1.362 of its rules of practice and procedure, which pertains, among other things, to the conditional grant of applications for broadcast facilities; and

It appearing, that it may in certain cases serve the public interest to authorize a group of applicants competing for the same television assignment to construct and operate a station pending operation by the successful applicant under the terms of a regular authorization; and

It further appearing, that § 1.362 should be amended to reflect this ad-

ditional basis for making a conditional grant; and

It further appearing, that the amendment adopted herein pertains to matters of procedure and hence that section 4 of the Administrative Procedure Act is inapplicable; and

It further appearing, that the amendments herein are issued pursuant to authority contained in sections 4(i), 303(r), and 309 of the Communications Act of 1934, as amended,

It is ordered, Effective December 18, 1961, that § 1.362 of the rules of practice and procedure is amended as set forth below.

Released: December 8, 1961.

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

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

Section 1.362(i) is added as follows:

§ 1.362 Designation for hearing; local notice; conditional grant.

* * * * *

(i) When two or more applications for the same television assignment have been designated for hearing, the Commission may, if the public interest will be served thereby, make a conditional grant to a group composed of any two or more of the competing applicants, such grant to terminate when the successful applicant commences operation under the terms of a regular authorization. No conditional grant will be made unless all of the competing applicants have been afforded a reasonable opportunity to participate in the group seeking the conditional grant. In its application, the group shall include a special showing as to the need for the service pending operation by the successful applicant under the terms of a regular authorization; the effect, if any, of a grant on the position of any applicant which is not a member of the group; and any other factors which are deemed pertinent to the public interest judgment.

[F.R. Doc. 61-11804; Filed, Dec. 12, 1961; 8:53 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Crab Orchard National Wildlife Refuge, Illinois

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

§ 33.5 Special regulations: sport fishing; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Sport fishing on the Crab Orchard National Wildlife Refuge, Illinois, is per-

RULES AND REGULATIONS

mitted only on the areas designated by signs as open to fishing. These open areas, comprising 8800 acres or 100 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyed pike, largemouth and smallmouth bass, and other minor species as prescribed by State regulations.

(b) Open season: January 1 through December 31, 1962 in areas designated on map as I and III; March 15 through September 30, 1962, daylight hours only, in area designated on map as II.

(c) Daily creel limits: Northern pike—5, size limit 20 inches; walleyed pike, sauger—8 (singly or aggregate); largemouth bass—10; smallmouth bass—10; creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing:

(1) It is unlawful to take fish through the ice by use of more than two poles and lines at any one time or with more than one hook attached to each line; or from any hole cut in the ice that is larger than 12 inches in diameter.

(2) It is unlawful to use any pole and line, or rod and line device to which more than two (2) hooks have been attached; to use more than 50 hooks in the aggregate. (Trotline may be used under separate license in excess of 50 hooks.)

(3) It is unlawful to use any trot line, throw line or similar device, having hooks spaced at intervals less than 24 inches.

(4) It is unlawful to leave unattended any trot line without a tag indicating name and address of owner.

(5) See State regulations for additional details.

(6) The use of boats is permitted, except no boat with motor larger than six (6) horsepower is permitted on Little Grassy Lake and no motors are permitted on Devils Kitchen Lake.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

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

(3) The provisions of this special regulation are effective to January 1, 1963.

R. W. BURWELL,
*Regional Director, Bureau of
Sport Fisheries and Wildlife.*

DECEMBER 5, 1961.

[F.R. Doc. 61-11755; Filed, Dec. 12, 1961;
8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 192]

OIL AND GAS LEASING REGULATIONS

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of February 25, 1920 (41 Stat. 437), as amended (30 U.S.C. 181 et seq.), it is proposed to amend 43 CFR Part 192 as set forth below. The purpose of these amendments is to permit oil and gas lease offers to be filed for, and assignments to be made out of leases, for portions of protracted sections when full protracted sections are not available for such leasing or assignments.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 192.42a(c) is amended to read as follows:

§ 192.42a Description of lands in offer.

(c) When protracted surveys have been approved and the effective date thereof published in the FEDERAL REGISTER, all offers to lease lands shown on such protracted surveys, filed on or after such effective date, must, except as provided below, include only full sections described according to the section, township, and range shown on the approved protracted surveys.

(1) An offer may include less than a full protracted section where only a portion of a protracted section is available for lease. When an offer includes less than a full protracted section, it must include all of the land available for lease within that section, and the land must be described by subdivisional parts thereof in the same manner as provided in paragraph (a) of this section for officially surveyed lands.

Section 192.140 is amended by designating the present text as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 192.140 Assignments or transfers of leases or interests therein.

(b) Only full protracted sections may be assigned out of leases covering lands described on the basis of protracted surveys. However, if a lease includes less

than a full protracted section, such entire lesser area may be assigned.

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

DECEMBER 7, 1961.

[F.R. Doc. 61-11758; Filed, Dec. 12, 1961; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14419 (RM-268); FCC 61-1446]

STANDARD BROADCAST STATIONS ON REGIONAL (CLASS III) CHANNELS

Pre-Sunrise Operation; Notice of Proposed Rule Making

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

2. The Commission has before it for consideration a petition filed June 16, 1961 by Storer Broadcasting Company to amend § 3.87 of the Commission's rules to provide that all regional (Class III) stations operating with their daytime facilities during pre-sunrise hours shall give advance notice of such operation to the Commission and to all co-channel unlimited time stations in the United States or Puerto Rico, and that the determination of whether objectionable interference results from such operation shall be made on the basis of the standard broadcast Technical Standards.

3. Petitioner asserts the requested amendments are limited in scope as they would apply only to regional (Class III) channels on which pre-sunrise conditions have become the most chaotic and that they would not operate to preclude or terminate any pre-sunrise operations since the burden of making complaints and appropriate interference showings would still lie upon the unlimited time station.

4. Storer states that the Commission has consistently terminated pre-sunrise operations found to cause objectionable interference, as defined by the rules, within the protected nighttime service areas of unlimited time stations; that the prescribed method of preparing and processing complaints requires that the aggrieved station must conduct early morning listening tests to determine the presence of actual interference inside its protected nighttime contour; that it must identify the offending station or stations and submit the information in verified form to the Commission whose staff then determines, using the skywave propagation curves contained in Figure 2, § 3.190 of the rules, whether the alleged interference exists and, if so, the offending station is notified that its pre-sunrise operation must be discontinued; that this procedure was not unreasonable

in 1941, when the rule was adopted, as there were few stations on the air at that time and therefore it was not too difficult to determine by listening, whether objectionable interference was being caused and to identify the offending station; that since 1941, owing to the increase in the number of stations, particularly on the regional channels, interference conditions between the various stations together with the vagaries of nighttime propagation conditions, which vary from minute to minute, night to night and month to month, make it impossible to identify individual stations so as to clear the channel within a reasonable time; and that as a result it might take a period of several years for any one unlimited time station to vindicate its license rights.

5. Storer claims that its petition presents methods for overcoming two of these obstacles, the first being inability to identify stations operating before sunrise which can be removed by requiring advance notification of all pre-sunrise operations by Class III stations, using their daytime facilities, to the Commission and to the relatively few unlimited time stations on the particular channel. Such notification would provide the aggrieved station the basic data necessary for policing its channel, and would also supply the Commission with information as to the number of stations operating under the pre-sunrise provisions of the rules, which information it does not now have. The second obstacle, Storer states, can be removed by eliminating the present practice of conducting listening tests by specifying that the determination of objectionable interference shall be made on the basis of the Technical Standards of the rules.

6. WBEN, Inc., licensee of Station WBEN, Buffalo, New York, on July 18, 1961, filed a statement supporting the petition and stating that its adoption should result in improvement of the ability of full time regional stations to protect themselves against improper invasion of their pre-sunrise interference-free contours.

7. Topeka Broadcasting Association, Inc., licensee of Station WIBW, Topeka, Kansas, on July 24, 1961, filed a statement supporting the proposal of Storer; however, it also requests that for the purposes of the proposed rule the term "unlimited time stations" should include sharetime stations which together occupy a Class III channel full time.

8. On July 26, 1961, Hocking Valley Broadcasting Corporation, licensee of Station WHOK, Lancaster, Ohio, filed opposition to the Storer petition claiming that the community is dependent on Station WHOK for local service during pre-sunrise hours; that it provides weather news to schools, Conelrad alerts and similar services to the local community and county during these hours; that the Storer request would impose on all Class III operations a burden which

is unwarranted and contrary to public interest considerations; that there is no showing in the Storer petition that the present procedure is inadequate; and that the matter of pre-sunrise operation can best be handled on an individual basis without requiring justification generally for such action.¹

9. Opposition was also filed by Fetzer Broadcasting Company, licensee of Station WKZO, Kalamazoo, Michigan on July 25, 1961, for essentially the same reasons advanced by Hocking Valley.¹

10. In 1941 there were 882 standard broadcast stations of which 60 were daytime. Now we have 3,805 stations of which 1,486 are daytime. There has been a vast increase in both the number of stations licensed to operate during the pre-sunrise hours and in those not now licensed but nevertheless, initially at least, permitted to operate under the permissive provisions of § 3.87. The cumulative effect of the use of daytime facilities during early morning hours is thus quite different from that obtaining in 1941. We are now proposing to terminate § 3.87 except as it may apply to regional assignments made previous to the effective date of any order resulting from this notice of proposed rule making.

11. It also appears desirable to amend § 3.87 to require that stations now operating with their daytime facilities during pre-sunrise notify the Commission they are so operating. This would provide the Commission with a list of stations operating under the rule, which information is not now readily available. While petitioner's suggestion that licensees seeking to avail themselves of the rule individually notify all co-channel unlimited time stations would appear to be unduly burdensome, it is believed that single notices (available for public inspection in the Commission's Broadcast Reference Room as part of the notifying station's license records) would be sufficient for the purpose intended.

12. Additionally, it is proposed that the existing practice of requiring the complaining station to conduct listening tests be abandoned, and that the complainant be required only to submit a showing of interference based on skywave interference calculations made under the standard broadcast Technical Standards. This is consistent with previous Commission decisions holding that the skywave propagation curves are conclusive for the purpose of determining pre-sunrise interference.

13. Because of treaty and interference protection considerations, the pre-sunrise operating privilege conferred by § 3.87 is generally limited to Class III stations operating on regional channels. Accordingly, it is proposed that references to other classes of stations in the existing rule be deleted.

14. Since the recent decision of the United States Court of Appeals in

¹ Both the Hocking Valley and Fetzer oppositions were filed later owing to reproduction difficulties; however, as good cause has been shown for such delay, these oppositions are being accepted.

WBEN, Inc. v. F.C.C., 290 F. (2d) 743, the Commission has followed the policy of conditioning Class III daytime grants where pre-grant objections filed by unlimited time stations show that objectionable interference would result from any pre-sunrise operation on the part of the grantee. Inasmuch as paragraph (c) of existing § 3.87 is inconsistent with this policy, its deletion appears to be indicated.

15. The Commission is of the view that rule making should be instituted on this proposal in order that all interested parties may submit their views and relevant data.

16. Authority for the adoption of the amendment proposed herein is contained in sections 4(i), 303(c), and 303(r) of the Communications Act of 1934, as amended.

17. Pursuant to applicable procedure set out in § 1.213 of the Commission's rules, interested persons may file comments on or before February 8, 1962, and reply comments on or before February 19, 1962. In reaching its decision on the rule amendment which is proposed herein, the Commission will not be limited to consideration of comments on record, but will take into account all relevant information obtained in any manner from informed sources.

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

Adopted: December 6, 1961.

Released: December 8, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Acting Secretary.

It is proposed to amend Part 3—Radio Broadcast Services—as indicated below: Amend § 3.87 to read as follows:

§ 3.87 Program transmissions prior to local sunrise.

(a) Notwithstanding other provisions of this chapter, standard broadcast stations authorized to provide regular program service on any regional channel (as specified in § 3.26) on or before _____, 1962, may operate with their authorized daytime facilities between 4 a.m. local standard time and local sunrise: *Provided, however,* That licensees meeting this requirement and electing to initiate or continue pre-sunrise operation shall, within 30 days from the date indicated, file a notice with the Commission specifying the hours during which pre-sunrise operation occurs.

(b) Notifications required by paragraph (a) of this section will be associated with the stations' records and will be available for public inspection in the Commission's Broadcast Reference Room.

(c) Licensees who apply for and obtain authority to operate on a different regional channel but who are unable to

² Concurring statement of Chairman Newton N. Minow filed as part of the original document.

commence regular program operation on the new frequency on or before _____, 1962, are precluded from engaging in pre-sunrise operation under paragraph (a) of this section, as are new stations commencing regular program operation after that date.

(d) Any unlimited time station operating on any regional channel (as specified in § 3.26) during any part of the period between 4 a.m. local standard time and local sunrise with its nighttime facilities and receiving objectionable interference within its nighttime normally protected service area or present RSS limited contour, whichever is higher, from any station on the same channel commencing operation with its daytime facilities prior to local sunrise, may submit a showing of interference and request the Commission to issue a notice to the offending station to refrain from pre-sunrise operation with its daytime facilities.

(e) The showing required by paragraph (d) of this section shall be based upon skywave interference calculations made under the Standard Broadcast Technical Standards of this subpart. In evaluating interference complaints submitted under paragraph (d) of this section, the skywave propagation curves contained in Figure 2, § 3.190 and other applicable technical standards of this subpart shall be considered as conclusive.

(f) Any station receiving notice from the Commission that objectionable interference is being caused shall refrain from pre-sunrise operation with its daytime facilities pending further notice from the Commission, and shall immediately return to licensed hours of operation.

(g) Shared time stations which together occupy a single Class III channel full time may submit pre-sunrise interference complaints under paragraph (d) of this section on the same basis as a single unlimited time station.

(h) Time devoted to pre-sunrise operation shall not be included in determining compliance with the minimum operation schedule set forth in § 3.71.

[F.R. Doc. 61-11805; Filed, Dec. 12, 1961; 8:53 a.m.]

[47 CFR Part 8]

[Docket No. 14375, FCC 61-1343]

**MARITIME MOBILE AND MARITIME
RADIODETERMINATION OPERA-
TIONS**

**Implementation of Certain Require-
ments of the Geneva Radio Regula-
tions (1959); Notice of Proposed
Rule Making**

Correction

In F.R. Doc. 61-11290, appearing at page 11369 of the issue for Friday, December 1, 1961, proposed amendment B.18 is corrected to read as follows:

18. Section 8.132 is amended by revising items (1) and (2) of the table in paragraph (a) to read:

§ 8.132 Authorized classes of emission.

(a) * * *

(1) Stations using telegraphy:

- 100 to 160 kc----- A1, and for brief testing A0.
- 160 to 515 kc----- A1, A2,² A2a,² A2b,² and for brief testing A0.
- 2065 to 2070 kc and 2080 to 25,000 kc. A1, and for brief testing A0, except for survival craft stations which, in addition, may use class A2 emission.
- 2070 to 2080 kc----- Wide-band telegraphy, facsimile and special transmission systems. Manual International Morse code and telephony are excluded.

(2) Stations using telephony:

- 1600 kc to 30 Mc³-- A3, A3a, A3b; and for brief operating signals A1, A2, A2a, A2b; also for brief testing A0.
- 30 to 50 Mc----- A3, A3a, A3b, F3; and for brief operating signals A1, A2, A2a, A2b, F1, F2; also for brief testing A0, F0.
- 121.5 Mc----- A3 for ship stations and any amplitude modulated emission for survival craft stations.
- 156 to 174 Mc----- F3; and for brief operating signals F1 and F2; also for brief testing F0.
- For other frequencies or frequency bands. As designated in the station authorization.

Notices

ATOMIC ENERGY COMMISSION

[Docket No. 27-35]

LONG ISLAND NUCLEAR SERVICE CORP.

Order Designating Place for Hearing

On November 30, 1961, the Commission issued a Notice of Hearing designating January 16, 1962, as the date for hearing on the application filed by Long Island Nuclear Service Corporation and provided that the hearing would be held in a courtroom to be assigned in Riverhead, New York.

In accordance with that provision, the courtroom for the hearing to convene at 10:00 a.m., on January 16, 1962, is designated as the Surrogate's Court, County Center, Riverhead, New York.

Issued: December 5, 1961, German-town, Md.

SAMUEL W. JENSCH,
Presiding Officer.

[F.R. Doc. 61-11787; Filed, Dec. 12, 1961; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Oregon 011921]

SILETZ TOWNSITE, OREGON

Sale of Town Lots

NOVEMBER 29, 1961.

1. *Statutory authority.* The remaining lots in the Townsite of Siletz, Oregon will be disposed of under sections 2380 and 2381 United States Revised Statutes (43 U.S.C. 711, 712) and regulations contained in 43 CFR Part 255. The lots to be disposed of by sale at public auction are designated on official plats of survey of Siletz Townsite approved December 18, 1913 and supplemental plat of T. 10 S., R. 10 W., accepted May 23, 1951.

2. *Lots, areas and minimum prices.* The lots and the appraised prices, which are the minimum amounts at which the lots will be offered, are listed as follows:

Lot	Acreage	Appraisal
	<i>Acres</i>	
Tract A.....	0.258	\$85
Tract B.....	0.408	185
Tract C.....	0.646	385
Tract D.....	1.049	620
Lot 1, block 7.....	0.107	190
Lot 2, block 7.....	0.168	225

3. *Public sale.* The lots will be offered for sale by the Manager, Land Office, Portland, Oregon, or his representative at public outcry to the highest bidder at the City Hall, Siletz, Oregon on January 9, 1962, beginning at 1 p.m. The sale will continue until all the lots have been offered.

4. *Payments.* No offering will be sold for less than the appraised price. Pay-

11914

ment in full must be made on the day of sale, and may be in the form of cash, personal check, certified check, bank draft or money order payable to the Bureau of Land Management. The payment must be tendered to the officer in charge before the close of business on the day of the sale.

5. *Citizenship requirements.* Every individual purchasing a lot will be required to make a showing or to furnish evidence that he is a citizen of the United States, or that he has declared his intention to become a citizen, and every corporation purchasing a lot will be required to furnish evidence, including a certified copy of its articles of incorporation, showing that it was organized under the laws of the United States or of some State, Territory, or possession thereof, and that it is authorized to acquire and hold real estate in Oregon.

6. *Manner of sale.* Bids and payments will be made in person or by agent, but may not be made by mail or at any time or place other than fixed by this notice. Any bidder may purchase any number of lots for which he is successful bidder. No bids will be made in increments of less than \$10.00.

7. *Authority of officer conducting the sale.* The officer conducting the sale is hereby authorized to reject any and all bids for any lot, and to suspend, adjourn or postpone the sale of any lot or lots. After all the lots have been offered, the sale will be closed.

8. *Disposal of lots after sale has been closed.* Lots remaining unsold at close of the sale and lots which may be forfeited by any high bidder for any reason, will be subject to private sale for cash by the Manager, Land Office, Portland, Oregon.

9. *Reservations.* Patents for the lots, when issued, will contain a reservation of rights-of-way for ditches or canals in accordance with the act of August 30, 1890 (26 Stat. 391). Patents, when issued for Lots 1 and 2, Block 7 of Townsite of Siletz, also will contain a reservation of the oil and gas in accordance with the provisions of the act of July 17, 1914 (38 Stat. 509; 30 U.S.C. sections 121-123).

10. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously, or which will in any way hinder or embarrass the sale. Any persons so offending will be prosecuted under 18 U.S.C. 1860.

VIRGIL O. SEISER,
Manager.

[F.R. Doc. 61-11756; Filed, Dec. 12, 1961; 8:46 a.m.]

WYOMING

Redelegation of Authority By Land Office Manager

DECEMBER 6, 1961.

By authority contained in section 2.1, Bureau Order 684 of August 28, 1961 (26

F.R. 8216), I hereby redelegate to the Chief, Minerals Section, authority to take action for the Manager on all matters listed in section 2.6, Part II, of said order, and to the Chief, Lands Section, authority to take action for the Manager on all matters listed in section 2.9, Part II, effective as of August 28, 1961.

THOMAS H. FLOYD, Jr.,
Land Office Manager.

Approved: December 6, 1961.

ED PIERSON,
Wyoming State Director.

[F.R. Doc. 61-11757; Filed, Dec. 12, 1961; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-WE-20]

PROPOSED TELEVISION ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Southern Nevada Radio and Television Co., Las Vegas, Nev., proposes to construct a television antenna structure near Henderson, Nev., at latitude 36°-07'50" N., longitude 115°05'06" W. The overall height of the structure would be 2,320 feet above mean sea level (510 feet above ground). This structure would replace an existing television antenna structure at the same location with an overall height of 2,149 feet MSL.

This proposal was originally circularized specifying an overall height of 2,466 feet MSL (656 feet above ground). Objections were received in response to the circularization from the Department of the Air Force and the Department of the Navy on the basis that a structure at this location above 2,149 feet MSL in overall height would adversely affect VOR approaches at Nellis Air Force Base, Nev.; and by the Air Transport Association of America on the basis that the proposed structure would adversely affect instrument approach procedures at McCarran Airport, Las Vegas, Nev. Because of these objections, the sponsor amended the overall height of the proposed structure to 2,320 feet MSL. In view of the reduced overall height, which would result in no adverse effect upon instrument approach procedures at McCarran Airport, the ATA withdrew its objection.

The proposed structure would be located approximately 8 miles south southwest of Nellis Air Force Base and approximately 4.5 miles northeast of McCarran Airport. The Agency study disclosed that the proposed structure would have no adverse effect upon VOR instru-

ment approach procedures to Nellis Air Force Base. Following FAA/Department of the Air Force discussions, the Department of the Air Force withdrew its objection to the proposed structure.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation provided that the structure is obstruction marked and lighted in accordance with Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

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

OSCAR W. HOLMES,
Chief, Obstruction Evaluation Branch.

[F.R. Doc. 61-11747; Filed, Dec. 12, 1961; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE
Agricultural Research Service
IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 181.1 the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the list previously published under the Act (26 F.R. 11742) for November and represents those establishments and species which were reported too late to be included in the earlier list or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier list was based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and

handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be

understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine
Armour and Co.	2SD	(*)	(*)	(*)	(*)	(*)
Swift and Co.	3Z	(*)	(*)			
Lykes Bros., Inc.	8B	(*)				
Montana Packing Co., Inc.	37		(*)			
Alpine Packing Co.	412	(*)	(*)	(*)		(*)
Swift and Co.	608	(*)				
Colville Meat, Inc.	679	(*)				
Pioneer Provision Co.	742	(*)	(*)			(*)
South Philadelphia Willowbrook, Inc.	923	(*)	(*)			(*)
Perretta Packing Co., Inc.	571	(*)				

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

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

[F.R. Doc. 61-11803; Filed, Dec. 12, 1961; 8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14417]

EUGENE M. MOODY

Order To Show Cause

In the matter of Eugene M. Moody, 2345 16th Avenue, Vero Beach, Fla., Docket No. 14417; order to show cause why there should not be revoked the license for Radio Station 7W2223 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's Rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Communications Act of 1934, as amended, and of the Commission's rules made pursuant thereto was served upon the above-named licensee as follows:

Commission letter dated August 11, 1961, to the licensee alleging a violation of section 310(b) of the Communications Act of 1934, as amended, and of § 19.17 of the Commission's rules in that said licensee had been permitting others, who were operating unlicensed radio equipment, to identify their radio transmissions by use of the call sign 7W2223, authorized by the Commission for said licensee's Citizens radio station.

It further appearing, that the above-named licensee received the Commission's letter but did not reply thereto; whereupon the Commission by letter dated September 26, 1961, and sent by Certified Mail—return receipt requested (Cert. No. 97002) again brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within ten days of its receipt, stating the measures which had been taken or were being taken, in order to bring the operation of the radio station into compliance with the Communications Act and the Com-

mission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing, that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, A. Weidman, on September 27, 1961, to a Post Office Department return receipt; and

It further appearing, that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 7th day of December 1961, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by Certified Mail—return receipt requested to the said licensee.

Released: December 8, 1961.

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

[F.R. Doc. 61-11806; Filed, Dec. 12, 1961; 8:53 a.m.]

FEDERAL MARITIME COMMISSION

OAHU RAILWAY AND LAND CO. ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement Numbered 8475-1, between Oahu Railway and Land Co. (OR & L), Oahu Railway and Terminal Warehousing Co., Ltd. (OR & TW), and Matson Navigation Co. (Matson) modifies the basic agreement between OR & L and Matson which grants Matson priority

right to use certain piers and terminal property at Honolulu, Hawaii. The purpose of the modification is to transfer to OR & TW all properties, rights and obligations of OR & L under the basic agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 8, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-11783; Filed, Dec. 12, 1961;
8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP62-75, CI62-333]

LAKE SHORE PIPE LINE CO. AND PAUL L. BRITTON, JR.

Notice of Applications and Date of Hearing

DECEMBER 6, 1961.

Lake Shore Pipe Line Company, Docket No. CP62-75; Paul L. Britton, Jr., Operator, et al., Docket No. CI62-333.

Take notice that on September 22, 1961, Lake Shore Pipe Line Company (Lake Shore), 1717 East Ninth Street, Cleveland 14, Ohio, and Paul L. Britton, Jr., Operator et al. (Britton), Linesville, Pennsylvania, filed, respectively, applications, pursuant to section 7(c) of the Natural Gas Act, for certificates of public convenience and necessity authorizing: (1) Lake Shore in Docket No. CP62-75 to construct and operate approximately 2,700 feet of 4½-inch and 1,450 feet of 3½-inch field lines, a meter station, and appurtenant facilities to enable Lake Shore to purchase and receive natural gas produced by Paul L. Britton, Jr., Operator et al., from the Clinton Sand formation in Conneaut Township, Erie County, Pennsylvania; and (2) Britton in Docket No. CI62-333 to make the above-described sale to Lake Shore from 137 acres (2 producing wells) in Conneaut Township, Erie County, Pennsylvania, pursuant to a gas sales contract dated September 5, 1961.

The proposals of Lake Shore and Britton are more fully set forth in their respective applications which are on file with the Commission and open to public inspection.

Lake Shore's proposed lines will extend from the wells operated by Britton to a point of connection with the facilities of East Ohio Gas Company (East Ohio) in Monroe Township, Ashtabula County, Ohio, at which point the proposed meter station will be constructed. The gas transported through said facilities will be sold and delivered to East Ohio under Lake Shore's existing Rate Schedule E-1 as "excess gas." The estimated cost of

the subject facilities is \$18,555, to be financed from cash on hand.

The contract between Lake Shore and Britton provides for an initial rate of 27.0 cents per Mcf at 15.025 psia.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 11, 1962, at 9:30 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 in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings, pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 29, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11773; Filed, Dec. 12, 1961;
8:49 a.m.]

[Docket No. G-19940, etc.]

FOREST OIL CORP. ET AL.

Order Conditionally Accepting Rate Filing Requiring Additional Agree- ments and Undertakings and Re- designating Rate Schedule and Proceedings

DECEMBER 6, 1961.

Forest Oil Corporation (Operator), et al., Docket Nos. G-19940, RI61-186 and RI62-68.

On October 19, 1961, Forest Oil Corporation (Forest) tendered for filing, as a supplement to its FPC Gas Rate Schedule No. 2, an instrument of assignment by which it acquired on October 1, 1961, interests of a co-owner in a jurisdictional sale of gas to United Fuel Gas Company from Bourg Field, Terrebonne and Lafourche Parishes, Louisiana. On November 2, 1961, the co-owner, Cities Service Production Company (Cities Service), filed, as a supplement to its corresponding FPC Gas Rate Schedule No. 1, an affidavit confirming the sale of said interests to Forest, but also noting the assignment back to Cities Service of interests in the subject properties below the "Krumbhar Sand".

The same rate is in effect under Forest's rate schedule, subject to refund in Docket No. RI61-186, and under Cities Service's rate schedule, subject to refund in Docket No. RI61-164. Therefore, no change in rate will be effected by the transfer of interests.

The parties have agreed that Forest will become the operator in place of Cities Service.

The Commission finds:

(1) Forest's above-described supplement should be conditionally accepted for filing to be effective as of October 1, 1961, subject to the approval of service from the acquired interests in the certificate proceeding in Docket No. G-2798 and further subject to Forest's submitting an additional filing to show the reassignment to Cities Service of interests in the subject properties below the Krumbhar Sand.

(2) The interests acquired by Forest should be made subject to Forest FPC Gas Rate Schedule No. 2 and to the above-designated rate proceedings concerning Forest's said rate schedule, for the period from and after October 1, 1961.

(3) Forest should file additional agreements and undertakings in the proceedings in Docket Nos. G-19940 and RI61-186 to cover its additional sale of gas under rates in effect subject to refund in said proceedings.

(4) Forest's FPC Gas Rate Schedule No. 2 and the above rate proceedings should be redesignated from "Forest Oil Corporation" to "Forest Oil Corporation (Operator) et al."

The Commission orders:

(A) The above-described supplement to Forest's FPC Gas Rate Schedule No. 2 is accepted for filing to be effective as of October 1, 1961, subject to the approval of service from the acquired interests in the certificate proceeding in Docket No. G-2798 and further subject to Forest's submitting an additional filing to show the reassignment to Cities Service of interests in the subject properties below the Krumbhar Sand.

(B) Subject to Paragraph (A), the interests acquired by Forest shall be covered by its FPC Gas Rate Schedule No. 2 and shall be subject to the rate proceedings in Docket Nos. G-19940, RI61-186 and RI62-68, for the period from and after October 1, 1961.

(C) Forest shall execute and file with the Secretary of the Commission additional agreements and undertakings in the proceedings in Docket Nos. G-19940 and RI61-186 to cover the additional sale of gas under rates in effect subject to refund in said proceedings. Unless Forest is advised to the contrary within 15 days after filing such agreements and undertakings, they shall be deemed to have been accepted.

(D) Forest's FPC Gas Rate Schedule No. 2 and the above rate proceedings are hereby redesignated from "Forest Oil Corporation" to "Forest Oil Corporation (Operator) et al."

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11774; Filed, Dec. 12, 1961;
8:49 a.m.]

[Docket No. G-18856 etc.]

LELAND D. HECKERT LEASE ET AL.

Notice of Severance

DECEMBER 7, 1961.

Leland D. Heckert Lease et al., Docket No. G-18856 et al.; Jerome A. Cararas, Docket No. CI61-229; Robert F. Brooks and Allen L. Roberts, Docket No. CI61-231; Lone Star Producing Company, Docket No. CI61-918; Callery Properties, Inc. et al., Docket No. CI61-921; Sun Oil Company, Docket No. CI61-1101; United Producing Company, Inc., Docket No. CI61-1182; American Petrofina Company of Texas, Docket No. CI61-1418.

Notice is hereby given that the above-entitled matters heretofore scheduled for a hearing to be held in Washington, D.C., on December 12, 1961, in the consolidated proceedings entitled Leland D. Heckert Lease, et al., in Docket Nos. G-18856 et al., are severed therefrom, for such disposition as may be appropriate.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11775; Filed, Dec. 12, 1961; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File 7-2205 etc.]

CONTINENTAL INSURANCE CO. ET AL.

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

DECEMBER 7, 1961.

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

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

- Continental Insurance Company, File 7-2205.
- Fairchild Camera & Instrument Corp., File 7-2206.
- First Charter Financial Corporation, File 7-2207.
- Harvey Aluminum Incorporated, File 7-2208.
- Louisville & Nashville Railroad Co., File 7-2209.
- Mesabi Trust, Units of Beneficial Int., File 7-2210.
- Pacific Telephone & Telegraph Co., File 7-2211.
- San Diego Imperial Corporation, File 7-2212.

Upon receipt of a request, on or before December 22, 1961, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the secu-

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

By the Commission.

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-11761; Filed, Dec. 12, 1961; 8:47 a.m.]

[File 7-2202]

MARTIN-MARIETTA CORP.

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

DECEMBER 7, 1961.

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

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

Martin-Marletta Corporation, File 7-2202.

Upon receipt of a request, on or before December 22, 1961, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-11762; Filed, Dec. 12, 1961; 8:47 a.m.]

[File No. 1-3207]

UNIVERSAL PICTURES CO., INC.

Notice of Application to Strike from Listing and Registration and of Opportunity for Hearing

DECEMBER 7, 1961.

In the matter of Universal Pictures Company, Inc., common stock, 4¼ percent Cumulative Preferred Stock, File No. 1-3207.

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

The reasons alleged in the application for striking this security from listing and registration include the following: The stocks have limited distribution and limited public interest. Shares in public hands are shown at 34,300 preferred and 109,909 common. Holders of 100 share lots or more are shown at 88 for the preferred and 214 for the common shares.

Upon receipt of a request, on or before December 22, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-11763; Filed, Dec. 12, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 410]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 8, 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 730 (Sub-No. 199) (Amendment), filed September 11, 1961, published FEDERAL REGISTER issue November 29, 1961, amended December 5, 1961, republished as amended this issue. 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 Sierra Ordnance Depot, Herlong, Calif., and Travis Air Force Base near Fairfield, Calif., and points within twenty-five (25) miles of Travis Air Force Base, on the one hand, and, on the other, missile site locations in the defense area of Washington within a 50-mile radius of Seattle and Spokane, Wash.

NOTE: Applicant states "It controls Pacific and Atlantic Shippers, Inc., a freight forwarder holding Permit No. FF-52 and related subs. It is noted that the purpose of this amendment is to include the note above also to add "Travis Air Force Base and points within 25 miles thereof", as shown above.

HEARING: Remains as assigned 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 1117 (Sub-No. 7), filed November 3, 1961. Applicant: M. G. M. TRANSPORT CORPORATION, 798 Main Street, Paterson, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, as described in Appendix II to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, from Paterson, N.J. and points in Fairfield County, Conn. to points in Connecticut, Rhode Island and points in Berkshire, Hampshire, Hampden and Franklin Counties, Mass.

NOTE: Applicant states the proposed operation will be restricted to shipments having a prior movement by rail or truck. Applicant further states no duplicating authority is sought. Carrier now has authority from Paterson, N.J., to points in Fairfield County, Conn., and for uncrated new furniture from points in Passaic County, N.J., to points in Connecticut, Massachusetts and Rhode Island. Applicant controls Metropolitan Furniture Forwarders Co. Inc.

HEARING: January 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 2202 (Sub-No. 221), filed October 11, 1961. Applicant: ROADWAY EXPRESS, INC., 147 Park Street,

Akron 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) Between the junction of U.S. Highway 52 and North Carolina Highway 66 north of Winston-Salem, N.C., and junction North Carolina Highway 66 and U.S. Highway 311 north of High Point, N.C., from junction U.S. Highway 66 and North Carolina Highway 52 north of Winston-Salem, over U.S. Highway 66 to junction U.S. Highway 66 and North Carolina Highway 311 north of High Point, and return over the same route, serving no intermediate or off-route points, and with service at the termini and all junction points for the purpose of joinder only; and (2) Between Winston-Salem, N.C., and High Point, N.C., from Winston-Salem over U.S. Highway 311 to High Point, and return over the same route, serving no intermediate or off-route points, and with service at the termini and the junction of U.S. Highway 311 and North Carolina Highway 66 for the purpose of joinder only.

HEARING: January 26, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 103.

No. MC 8957 (Sub-No. 5), filed November 13, 1961. Applicant: GLENN H. BROWER, R.D. No. 1, Lewistown, Pa. Applicant's attorney: John M. Musselman, 400 North Third Street, Harrisburg, Pa. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer spreaders, insecticides, pesticides and herbicides* from Baltimore, Md. to points in Snyder, Northumberland, Lycoming, Montour, Centre, Mifflin, Blair, Union, Clinton, and Bedford Counties, Pa.

HEARING: January 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Armin G. Clement.

No. MC 10761 (Sub-No. 113), filed November 16, 1961. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 N. Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Room 1210-12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat by-products and packing house products, and refused and rejected shipments*, serving San Angelo, Tex., as an off-route point in connection with applicant's present authorized regular-route operations between Dallas, Tex., and Oklahoma City, Okla.

HEARING: January 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 77.

No. MC 22167 (Sub-No. 16), filed October 10, 1961. Applicant: CONSOLIDATED COPPERSTATE LINES,

a corporation, 1220 West Washington Boulevard, Montebello, Calif. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, (1) Between Abilene, Tex., and Odessa, Tex., over U.S. Highway 80, serving the intermediate points of Sweetwater, Colorado City, Big Spring, and Midland, Tex.; (2) Between Fredericksburg, Tex., and Comfort, Tex., and junction U.S. Highways 290 and 80 near Kent, Tex., (a) from Fredericksburg over U.S. Highway 290 to its junction with U.S. Highway 80 near Kent, Tex., serving the intermediate points of Sonora, Ozona, Sheffield, Iraan, and Ft. Stockton, Tex., and (b) from Comfort, Tex., over Texas Highway 27 to its intersection with U.S. Highway 290, thence over U.S. Highway 290 to its intersection with U.S. Highway 80 near Kent, Tex., and return over the same route, serving no intermediate points; (3) Between Junction U.S. Highway 290 and Texas Highway 349 near Sheffield, Tex., and Iraan, Tex., over Texas Highway 349, serving no intermediate points; and (4) Between Austin, Tex., and Columbus, Tex., over Texas Highway 71 via La Grange, Smithville, and Bastrop, Tex., but serving no intermediate points between Austin and Columbus, Tex.

NOTE: Common control may be involved.

HEARING: January 22, 1962, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Wm. N. Culbertson.

No. MC 25798 (Sub-No. 57), filed November 16, 1961. Applicant: CLAY HYDER TRUCKING LINES, INC., Hendersonville, N.C. Applicant's attorney: Thomas F. Kilroy, Suite 610-1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen citrus products* from points in Cameron, Hidalgo and Willacy Counties, Texas, to points in Washington, Oregon, Nevada, Idaho, Utah, Montana, Wyoming, Colorado, North Dakota, South Dakota, Tennessee (except Memphis on straight truckload shipments), Alabama, Florida, Georgia, North Carolina, South Carolina, Pennsylvania (except Pittsburgh on straight truckload shipments), West Virginia, Virginia, Maryland and the District of Columbia; and (2) *Citrus products*, not canned and not frozen, from points in Cameron, Hidalgo and Willacy Counties, Tex., to points in the United States except Alaska and Hawaii.

HEARING: January 25, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Wm. N. Culbertson.

No. MC 35890 (Sub-No. 16), filed November 13, 1961. Applicant: BLODGETT UNCRATED FURNITURE SERVICE, INC., 845 Chestnut Street SW., Grand Rapids, Mich. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Piano cases or cabinets* from Grand Rapids, Mich., to Cincin-

nati, Ohio, and returned shipments on return.

HEARING: January 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 36949 (Sub-No. 1), filed September 28, 1961. Applicant: T. W. MAYTON TRANSFER COMPANY, INCORPORATED, 252 East Bank Street, Petersburg, Va. Applicant's attorney: Paul A. Sherier, 613 Warner Building, Thirteenth and E Streets NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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*, from Norfolk, Va., to Virginia Beach, Williamsburg, Franklin, and Suffolk, Va., and empty containers or other such incidental facilities (not specified), used in transporting the commodities specified above, on return.

HEARING: January 22, 1962, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 108.

No. MC 39300 (Sub-No. 4), filed September 22, 1961. Applicant: MIDDLE STATES MOTOR FREIGHT, INC., 5723 Este Avenue, Cincinnati, Ohio. Applicant's attorney: Jack B. Josselson, Atlas Bank Building, Cincinnati 2, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except livestock, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Chicago, Ill., and junction U.S. Highways 41 and 24 near Kentland, Ind., from Chicago over Illinois Highway 1A to junction Illinois Highway 1, thence over Illinois Highway 1 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction U.S. Highway 41 near Kentland, Ind., connecting with applicant's present routes, and return over the same route, serving all intermediate points; and (2) serving the plant site of Nachman Corporation near Milford, Ill., as an off-route point in connection with applicant's presently authorized regular-route operations.

HEARING: January 22, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 41984 (Sub No. 18), filed September 28, 1961. Applicant: BLANTON TRUCKING COMPANY, INCORPORATED, Milford, Va. Applicant's attorney: S. Harrison Kahn, 1110-14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Roanoke Rapids, N.C., to Richmond, Va.; and (2) *Such commodities that are used in or useful for the manufacture and distribution of paper and paper products*, from Richmond, Va., to Roanoke Rapids, N.C.

Note: Applicant states it seeks to tack the authority requested in (1) and (2) above with applicant's presently authorized operations between Richmond, Va., on the one hand, and, on the other, points north thereof presently authorized to be served in applicant's present Certificates of Public Convenience and Necessity, and to remove any implied restriction in applicant's present Certificates against tacking the authority requested in (1) and (2) above with applicant's existing authority.

HEARING: January 22, 1962, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 7.

No. MC 42487 (Sub-No. 532), filed November 20, 1961. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: R. E. Poelman (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins, synthetic*, in bulk, in tank vehicles, from Anaheim, Calif., to Sand Springs, Okla.

NOTE: Common control may be involved.

HEARING: January 23, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 43475 (Sub No. 48), filed September 29, 1961. Applicant: GLENDENNING MOTORWAYS, INC., 1665 West County Road C, St. Paul 13, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between junction U.S. Highway 212 and Minnesota Highway 5 near Norwood, Minn., and junction Minnesota Highway 5 and Minnesota Highway 22 at Gaylord, Minn.; from junction U.S. Highway 212 and Minnesota Highway 5 near Norwood, over Minnesota Highway 5 to junction Minnesota Highway 5 and Minnesota Highway 22 at Gaylord, and return over the same route, serving the intermediate points of Hamburg, Green Isle and Arlington, Minn.

HEARING: February 1, 1962, in Room 393, Federal Building, and U.S. Court House, 110 South 4th Street, Minneapolis, Minn., before Joint Board No. 145.

No. MC 50069 (Sub-No. 250), filed November 13, 1961. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Lockport, Ill. and points within five (5) miles thereof, to points in Michigan north and east of a line beginning at Lake Michigan and extending along an unnumbered highway via North Muskegon to junction of U.S. Highway 31; thence along U.S. Highway 31 to Muskegon; thence along Michigan Highway 46 to St. Louis; thence along U.S. Highway 27 to Lansing; thence along U.S. Highway 127 to junction of U.S. Highway 223; and thence along U.S.

Highway 223 to the Michigan-Ohio state line.

HEARING: January 23, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 73.

No. MC 52314 (Sub-No. 4), filed November 6, 1961. Applicant: KARL A. SCHMOECKEL, Box 224, Stillwater, Minn., Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Such commodities as are dealt in by wholesale grocery and produce business houses*; (1) serving the points of Eau Galle, Erin, Jewett, Olivet, Plum City, Prescott, Rock Elm, and Waverly, Wis., as off-route points in connection with applicant's authorized regular route operations in Certificate MC 52314 (Sub-No. 2); and (2) serving Cumberland, Wis., and all points on U.S. Highway 63 from junction Wisconsin Highway 64 and U.S. Highway 63 to Cumberland, Wis., as intermediate points, and the off-route points of Almena, Amery, Arland, Bone Lake, Danbury, Eldon, Farm Hill, Fox Creek, Horseshoe Lake, Huntington, Indian Creek, Johansberg, Siren, Star Prarie, Twin Town, and Webster, Wis., in connection with applicant's authorized regular route operations in Certificate MC 52314 (Sub-No. 3).

HEARING: January 30, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 142.

No. MC 52669 (Sub-No. 7), filed October 25, 1961. Applicant: CARGOCARE TRANSPORTATION COMPANY, INCORPORATED, 522 Nance Street, Rocky Mount, N.C. Applicant's attorney: Milton P. Fields, P.O. Box 725, Rocky Mount, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, between Norfolk, Portsmouth, Suffolk, Hopewell, Va., and points within ten (10) miles of each, and points in North Carolina.

HEARING: February 2, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 58212 (Sub-No. 24), filed November 13, 1961. Applicant: MAAS TRANSPORT, INC., U.S. No. 2 and 85 North, Williston, N. Dak. Applicant's attorney: John R. Davidson, Suite 200, American State Bank Building, Williston, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and cement products*, from Rapid City, S. Dak. and points within ten (10) miles thereof, to Hettinger, New England, Mott, and Bowman, N. Dak., and points within 35 miles of each said point, 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 North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 158.

No. MC 59759 (Sub-No. 18), filed September 18, 1961. Applicant: JONES TRUCKING CO., a corporation, 500 West Edgar Road, Linden, N.J. Applicant's

representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is 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 Philadelphia, Pa., and New York, N.Y.

NOTE: Applicant states that the proposed service will be restricted to service to be performed under contract with Food Fair Stores, Inc.

HEARING: January 19, 1962, at 346 Broadway, New York, N.Y., before Examiner Henry A. Cockrum.

No. MC 69742 (Sub No. 1), filed November 20, 1961. Applicant: W.O.D., INC., 2932 West 79th Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Chicago, Ill., on the one hand, and, on the other, Woodstock, Ill.

HEARING: January 26, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 87532 (Sub-No. 3), filed October 26, 1961. Applicant: CLAY PRODUCTS TRANSPORT, INC., Box 149, Route 2, Dover, Ohio. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities*, such as are usually transported in dump trucks, and can be unloaded by dumping, between East Liverpool, Ohio, on the one hand, and, on the other, points in Ohio.

HEARING: January 18, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 89299 (Sub No. 2), filed September 18, 1961. Applicant: MICHAEL J. SCHIAVO, doing business as SCHIAVO BROTHERS, 7105 Grays Avenue, Philadelphia, Pa. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery waste, and bakery products, and materials unfit for human consumption*, in bulk, in dump trailers equipped with automatic hoists, from Philadelphia, Pa., to New York, N.Y., and (2) *refuse* in bulk, in dump trailers equipped with automatic hoists, from New York, N.Y., to Philadelphia, Pa.

NOTE: Applicant states the proposed operation is for the account of American Feed Company.

HEARING: January 19, 1962, at 346 Broadway, New York, N.Y., before Examiner Henry A. Cockrum.

No. MC 96889 (Sub-No. 2), filed September 25, 1961. Applicant: E-B

TRUCKING COMPANY, INCORPORATED, P.O. Box 518, Battleboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bags, between points in Virginia and points in North Carolina.

NOTE: Applicant conducts operations under the second proviso of section 206(a) (1) of the Interstate Commerce Act No. MC 96889 (Sub-No. 1).

HEARING: January 23, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 99990 (Sub-No. 1), filed November 3, 1961. Applicant: LIVERPOOL EXPRESS INC., 16th and Nevada Streets, P.O. Box 282, Wellsville, Ohio. Applicant's attorney: Thomas W. Maxson, 30 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, commodities of unusual value, and Classes A and B explosives), between East Liverpool, Ohio on the one hand, and, on the other, points in Ohio, points in Brooke, Doddridge, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Pleasants, Preston, Taylor, Ritchie, Tyler, Wetzel, and Wood Counties, W. Va., and points in Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Clarion, Crawford, Erie, Fayette, Greene, Indiana, Lawrence, Mercer, Venango, Washington, and Westmoreland Counties, Pa.

NOTE: Applicant states the proposed operation will be restricted to transportation having a prior or subsequent movement by barge. Applicant conducts operations under the second proviso of section 206(a) (1) by virtue of a Form BMC 75 Statement filed and assigned Docket No. MC 99990.

HEARING: January 16, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59.

No. MC 105813 (Sub-No. 49), filed November 1, 1961. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery*; (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 107012 (Sub-No. 38), filed October 24, 1961. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway East, Fort Wayne, Ind. Applicant's attorney: Martin A. Weissert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New voting machines and accessories, uncrated*, from Tulsa, Okla., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa,

Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and Wyoming, and points in Alaska and Hawaii; and (2) *Returned and damaged shipments* of the commodities specified above, from the above-specified destination points to Tulsa, Okla.

NOTE: Common Control may be involved. Applicant states it is now authorized to transport new office furnishings (which applicant claims would include new voting machines) from Tulsa, Okla., to points in all the United States except those listed above. This application would extend that authority to all points in the United States.

HEARING: January 19, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner William N. Culbertson.

No. MC 107107 (Sub-No. 182), filed September 14, 1961. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, P.O. Box 65 Allapattah Station, Miami, 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: *Meats, meat products, and meat by-products, and dairy products*, as defined by the Commission, from New York, N.Y., to Dillon and Florence, S.C.

HEARING: January 22, 1962, at 346 Broadway, New York, N.Y., before Examiner Henry A. Cockrum.

No. MC 107496 (Sub-No. 215), filed November 9, 1961. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Princeton, Inc., and points within ten (10) miles thereof, to points in Illinois.

NOTE: Applicant states it "is wholly owned by John Ruan. Applicant controls and owns all of the outstanding capital stock of Illinois-Ruan Transport Corporation, an Illinois Corporation, which also operates as a common carrier by motor vehicle in interstate commerce for the transportation of petroleum and other products, in bulk, by authority of certificates issued by the I.C.C. and by various state regulatory commissions." Applicant holds contract authority under MC 119136 and subs thereunder, therefore, dual operations may be involved.

HEARING: January 25, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 107515 (Sub-No. 375); filed November 16, 1961. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214-17 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, (2) *Chilled citrus products and*, (3) *chilled citrus juice*, in bulk, in tank trucks, from Weslaco, Tex., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, and Tennessee. RESTRICTION:

With the authority to be performed herein to be subject to the restriction that shipments to Memphis, Tenn., shall be restricted to those for partial unloading and subsequent delivery at destinations in the other states named.

NOTE: J. L. LAWHON, President of Refrigerated Transport and owner of 1/2 of the stock holds permits as a contract carrier, which authorize the transportation of carbonated beverages.

HEARING: January 26, 1962, at the Baker Hotel, Dallas, Tex., before Examiner William N. Culbertson.

No. MC 108207 (Sub-No. 84), filed October 16, 1961. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, 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 by-products, and dairy products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 272, 273, and 766, from Amarillo, Tex., to points in Ohio, Minnesota, and Indiana.

HEARING: January 23, 1962, at the Baker Hotel, Dallas, Tex., before Examiner William N. Culbertson.

No. MC 108207 (Sub-No. 85), filed October 19, 1961. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, P.O. Box 5888, 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: *Bananas*, from Houston, Tex., to points in Texas, Oklahoma, Arkansas, Kansas, Nebraska, Iowa, Illinois, Missouri, Wisconsin, and Minnesota.

HEARING: January 24, 1962, at the Baker Hotel, Dallas, Tex., before Examiner William N. Culbertson.

No. MC 109435 (Sub-No. 19), filed October 27, 1961. Applicant: ELLSWORTH BROS. TRUCK LINE, Drawer J, Stroud, Okla. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Pryor, Okla. to points in Shannon and Oregon Counties, Mo.

HEARING: January 15, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner William N. Culbertson.

No. MC 109435 (Sub-No. 20), filed October 27, 1961. Applicant: ELLSWORTH BROS. TRUCK LINE, Drawer J, Stroud, Okla. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt and road oils*, in bulk and in tank vehicles, from Cushing, Stroud, and Tulsa, Okla., to points in Missouri, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

NOTE: Applicant states it will surrender any duplicating authority that it holds from Stroud and Cushing to points in Missouri

within 150 miles of Fort Smith, Ark., and under their Sub 6 from Tulsa, Okla., within 200 miles of Fort Smith, Ark.

HEARING: January 16, 1962, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 254, or, if the Joint Board waives its right to participate, before Examiner William N. Culbertson.

No. MC 112017 (Sub-No. 3), filed September 29, 1961. Applicant: HARRY PROBO, 31 Stegman Place, Jersey City 5, N.J. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, including school, church, theatre, hospital and stadium furniture; radio receiving sets and talking machines; truck and bus seats; and folding chair hand trucks*, crated and uncrated, between points in New Jersey, New York City, N.Y., and Nassau, Suffolk, Westchester, Putnam, and Rockland Counties, N.Y. RESTRICTIONS: (a) Under contract with American Seating Company of Grand Rapids, Mich. and (b) restricted to shipments having a prior interstate movement.

NOTE: Applicant states that he holds a permit to transport school, church and theatre furniture between points in New Jersey within 100 miles of Jersey City, and that all duplicating authority is to be cancelled.

HEARING: January 23, 1962, at 346 Broadway, New York, N.Y., before Examiner Henry A. Cockrum.

No. MC 112020 (Sub-No. 139), filed November 3, 1961. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal fats, and naval stores*, in bulk, in tank vehicles, from points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas, to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

NOTE: Applicant states it is owned by the same stockholders who own and control Commercial Oil Transport of Oklahoma, Inc., an Oklahoma Corporation.

HEARING: January 29, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 112020 (Sub-No. 140), filed November 3, 1961. Applicant: COMMERCIAL OIL TRANSPORT, Inc., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from points in California, to points in Illinois, Iowa, Kansas, Missouri, Minnesota, Nebraska, Oklahoma, Texas, and Wisconsin (restricted against the movement of coconut oil from Wilmington, Calif., to Dallas and Fort Worth, Tex.).

NOTE: Applicant states it is owned and controlled by the same stockholders who own and control Commercial Oil Transport of Oklahoma, Inc., an Oklahoma, Inc., and Oklahoma Corporation.

HEARING: January 22, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 112020 (Sub-No. 143), filed November 7, 1961. Applicant: COMMERCIAL OIL TRANSPORT, INC., a Texas corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal fats, and blends and products of said commodities*, in bulk in tank vehicles, (1) from Jacksonville, Ill. and Sherman, Texas to points in the United States, except Alaska and Hawaii, but including the District of Columbia, and (2) from points in the United States, except Alaska and Hawaii, but including the District of Columbia, to Jacksonville, Ill., and Sherman, Tex. Applicant states that it is controlled and owned by the same stockholders who own and control Commercial Oil Transport of Oklahoma, Inc., an Oklahoma corporation.

HEARING: January 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 112750 (Sub-No. 82), filed November 13, 1961. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film* (except motion picture film used primarily for commercial theatre and television exhibition) and *incidental dealer handling supplies and advertising literature moved therewith*, (1) between Aurora, Ill., and Milwaukee, Wis.; (2) between Aurora and Chicago, Ill.; points in Jefferson County, Ky., and points in Indiana on and south of U.S. Highway 40, and (3) between Findlay, Ohio, on the one hand, and, on the other, points in Adama, Delaware, Henry, Randolph, Steuben, Wayne, and Wells Counties, Ind.

HEARING: January 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 113168 (Sub-No. 8), filed October 18, 1961. Applicant: PARK TRUCKING AND SUPPLY, INC., 3850 North Rose Street, Franklin Park, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Chicago, Ill., to points in Indiana and Wisconsin.

HEARING: January 24, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 17.

No. MC 114019 (Sub-No. 69), filed November 1, 1961. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, insecticides, deodorants, massage creams, moth balls and tooth brushes, in mixed shipments with soap, soap powder, washing powder, washing compound, toilet preparations, glycerine, and related advertising matter and premiums*, from the plant site of the Colgate-Palmolive Company at Clarks-ville, Ind., to points in Wisconsin, Illinois, and the lower peninsula of Michigan, points in Allegheny, Beaver, Butler, Erie, Fayette, Lawrence, Mercer, Venango, Washington, and Westmoreland Counties, Pa., and points in Ohio (except Cincinnati).

NOTE: It is noted that the applicant and Midwest Transfer Company of Illinois are commonly controlled and managed.

HEARING: January 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Hugh M. Nicholson.

No. MC 114045 (Sub-No. 77), filed October 19, 1961. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Applicant's attorney: Ralph W. Puley, 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 by-products*, from Miami, Okla., and Carthage, Mo., to points in New York, New Jersey, Maryland, Delaware, Massachusetts, Pennsylvania, Connecticut, Rhode Island, Maine, New Hampshire, Vermont, Virginia, West Virginia, Kentucky, Ohio, and Washington, D.C.

HEARING: January 18, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner William N. Culbertson.

No. MC 114098 (Sub-No. 25), filed November 7, 1961. Applicant: LOWTHER TRUCKING COMPANY, a corporation, 521 Penman Street, Charlotte, N.C. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard sheets and boards*, on flat trailers, from Farmville, N.C., to points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois (except points in the Chicago Commercial Zone as defined by the Commission), Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland (except Baltimore), Massachusetts, points in Michigan north of U.S. Highway 21, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey (except points within 35 miles of New York, N.Y., and except points within 25 miles of Philadelphia, Pa.), New York (except points in the New York, N.Y., Commercial Zone as defined by the Commission), North Carolina, Oklahoma, Pennsylvania (except Philadelphia and points within 25 miles thereof and except Easton and York), Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, and *pellets and stringers* on return.

HEARING: January 16, 1962, at the Offices of the Interstate Commerce Com-

mission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 114569 (Sub-No. 41), filed November 6, 1961. Applicant: SHAFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Underwear and components parts thereof, and material therefor*, used in the manufacture of underwear, from Pine Grove, Pa., to Tucson, Ariz.

HEARING: January 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 114835 (Sub-No. 10) (Amendment), filed October 16, 1961, published FEDERAL REGISTER issue of November 15, 1961, amended December 8, 1961, and republished as amended, this issue. Applicant: SOO LINE RAILROAD COMPANY, a corporation, 800 Soo Line Building, Minneapolis 40, Minn. Applicant's attorney: C. Harold Peterson, Soo Line Railroad, Law Department, 1427 Soo Line Building, P.O. Box 530, Minneapolis 40, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, in substituted motor-for-rail service which is auxiliary to or supplemental of applicant's rail service; (1) Between Shawano, Wis. and Gladstone, Mich., from Shawano over Wisconsin Highway 47 to Junction County Trunk Highway A, thence over County Trunk Highway A to Junction County Trunk Highway G, thence over County Trunk Highway G to junction with Wisconsin Highway 47 southeast of Neopit, Wis., thence over Wisconsin Highway 47 to junction with Wisconsin Highway 55 near Keshena, Wis., thence over U.S. Highway 8 from its junction with Wisconsin Highway 55 near Crandon, Wis., to junction U.S. Highway 2 at Norway, Mich., thence over U.S. Highways 2 and 41 to Gladstone, and return over the same route, serving the intermediate and off-route points of Gresham, Neopit, White Lake, Lily, Crandon, Argonne, Leona Junction, Armstrong Creek, Goodman and Pembine, Wis., and Hermansville and North Escanaba, Mich., (2) Between Crandon, Wis., and Rhinelander, Wis., from Crandon over U.S. Highway 8 to Rhinelander, and return over the same route, serving the off-route point of Starks, Wis., (3) Between Shawano, Wis., and Leona, Wis., from Shawano over Wisconsin Highway 47 to Antigo, Wis., thence over Wisconsin Highway 52 to junction with Wisconsin Highway 32, thence over Wisconsin Highway 32 to Leona, and return over the same route, as an alternate route, serving no points not a station on its line of railroad; (4) Between Junction Wisconsin Highway 64 and Wisconsin Highway 52 near Antigo, Wis., and Junction Wisconsin Highway 64 and Wisconsin Highway 55 near Langlade, Wis., from Junction Wisconsin Highway 64 and Wisconsin Highway 52, over Wisconsin Highway 64 to Junction Wisconsin Highway 55, and return over the same route, as an alternate route, serving no point not a station on its line of

railroad; (5) Between Junction County Trunk Highway M and Wisconsin Highway 55 at Markton, Wis. and Junction County Trunk Highway M and Wisconsin Highway 64 near Langlade, Wis., from Junction County Trunk Highway M and Wisconsin Highway 55, over County Trunk Highway M to Junction Wisconsin Highway 64, and return over the same route, as an alternate route, serving no point not a station on its line of railroad; (6) Between Junction County Trunk Highway G and Wisconsin Highway 55 at Argonne, Wis., and Junction County Trunk Highway G and Wisconsin Highway 8 near Laona Junction, Wis., from Junction County Trunk Highway G and Wisconsin Highway 55, over County Trunk Highway G to junction Wisconsin Highway 8, and return over the same route, as an alternate route, serving no point not a station on its line of railroad; and (7) Between Pembine, Wis. and Powers, Mich., from Pembine over U.S. Highway 141 to Junction County Trunk Highway Z, thence over County Trunk Highway Z to the Wisconsin-Michigan State line, thence over Menominee County (Michigan) Highway 577 to Junction U.S. Highway 41, thence over U.S. Highway 41 to Powers, and return over the same route, as an alternate route, serving no point not a station on its line of Railroad; and (8) Between junction U.S. Highway 8 and U.S. Highway 45 at Monico, Wis., and junction County Trunk Highway C and U.S. Highway 8, near Rhinelander, Wis., from Monico over U.S. Highway 45 to junction County Trunk Highway C, near Gagen, Wis., thence over County Trunk Highway C to junction with U.S. Highway 8 near Rhinelander, and return over the same route, as an alternate route, serving no point not a station on its line of Railroad.

NOTE: In connection with (1) through (8) above, applicant states it shall not serve any point not a station on its line of Railroad. The purpose of this republication is to add Routes (2) and (8) above.

HEARING: Remains as assigned January 9, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 95.

No. MC 115841 (Sub-No. 86), filed November 16, 1961. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen french fried onion rings, frozen potato products, and cooked squash, in mixed shipments with frozen fruits and vegetables*, (1) from Seabrook, N.J., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Massachusetts and Tennessee, and Chester and Hartford, Conn., Cleveland, Ohio, Providence, R.I., Burlington, Vt., and Charleston, W. Va., (2) from Baltimore, Md., to Birmingham, Ala., Atlanta, Ga., Memphis, Tenn., and New Orleans, La., and (3) from Philadelphia, Pa., to Louisville, Ky., and Charleston, W. Va.

HEARING: January 12, 1962, at the Offices of the Interstate Commerce Com-

mission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 116200 (Sub-No. 2), filed November 21, 1961. Applicant: UNITED PARCEL SERVICE, INC., 331 East 38th Street, New York 16, N.Y. Applicant's attorney: S. Harrison Kahn, 1110-14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, that part of Pennsylvania located in Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Montgomery, Northampton, Philadelphia, Schuylkill, and York Counties, Pa., that part of Vermont on and south of Vermont Highway 9, that part of New Hampshire on and south of a line beginning at the New Hampshire-Vermont State line and extending along New Hampshire Highway 9 to Concord, N.H., and thence along U.S. Highway 202 to the New Hampshire-Maine State line, and that part of Maine on and south of a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 202 to junction Maine Turnpike, thence along the Maine Turnpike to junction U.S. Highway 202, thence north along U.S. Highway 202 to Augusta, Maine, and thence south along Maine Highway 27 to Booth Bay Harbor, Maine, including points on the highway boundary lines in Pennsylvania, Vermont, New Hampshire, and Maine.

NOTE: Applicant states that in performing the above-described service that part of Pennsylvania located in Monroe, Pike, Wayne, Wyoming, and Susquehanna Counties, Pa., will be traversed. (a) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment. (b) No service shall be rendered between department stores, specialty shops and retail stores and the branches or warehouses of such stores; or between department stores, specialty shops, and retail stores, or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores. No duplicating authority is sought. (Applicant is a wholly owned subsidiary of United Parcel Service of America Inc., which also owns and controls United Parcel Service of Pennsylvania, Inc., Philadelphia, Pa., United Parcel Service, Inc., Cincinnati, Ohio, and indirectly owns and controls United Parcel Service of Portland, Portland, Oreg.) Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 63063 and subs thereunder, therefore dual operations may be involved.

PREHEARING CONFERENCE: January 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., with Examiner James C. Cheseldine presiding. At the prehearing conference it is contemplated that the following matters will be discussed: (1)

The issues generally with a view to their simplification; (2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements; (3) The time and place or places of such hearing or hearings as may be agreed upon; (4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (5) The practicability of both applicant and the opposing carriers submitting in written form their *direct* testimony with respect to: (a) Their present operating authority, (b) Their corporate organizations if any, ownership and control, (c) Their fiscal data, (d) Their equipment, terminals, and other facilities; (6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; (7) Any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

No. MC 116434 (Sub-No. 14), filed October 16, 1961. Applicant: HUGH MAJOR, 150 Sinclair, South Roxana, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building, paving and roofing materials*, from Wilmington, Ill., to points in Missouri.

HEARING: January 22, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 135.

No. MC 117119 (Sub-No. 23), filed September 13, 1961. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fayetteville, Fort Smith, Dardanelle, Clarksville, Johnson, Berryville, Bentonville, Little Rock, Rogers, Siloam Springs, and Springdale, Ark., and Carthage and Marionville, Mo., to points in South Dakota, North Dakota, Montana, Wyoming, and Utah, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

HEARING: January 31, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner William N. Culbertson.

No. MC 117119 (Sub-No. 24), filed September 25, 1961. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Grape Juice*, in quantities not to exceed 10,000 pounds when moving as part of a pool truck shipment of frozen fruits, frozen berries and frozen vegetables, from Prosser, Wash., to St. Joseph, Kansas City, Moberly, Carthage, Springfield, and Joplin, Mo., and Topeka, Manhattan, Smith Center, and Hutchinson, Kans.

HEARING: February 1, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner William N. Culbertson.

No. MC 117119 (Sub-No. 31), filed October 20, 1961. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and packing-house products*, as listed in Appendix I, sub-headings A and C, Ex Parte No. MC 45, *Descriptions in Motor Carrier Certificates*, in mechanically refrigerated vehicles, from Booneville, Miss., to points in Colorado, Idaho, Montana, Minnesota, Nebraska, North Dakota, South Dakota, Utah, Washington, Wisconsin, Wyoming, and Dubuque, Waterloo, Des Moines, and Davenport, Iowa, and Topeka, Kans.

NOTE: Applicant states the motor carrier properties of Pellham Transportation Co., Inc., including the operating authorities of Pellham, have been leased temporarily to it pursuant to authority granted by the Commission under section 210a(b) of the Interstate Commerce Act in MC-F-7816. The temporary authority was granted to Willis Shaw Frozen Express, Inc. by order dated March 28, 1961. Willis Shaw Frozen Express, Inc., commenced operation under the lease of the motor carrier properties of Pellham on April 17, 1961. There is pending before the Commission an application by Willis Shaw Frozen Express for authority under section 5 of the Interstate Commerce Act to acquire the motor carrier properties of Pellham, including all operating authorities.

HEARING: February 2, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner William N. Culbertson.

No. MC 117344 (Sub-No. 80), filed October 25, 1961. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement and mortar*, and (2) *empty containers or other such incidental facilities* (not specified), used in transporting the specified commodities, between points in Ohio.

HEARING: January 19, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 117427 (Sub-No. 21) (AMENDMENT), filed June 14, 1961, published issue of June 28, 1961, amended August 21, 1961, republished as amended this issue. Applicant: G. G. PARSONS TRUCKING CO., a corporation, P.O. Box 746, North Wilkesboro, N.C. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), from points in Virginia on and west of U.S. Highways 11 and 220 to points in North Carolina.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 116145; therefore dual operations may be involved. The purpose of this republication is to delete "and West Virginia", and designate the proper Joint Board in lieu of an Examiner, as previously published.

HEARING: January 18, 1962, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 7.

No. MC-118260 (Sub-No. 3), filed September 1, 1961. Applicant: PAUL CHERRY, P.O. Box 306A, Route 1, Springdale, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to Springfield, Mo., and Pittsburg and Coffeyville, Kans.

HEARING: January 29, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner William N. Culbertson.

No. MC-118260 (Sub No. 4), filed September 22, 1961. Applicant: PAUL CHERRY, P.O. Box 306-A, Route 1, Springdale, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Mobile, Ala., Gulfport, Miss., and New Orleans, La., to Tulsa, Okla.

HEARING: January 29, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner William N. Culbertson.

No. MC-119367 (Sub-No. 5), filed September 19, 1961. Applicant: JOSEPH M. ANTONA, Box 315, Washingtonville, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, in bulk, in open top trailers and dump trailers, from Ellenville and Newburgh, N.Y., to Port Newark, Jersey City, Harrison, New Brunswick, Carteret, and South Amboy, N.J. RESTRICTION: Applicant states the proposed operations will be limited to a transportation service to be performed under a continuing contract with Ellenville Scrap Iron and Metal Co. of Ellenville, N.Y. and Newburgh Scrap Co. of Newburgh, N.Y.

NOTE: All duplicating authority to be canceled.

HEARING: January 17, 1962, at 346 Broadway, New York, N.Y., before Examiner Henry A. Cockrum.

No. MC 123067 (Sub-No. 11), filed September 27, 1961. Applicant: M & M TANK LINES, INC., P.O. Box 4174, North Station, Winston-Salem, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ground pulverized slate*, in bulk, from points in North Carolina to points in South Carolina and Virginia; and (2) *clay and kaolin*, in bulk, from

points in Aiken County, S.C., to points in North Carolina and Virginia.

NOTE: Applicant states that its president controls Hennis Freight Lines, Inc., operating under MC 64994 and subs thereunder.

HEARING: January 24, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 196.

No. MC 123304 (Sub-No. 5), filed November 13, 1961. Applicant: SOUTHERN COURIERS, INC., 1316 North Carroll, Dallas, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin 1, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature moved therewith* (except motion picture film used primarily for commercial theatre and television exhibition), under a continuing contract or contracts with the Eastman Kodak Company, between Dallas, Tex., on the one hand, and, on the other, points in Montgomery County, Kans., points in McDonald County, Mo., and points in Oklahoma.

NOTE: Applicant states that it is "controlled by Arthur DeBevoise, who also controls Armored Carrier Corporation, under Docket No. MC 112750."

HEARING: January 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Freidson.

No. MC 123325 (Sub-No. 3), filed September 20, 1961. Applicant: WRIGHT MOTOR LINES, INC., Koon Development, Asheville, N.C. Applicant's attorney: Boyce A. Whitmire, Hendersonville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk and in bags, from Greenville, S.C., to points in Avery, Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Transylvania, Swain, and Yancey Counties, N.C., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: January 23, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 2.

No. MC 123641 (Sub-No. 2), filed October 9, 1961. Applicant: NORBERT GEIGER, Dorchester, Wis. Applicant's attorney: Frank L. Nikolay, Colby, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured feeds*, from Hastings and Red Wing, Minn., to Dorchester and Auburndale, Wis.

HEARING: January 29, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 142.

No. MC 123780 (Sub-No. 1), filed September 28, 1961. Applicant: SAMUEL PRICE, 631 Mountain Avenue, Springfield, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark

2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products, and equipment and supplies used in the installation thereof*, from Union, N.J., to New York, N.Y., and points in Delaware, Dutchess, Nassau, Orange, Putnam, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., and points in Berks, Bucks, Carbon, Chester, Delaware, Lackawanna, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Pike, Schuylkill, Wayne, and Wyoming Counties, Pa., and *returned and rejected shipments* of the above-specified commodities, on return.

NOTE: Applicant states the proposed operation is for the account of the American Marietta Company.

HEARING: January 23, 1962, at 346 Broadway, New York, N.Y., before Examiner Henry A. Cockrum.

No. MC 123790 (Sub-No. 2), filed August 22, 1961. Applicant: WHITEHURST PAVING COMPANY, INCORPORATED, 2800 Deep Water Terminal Road, Richmond, Va. Applicant's attorney: George G. Grothan IV, Mutual Building, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt products*, from Richmond, Va. and points within ten (10) miles thereof, to points in North Carolina, on, and east, of U.S. Highway 21, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

HEARING: January 19, 1962, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 7.

No. MC 123871 (Sub-No. 2), filed November 13, 1961. Applicant: SLATER PARCEL DELIVERY, INC., 152 Hunts Avenue, Pawtucket, R.I. Applicant's attorney: Francis E. Barrett, Jr., Professional Building, 25 Bryant Avenue, East Milton 86, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives), in packages or parcels not exceeding 75 pounds each, in retail delivery service, from Attleboro, Mass., to points in Rhode Island, restricted to shipments having a prior movement by freight forwarder; and *returned or damaged shipments of above-described commodities* on return, restricted to shipments having a subsequent movement by freight forwarder.

HEARING: January 26, 1962, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 20, or, if the Joint Board waives its right to participate, before Examiner John L. York.

No. MC 123888, filed August 21, 1961. Applicant: CANA TRANSPORT CO., INC., 1700 1/2 Watson Boulevard, Endicott, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by a manufacturer of shoes; materials, supplies and equipment*, used in connection therewith, between Johnson City, Endicott,

Binghamton, and Owego, N.Y., on the one hand, and on the other, Archbald, Forest City, Mildred, Scranton, and Tunkhannock, Pa.

NOTE: Applicant states the proposed operation will be restricted to service to be performed under a continuing contract or contracts with Endicott-Johnson Shoe Corp. of Endicott, N.Y.

HEARING: January 18, 1962, at 346 Broadway, New York, N.Y., before Examiner Henry A. Cockrum.

No. MC 123899, filed August 28, 1961. Applicant: THERESE LEITNER AND IRMA ZIRKLER, a partnership, doing business as L & M TRANSPORTATION CO., 558 West 44th Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities dealt in by retail variety stores*, and (2) *returned and rejected merchandise*, between New York, N.Y., on the one hand, and, on the other, Stamford, Conn., and Hackensack and Newark, N.J.

NOTE: Applicant states proposed service will operate between shippers warehouse and stores, under contract with M. H. Lamston, Inc., New York, N.Y.

HEARING: January 18, 1962, at 346 Broadway, New York, N.Y., before Examiner Henry A. Cockrum.

No. MC 123973, filed October 9, 1961. Applicant: FENTON N. GOSS, doing business as GOSS TRANSFER & TRUCKING COMPANY, 2312 Fenwick Avenue, Eau Claire, Wis. Applicant's attorney: Darrell O. Hibbard, S.A.F. Building, Eau Claire, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood, plastic, and fiber building materials*, from Eau Claire, Wis., to points in Minnesota bounded on the East by the Minnesota-Wisconsin boundary and Lake Superior, on the North by U.S. Highway 2, on the West by U.S. Highway 169, and on the South by the Minnesota-Iowa boundary, including points within the city or village limits of municipalities along the above-described boundary lines, and *rejected shipments* of the above-specified commodities, on return.

HEARING: January 29, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 142.

No. MC 123987, filed October 9, 1961. Applicant: JEWETT S. SCOTT, JR., 320 West Tyler, Mangum, Okla. Applicant's attorney: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building brick and structural facing tile*, glazed and unglazed, from points in that part of Texas beginning at the Texas-Oklahoma State line near Odell (Wilbarger County), Tex., and extending along U.S. Highway 283 to Brady, Tex., thence along U.S. Highway 87 to Fredericksburg, Tex., thence along U.S. Highway 290 to Brenham, Tex., thence along Texas Highway 90 to Madisonville, Tex., thence along Texas Highway 21 to the Texas-Louisiana State line; and from Hope, Ark., to points in that part of Oklahoma on and west of U.S. Highway 81, including points on

the indicated portions of the highways specified.

HEARING: January 17, 1962, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 15, or, if the Joint Board waives its right to participate, before Examiner William N. Culbertson.

No. MC 123990 (CORRECTION), filed October 18, 1961, published issue of November 29, 1961, corrected December 6, 1961, and republished as corrected this issue. 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 with 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.

NOTE: The purpose of this republication is to add the word "with" between moving and such in item (4) above.

HEARING: Remains as assigned January 11, 1962, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Examiner Lyle C. Farmer.

No. MC 124051, filed November 15, 1961. Applicant: BROADWAY PURE OIL CO., 815 Broadway, Fargo, N. Dak. Applicant's attorney: Lyle W. Selbo, 504 Black Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed and stolen motor vehicles, buses, tractors, trailers, trucks and tractors for replacement of wrecked or disabled tractors and the transportation of the cargo being hauled by the wrecked, disabled, repossessed or stolen trucks, buses, tractors, trailers and motor vehicles*, between points in North Dakota, South Dakota, and Minnesota.

HEARING: January 24, 1962, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 143.

No. MC 124010, filed October 27, 1961. Applicant: L. W. SNITKER, Lansing, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, and *empty containers or other such incidental facilities* used in transporting beer, between Milwaukee, Wis., and Lansing, Iowa.

NOTE: Applicant states the proposed service will operate between Pabst Brewing Company, Milwaukee, Wis., and Wild Distributing Company, Lansing, Iowa.

HEARING: January 30, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 202.

No. MC 124029, filed November 3, 1961. Applicant: T. H. RYAN CARTAGE COMPANY, a corporation, 1501 North 25th Avenue, Melrose Park, Ill. Applicant's attorney: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Portage, Ind., to plant sites of Production Steel Company at Chicago, Ill. RESTRICTION: Applicant states "the above specified commodities are to be transported for the Production Steel Company under continuing contract with that company".

HEARING: January 24, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 124055, filed November 20, 1961. Applicant: GEO. F. CALLAHAN, 811 Walnut Street, Goodland, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in trailers, from points in Kansas and Oklahoma to points in Kansas, Colorado, and Nebraska, as follows: (1) From Stano and Hickok, Kans., to Colby, Goodland and St. Francis, Kans., Burlington, Colo., and Benkelman, Nebr.; (2) from Tyrone, Okla., to Colby, Goodland and St. Francis, Kans., Burlington, Colo., and Benkelman, Nebr.; (3) from Rago, Kans., to Colby, Goodland, and St. Francis, Kans., Burlington, Colo., and Benkelman, Nebr.

NOTE: Applicant indicates that the transportation will involve movement of empty containers from its locations at Goodland, Kans., to Stano, Hickok, and Rago, Kans., and Tyrone, Okla., and that the operations will be under contract with Caldwell's, Inc., distributors of gas and electrical appliances using that company's trailers.

HEARING: January 23, 1962, at the Hotel Pick-Kansas, Topeka, Kans., before Examiner E. Riggs McConnell.

MOTOR CARRIERS OF PASSENGERS

No. MC 228 (Sub-No. 33), filed November 17, 1961. Applicant: HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between Rutherford, N.J., and Milford, Pa.; from junction New Jersey Highways 17 and 3 in Rutherford, thence over New Jersey Highway 3 and access roads to junction with U.S. Highway 46 in Clifton, N.J.; thence over U.S. Highway 46 and access roads to junction with Interstate Highway 80 in Parsippany-Troy Hills, N.J.; thence over Interstate Highway 80 and access roads to junction with New Jersey Highway 15, thence over New Jersey Highway 15 to its junction with U.S. Highway 206, thence over U.S. Highway 206 to its junction with U.S. Highway 209 in Pennsylvania, and thence over U.S. Highway 209 to Milford, Pa., and return over the same route, serving no intermediate points.

HEARING: January 29, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 67.

No. MC 3647 (Sub-No. 313) (amendment), filed September 12, 1961, published *FEDERAL REGISTER*, issue December 6, 1961, and republished as amended this issue. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue., Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special round-trip sightseeing and pleasure tours, beginning and ending at Jersey City, N.J., and Bayonne, N.J., and extending to points in Florida.

NOTE: The purpose of this republication is to add Bayonne, N.J., to the above territory.

HEARING: Remains as assigned January 16, 1962, at the State Office Building, Room 212, 1100 Raymond Boulevard, Newark, N.J., before Examiner Samuel C. Shoup.

No. MC 3647 (Sub-No. 314), filed October 27, 1961. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Newark and Clifton, N.J.; from junction Broad and Clay Streets, Newark, N.J., over Clay Street to junction New Jersey Highway 21 (McCarter Highway), thence over New Jersey Highway 21 to junction New Jersey Highway 3, in Clifton, and return over the same route, serving all intermediate points between Broad and Clay Streets and junction of Clay Street with New Jersey Highway 21, including the latter. No intermediate point service is sought north of the latter junction.

HEARING: January 25, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 61599 (Sub-No. 126), filed October 6, 1961. Applicant: QUEEN CITY COACH COMPANY, a corporation, 417 West Fifth 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 regular routes, transporting: *Passengers and their baggage, and express, mail and newspapers* in the same vehicle with passengers; (1) Between Savannah, Ga., and the junction of U.S. Highways 15 and 301 south of Santee, S.C., from Savannah over U.S. Highway 17A to its junction with U.S. Highway 17 north of Savannah, thence over U.S. Highway 17 to its junction with South Carolina Highway 170 south of Hardeeville, S.C., thence over South Carolina Highway 170 to its junction with U.S. Highway 21 at Burton, S.C.,

thence over U.S. Highway 21 to Beaufort, S.C., thence over U.S. Highway 21 to its junction with U.S. Highway 17 at Gardens Corner, S.C., thence over U.S. Highway 17 to its junction with U.S. Highway 17A north of Pocatigo, S.C., thence over U.S. Highway 17A to its junction with U.S. Highway 15 at Walterboro, S.C., thence over U.S. Highway 15 to its junction with U.S. Highway 301 south of Santee, and return over the same route, serving all intermediate points; and (2) Between Charleston, S.C., and Gardens Corner, S.C., from Charleston over U.S. Highway 17 to Gardens Corner, and return over the same route, serving all intermediate points.

NOTE: Applicant states it is a member of the National Trailways Bus System, Inc., and owns one-half of the stock of Smokey Mountain Stages, Inc., MC 61598, and two-thirds of the stock of Georgia-Florida Coaches, Inc.

HEARING: January 31, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 131.

No. MC 66582 (Sub-No. 25), filed October 18, 1961. Applicant: ORANGE & BLACK BUS LINES, INC., 419 Anderson Avenue, Fairview, N.J. Applicant's attorney: William E. Rubin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between Fort Lee, N.J., and Weehawken, N.J.: from the junction of Fletcher Avenue and access roads to Interstate Highway 95 in Fort Lee; thence along access road and Interstate Highway 95 to the junction of New Jersey Turnpike in Ridgefield Park; thence along New Jersey Turnpike to the junction of New Jersey Turnpike Interchange Road 17; thence along New Jersey Turnpike Interchange Road 17 to the junction of New Jersey Highway 3 in Secaucus; thence along New Jersey Highway 3 to the Lincoln Tunnel Plaza in Weehawken, and return over the same route, serving no intermediate points.

HEARING: January 23, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 96007 (Sub-No. 14), filed November 13, 1961. Applicant: KENNETH HUDSON, INC., doing business as HUDSON BUS LINES, 70 Union Street, Medford, Mass. Applicant's attorney: C. Leo Moriarty, 519 School Street, Belmont, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special round-trip operations, restricted to the transportation of passengers who at the time are traveling from the designated origin points to the designated destinations and return for the purpose of participating in games commonly referred to as beano and bingo games, beginning and ending at Medford, Malden, Somerville, Cambridge, Arlington, Stoneham, Reading, Wakefield, Danvers, Lynn, Peabody, and Salem, Mass., and extending to Manchester, Portsmouth, Exeter, and Salem, N.H.

NOTE: Applicant states Kenneth Hudson, President, owns all of the stock of Kenneth Hudson, Inc., Lewiston, Maine (a Maine cor-

poration) and McIntire Bus Lines, Inc., and 50 per cent of the stock of Canton and Blue Hills Bus Lines, Inc.

HEARING: January 26, 1962, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 20, or, if the Joint Board waives its right to participate, before Examiner John L. York.

No. MC 103210 (Sub-No. 1), filed September 26, 1961. Applicant: ORIENTA BUS LINES, INC., 43 Water Street, White Plains, N.Y. Applicant's attorney: Anthony Sansone, 169 Mount Pleasant Avenue, Mamaroneck, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers only*, between the Westchester Airport, located in the city of White Plains, on New York Highway 120A, in Westchester County, N.Y., and Greenwich, Conn., a distance of approximately one and one-half (1½) miles, over Connecticut Highway 120, serving no intermediate points.

HEARING: January 17, 1962, at 346 Broadway, New York, N.Y., before Examiner Henry A. Cockrum.

No. MC 109312 (Sub-No. 34), filed October 25, 1961. Applicant: DE CAMP BUS LINES, a corporation, 30 Allwood Road, Clifton, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Clifton, N.J., and Belleville, N.J.; (1) In Clifton, N.J., from the junction of New Jersey Highway 3 and New Jersey Highway 21 Interchange Road, thence along New Jersey Highway 21 Interchange Road to junction of New Jersey Highway 21, thence along New Jersey Highway 21 to the junction of New Jersey Highway 21 Interchange Road in Belleville, thence along New Jersey Highway Interchange Road to the junction of Main Street, thence along Main Street to the junction of Rutgers Street, and return over the same route, serving all intermediate points, (2) In Nutley, N.J., from the junction of New Jersey Highway 21 and New Jersey Highway 21 Interchange Road, thence along New Jersey Highway Interchange Road to the junction of River Road, thence along River Road to the junction of Park Avenue, and return from the junction of Park Avenue and New Jersey Highway 21 Interchange Road, thence along New Jersey Highway 21 Interchange Road to the junction of New Jersey Highway 21, serving all intermediate points.

HEARING: January 15, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 109598 (Sub-No. 24), filed October 19, 1961. Applicant: CAROLINA SCENIC STAGES, a corporation, 217 North Converse Street, Spartanburg, S.C. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail and newspapers* in the same vehicle

with passengers; (1) Between junction South Carolina Highway 46 and South Carolina Highway 170, and Summerville, S.C., from junction South Carolina Highways 46 and 170, over South Carolina Highway 170 to junction South Carolina Highway 462, thence over South Carolina Highway 462 to junction U.S. Highway 17, thence over U.S. Highway 17 through Coosawhatchie and Pocotaligo, S.C., to junction U.S. Highway 17A, thence over U.S. Highway 17A through Yemassee, S.C., to junction U.S. Highway 21, thence over U.S. Highway 21 to junction South Carolina Highway S15-28, thence over South Carolina Highway S15-28 to junction South Carolina Highway S15-172, thence over South Carolina Highway S15-172 to junction South Carolina Highway S15-114, thence over South Carolina Highway S15-114 to junction South Carolina Highway S15-193, thence over South Carolina Highway S15-193 to junction South Carolina Highway 63, thence over South Carolina Highway 63 to junction U.S. Highway 17A, thence over U.S. Highway 17A through Walterboro, Round O and Cottageville, to Summerville, and return over the same route, serving all intermediate points; (2) Between junction U.S. Highway 17A and South Carolina Highway 642, and junction South Carolina Highways 642 and 165, from junction U.S. Highway 17A and South Carolina Highway 642, over South Carolina Highway 642 to junction South Carolina Highway 165, and return over the same route, serving all intermediate points; (3) Between junction South Carolina Highways 46 and 462, and junction South Carolina Highways 462 and 170, from junction South Carolina Highways 46 and 462, over South Carolina Highway 462 to junction South Carolina Highway 170, and return over the same route, serving all intermediate points; (4) Between junction South Carolina Highways 462 and 170, and Beaufort, S.C., from junction South Carolina Highways 462 and 170, over South Carolina Highway 170 to junction South Carolina Highway 281, thence over South Carolina Highway 281 to Beaufort, and return over the same route, serving all intermediate points.

NOTE: (1) Applicant states the routes described above duplicate in part those described in its application under MC 109598 (Sub-No. 23), however applicant does not seek duplicating rights over the described routes which were included in each application as a part of the over-all service. (2) Applicant states it is under common control with Coastal Stages Corp., MC 110595 and Gray Line of Charleston, MC 77780.

HEARING: January 29, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 177.

No. MC 118552 (Sub-No. 1), filed September 23, 1961. Applicant: PIEDMONT COACH LINES, INC., P.O. Box 4082, 4537 Circle Drive, Winston-Salem, N.C. Applicant's attorney: J. Ruffin Bailey, Seventh Floor Raleigh Building, P.O. Box 1773, Raleigh, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, express, mail, newspapers and baggage*, in the same vehicle with passengers, between Win-

ston-Salem, N.C., and Stuart, Va.; from Winston-Salem over North Carolina Highway 8 to the North Carolina-Virginia state line, thence over Virginia Highway 8 to Stuart, and return over the same route, serving all intermediate points, including Germantown, Meadows, Danbury, and Hanging Rock State Park, N.C.

HEARING: January 25, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 123996, filed October 19, 1961. Applicant: BUCKINGHAM LIVERY, INC., 349 East 76th Street, New York 21, N.Y. Applicant's attorney: Arthur Wagner, 32 Broadway, New York 4, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between New York International Airport (Idlewild, N.Y.), La Guardia Airport (Flushing, Long Island, N.Y.), the Belmont Plaza Hotel (New York, N.Y.), and the Newark Metropolitan Airport (Newark, N.J.).

HEARING: January 12, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 3.

APPLICATIONS FOR BROKERAGE LICENSES
MOTOR CARRIERS OF PASSENGERS

No. MC 12773, filed October 25, 1961. Applicant: EDNA DELLINGER HOUSER, doing business as HOUSER TOURS, 309 South Elm Street, Cherryville, N.C. For a license (BMC 5), to engage in operations as a *broker* at Cherryville, N.C., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups, in charter operations, in round trip all expense tours, beginning and ending at points in Rutherford, Cleveland, Gaston, Lincoln, and Catawba Counties, N.C., and extending to points in the United States, including Ports of Entry on the International Boundaries between the United States and Canada and the United States and Mexico.

HEARING: February 2, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 103.

No. MC 12774, filed October 25, 1961. Applicant: SAMUEL JOHNSON ANDERSON, doing business as ANDERSON TRAVEL SERVICE, 778 Rosegarden Drive NE., Warren, Ohio. Applicant's representative: John R. Meeks, P.O. Box 1389, Akron 9, Ohio. For a license (BMC 5), to engage in operations as a *broker*, at Warren, Ohio, in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups, between points in Ash-tabula and Trumbull Counties, Ohio, on the one hand, and, on the other, points in the United States east of the Mississippi River.

HEARING: January 17, 1962, at the Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 12778, filed November 3, 1961. Applicant: VIRGIL P. ROSS AND MARY E. ROSS, a partnership, doing business as ROSS TOURS, R.F.D. No. 5, Cambridge, Ohio. Applicant's attorney: Charles L. Moore, Central National Bank Building, Cambridge, Ohio. For a license (BMC 5), to engage in operations as a *broker*, at Cambridge, Ohio, in arranging for the transportation by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, both as individuals and groups, in all-expense tours, between points in Muskingum, Tuscarawas, Noble, Coshocton, and Guernsey Counties, Ohio, and points in the United States including Hawaii and Alaska.

HEARING: January 15, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 12779, filed November 13, 1961. Applicant: LAKE COUNTRY TRAVEL SERVICE, INC., 15 North Third Avenue West, Duluth, Minn. Applicant's attorney: Joseph B. Johnson, 811 First American National Bank Building, Duluth 2, Minn. For a license (BMC 5) to engage in operations as a *broker* at Duluth, Minn., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, in escorted tours, beginning and ending at Duluth, Minn., and extending to points in Minnesota, Wisconsin, and Michigan, including Ports of Entry on the International Boundary between the United States and Canada located in the above-specified states.

HEARING: January 15, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED
MOTOR CARRIERS OF PROPERTY

No. MC 30319 (Sub-No. 125), filed November 30, 1961. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, a corporation, 810 North San Jacinto Street, P.O. Box 4054, Houston 14, Tex. Applicant's attorney: Edwin N. Bell, Esperson Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between the junction of FM Highway 627 and Texas Highway 80 and the site of the Shell Plant near Harmony (Karnes County), Tex.; over FM Highway 627 a distance of approximately six (6) miles, and return over the same route, serving all intermediate points.

NOTE: Applicant states The Southern Pacific Transport Company is a wholly owned subsidiary of the Southern Pacific Company.

No. MC 52460 (Sub-No. 63), filed December 4, 1961. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, P.O. Box 9515, Tulsa, Okla. Applicant's attorney: Louis I. Dailey, 2111 Sterick Building, Memphis, Tenn. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosote*, in bulk, in tank vehicles, from Granite City, Ill., to Cricket, Ark.

No. MC 71642 (Sub-No. 4), filed November 25, 1961. Applicant: N. S. DE SHONG, P.O. Box 311, Wilmington 99, Del. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibre and insulating materials (laminated plastics)*, and *containers and parts thereof*, between Wilmington, Newark, and Yorklyn, Del., and Kennett Square, Pa., on the one hand, and, on the other Hartwell, Ga.

NOTE: Applicant states the proposed service will be performed for the account of National Vulcanized Fibre Company, Wilmington, Del.

No. MC 112750 (Sub-No. 80) (CORRECTION), filed November 6, 1961, published FEDERAL REGISTER, issue November 22, 1961, and republished as corrected this issue. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moved therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition) between (1) Pittsburgh, Pa., on the one hand, and, on the other, points in Marshall, Wetzel, Monongalia, Marion, Harrison, Tyler, Pleasants, Wood, Ohio, Brooke, and Hancock Counties, W. Va., and Washington, Belmont, Jefferson, Columbiana, Mahoning, and Harrison Counties, Ohio; (2) between Cleveland, Ohio, on the one hand, and on the other, points in Brooke, Hancock, Ohio, and Marshall Counties, W. Va., and Washington, Belmont, Jefferson, Columbiana, Mahoning, and Harrison Counties, Ohio; and (3) between Ashland, Ky., and Findlay, Ohio.

NOTE: Service under the above authority is to be performed under a continuing contract with Eastman Kodak Company. The purpose of this republication is to correctly set forth route (2) above, inadvertently shown in previous publication.

No. MC 113751 (Sub-No. 6), filed December 4, 1961. Applicant: HAROLD F. DUSHEK, 406 Lake Street, Waupaca, Wis. Applicant's attorney: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen cranberries* (whole and chopped, with or without sugar and coloring added) and (2) *Frozen cranberry relish* (cranberry with orange, with sugar and coloring added), from Ripon, Wis., to points in Iowa, Minnesota, Illinois, Missouri, Indiana, Ohio, Michigan, Kansas, Oklahoma, and Kentucky, and *empty containers or other such incidental facilities* (not specified),

used in transporting the commodities specified in (1) and (2) above, on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 252), filed December 4, 1961. Applicant: THE GREYHOUND CORPORATION, Room 1500, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Barrett Elkins, Eastern Greyhound Lines, 1400 West Third Street, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special round-trip operations, beginning and ending at Lewiston, Brunswick, and Portland, Maine, and extending to Rochester and Somersworth, N.H.

NOTE: Applicant states the proposed operations are restricted to the transportation of passengers who at the time are traveling from the origin points to the designated destinations, and return, for the purpose for participating in games commonly referred to as beano or bingo games.

No. MC 13027 (Sub-No. 21), filed November 30, 1961. Applicant: SHORT WAY LINES, INC., 49 North Erie Street, Toledo, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, package express, newspapers and mail*, in the same vehicle with passengers; (A) Between Rome Center, Mich., and junction U.S. Highways 223 and 127, from Rome Center over U.S. Highway 223 to junction with U.S. Highway 127, and return over the same route, serving all intermediate points; (B) Between junction U.S. Highway 223 and Michigan Highway 52 and junction U.S. Highway 223 and U.S. Highway 223 Business Route (Adrian, Mich. Bypass), from junction U.S. Highway 223 and Michigan Highway 52, over U.S. Highway 223 to junction U.S. Highway 223 Business Route, and return over the same route, serving all intermediate points; (C) Between junction U.S. Highway 127 and Interstate Highway 94 (U.S. Highway 12) and junction U.S. Highway 127 and Michigan Highway 50, (Jackson, Mich., Bypass), from junction U.S. Highway 127 and Interstate Highway 94 (U.S. Highway 12), over U.S. Highway 127 to junction Michigan Highway 50, and return over the same route, serving all intermediate points; (D) Between Flint, Mich., and junction of new U.S. Highway 23 (Interstate Highway 75) and Silver Lake Road, near Fenton, Mich., from Flint over City streets to Flint City Limits on Miller Road (Michigan Highway 78), thence over Miller Road (Michigan Highway 78) to junction new U.S. Highway 23 (Interstate Highway 75), thence over new U.S. Highway 23 (Interstate Highway 75) to junction with Silver Lake Road, and return over the same route, serving all intermediate points; (E) Between junction Michigan Highway 50 and new U.S. Highway 23 near Dundee, Mich., and junction new U.S. Highway 23 and U.S. Highway 223 at Sylvania, Ohio, from junction Michigan Highway 50 and new U.S. Highway 23 over new

U.S. Highway 23 to junction with U.S. Highway 223 at Sylvania, and return over the same route, serving all intermediate points; (F) Between Stockbridge, Mich., and Ann Arbor, Mich., from Stockbridge over Michigan Highway 92 through Chelsea, Mich., to junction Interstate Highway 94 (U.S. Highway 12), thence over Interstate Highway 94 (U.S. Highway 12) to Ann Arbor, and return over the same route, serving all intermediate points. (G) Between Lansing, Mich., and junction Michigan Highway 100 and U.S. Highway 16, from Lansing over City streets to Lansing City Limits on Grand River Avenue, thence over Grand River Avenue (U.S. Highway 16) to junction Grand River Avenue (U.S. Highway 16) and Michigan Highway 100 (Grand Ledge Corners), and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's present regular route operations.

NOTE: Applicant states it proposes to tack the above-described routes with its existing certificated routes at the termini.

No. MC 30608 (Sub-No. 9), filed November 30, 1961. Applicant: SOUTHERN KANSAS GREYHOUND LINES, INC., 319 South Cincinnati Avenue, Tulsa, Okla. Applicant's attorney: C. Zimmerman, 503 Schweiter Building, Wichita 2, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail and newspapers*, in the same vehicle with passengers, between Ottawa, Kans., and Kansas City, Kans.; from Ottawa over Kansas Highway 68 to junction with Interstate Highway 35, thence over Interstate Highway 35 to Kansas City, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's present regular route operations between Kansas City, Kans., and Tulsa, Okla.

NOTE: Applicant states it is owned and controlled by Transcontinental Bus System, Inc., Dallas, Tex., and The Greyhound Corporation, Chicago, Ill.

No. MC 114271 (Sub-No. 7), filed November 28, 1961. Applicant: CONTINENTAL CRESCENT LINES, INC., 425 Bolton Avenue, P.O. Box 4407, Alexandria, La. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and baggage of passengers*, in the same vehicle with passengers, or in a separate vehicle, and in the same vehicle with passengers, *express, mail, and newspapers*, between Anniston, Ala., and Austell, Ga.; from Anniston over U.S. Highway 431 to Junction U.S. Highways 431 and 78, thence over U.S. Highway 78 to Austell, and return over the same route, for operating convenience only, serving no intermediate points.

NOTE: Applicant states it is owned by Transcontinental Bus System, Inc.

No. MC 116005 (Sub-No. 4) (AMENDMENT), filed October 20, 1961, published in the FEDERAL REGISTER, issue of November 1, 1961, amended November 24, 1961.

republished, as amended, this issue. Applicant: ONONDAGA COACH CORP., 23 Wadsworth Street, Auburn, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers; (1) Between Syracuse, N.Y., and Fairmount, N.Y., from Syracuse over New York Highway 5 to Fairmount, and return over the same route, serving all intermediate points; (2) Between Junction New York Highway 96A and U.S. Highway 20 east of Geneva, N.Y., and Geneva, N.Y., from Junction New York Highway 96A and U.S. Highway 20, over U.S. Highway 20 to Geneva, and return over the same route, serving all intermediate points; (3) Between Port Byron, N.Y., and Syracuse, N.Y., from Port Byron over New York Highway 31 to Junction New York Highway 173, thence over New York Highway 173 through Warners, N.Y., to Fairmount, N.Y., thence over New York Highway 5 to Syracuse, and return over the same route, serving all intermediate points; (4) Between Port Byron, N.Y., and Auburn, N.Y., from Port Byron over New York Highway 38 to Auburn, and return over the same route, serving all intermediate points; (5) between Fairmount, N.Y., and Junction New York Highway 96A and U.S. Highway 20, east of Geneva, N.Y., from Fairmount over New York Highway 5 to Auburn, N.Y., thence over U.S. Highway 20 to Junction New York Highway 96A, and return over the same route, serving all intermediate points; (6) Between Junction Howlett Hill Road and Kasson Road located in Onondaga County, N.Y., and Syracuse, N.Y., from the junction of Howlett Hill Road and Kasson Road, over Kasson Road to Junction New York Highway 5 and Kasson Road, thence over New York Highway 5 to Syracuse, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's present regular route operations; (7) Between Onondaga Hill, N.Y., and Syracuse, N.Y., from Onondaga Hill over New York Highway 173 to Junction New York Highway 5 and New York Highway 173, thence over New York Highway 5 to Syracuse, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's present regular route operations.

NOTE: The amendment broadens the scope of the application by adding the proposed operation renumbered as (5) above.

No. MC 117173 (Sub-No. 2), filed December 4, 1961. Applicant: BEAVER VALLEY MOTOR COACH COMPANY, a corporation, P.O. Box 238, New Brighton, Pa. Applicant's attorney: Daniel M. Evans, Beaver Falls, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers, (a) between East Liverpool, Ohio, and Rochester, Pa.; from East Liverpool over Ohio

Highway 39 to the Pennsylvania State line, thence over Pennsylvania Highway 68 through Glasgow, Midland, Industry, Vanport, Beaver, and Bridgewater, Pa., to Rochester, and return over the same route, serving all intermediate points, and (b) between Sewickley, Pa., and Pittsburgh, Pa.; from Sewickley over Beaver Road to Glen Osborne, and Haysville, Pa., thence over Pennsylvania Highway 65 (formerly 88) through Glenfield, Emsworth, Ben Avon, Avalon, and Bellevue, Pa., to Pittsburgh (also from Sewickley along Pennsylvania Highway 65 through Glenfield, Emsworth, Ben Avon, Avalon, and Bellevue, Pa., to Pittsburgh) and return over the same route, serving all intermediate points.

No. MC 124068, filed November 27, 1961. Applicant: MAURICE ABRAHAM, 6313 16th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* in limousine service, limited to six (6) passengers (excluding driver), from Washington, D.C., to Charlestown and Shenandoah race tracks located in West Virginia, Laurel, Bowie, Pimlico, Hagerstown, Cumberland, Bel Air, Timonium (Towson), and Marlboro race tracks and Rose Croft (Oxen Hill), Laurel, and Baltimore raceways located in Maryland, Stanton Park race track and Brandywine raceway located in Delaware, and Garden State (Camden) and Atlantic City race tracks located in New Jersey, and return.

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-7925 (JONES MOTOR CO., INC.—CONTROL—MUNDY MOTOR LINES), published in the July 26, 1961, issue of the FEDERAL REGISTER on page 6687. Amendment filed December 6, 1961, JONES MOTOR CO., INC., seeks authority to acquire all of the capital stock of MUNDY MOTOR LINES and with concurrent merger of MUNDY MOTOR LINES into JONES MOTOR CO., INC.

No. MC-F-8013. Authority sought for control by FRANK J. BROWN, 2645 Nevin Avenue, Los Angeles 11, Calif., of UNITED EXPRESSWAYS, INC., 2501 South Alameda Street, Los Angeles 58, Calif. Applicants' attorney: Theodore W. Russell, Russell & Schureman, 1010 Wilshire Boulevard, Los Angeles 17, Calif. Operating rights sought to be controlled: Operations under the Second Proviso of section 206(a)(1), of the Interstate Commerce Act, in the State of California, covering the transportation of *general commodities*, with certain exceptions, as a *common carrier*, between points in the Los Angeles Basin Area, on the one hand, and, on the other hand, points in the San Diego Territory,

and between the Los Angeles Basin Area, on the one hand and, on the other hand, the San Francisco Territory, serving intermediate and off-route points, as more specifically described in No. MC-120700. FRANK J. BROWN, holds no authority from this Commission. However, he is in control of A & B GARMENT DELIVERY, 2645 Nevin Avenue, Los Angeles 11, Calif., and A & B GARMENT DELIVERY OF SAN FRANCISCO, 2277 Shafter Avenue, San Francisco 24, Calif., through ownership of their stock, which are authorized to operate under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of California. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8015. Authority sought for lease by JERRY K. MARCUS, an individual, doing business as W. & M. TRANSPORTATION COMPANY, Clearbrook, Va., of a portion of the operating rights of HARVEY R. SHIPLEY & SONS, INC., Finksburg, Md. Applicants' representative: C. F. Germelman, P.O. Box 81, Winchester, Va. Operating rights sought to be leased: *Canned goods*, as a *common carrier* over irregular routes from Berryville and Front Royal, Va., to points in Florida; and, *empty containers*, used in transporting the commodities specified above, from points in Florida to Berryville and Front Royal, Va. Vendee is authorized to operate as a *common carrier* in Virginia, West Virginia, Pennsylvania, Georgia, and Florida. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8017. Authority sought for purchase by WOODROW EVERETTE, an individual, doing business as W. EVERETT TRUCK LINE, P.O. Box 145, Washington, N.C., of a portion of the operating rights of JAMES L. BOWMAN, an individual, doing business as BOWMAN TRUCKING CO., Stephens City, Va. Applicants' attorney: Philip P. Godwin, Gatesville, N.C. Operating rights sought to be transferred: *Lime and Limestone Products* (other than open hearth), as a *common carrier* over irregular routes from Middletown, Va., and points within six miles thereof, to points in North Carolina. Vendee is authorized to operate as a *common carrier* in North Carolina, South Carolina, Virginia, Delaware, New Jersey, New York, Alabama, Georgia, Mississippi, Tennessee, Maryland, Pennsylvania, Connecticut, Ohio, Florida, Kentucky, Massachusetts, New Hampshire, West Virginia, Louisiana, Rhode Island, Maine, Vermont, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8018. Authority sought for purchase by RICHARD TRUCKING CO., INC., P.O. Box 277, Bradley Beach, N.J., of the operating rights of RICHARD SEABOARD DELIVERY SERVICE, 105 Clinton Avenue, Eatontown, N.J., and for acquisition by LAWRENCE STERN, P.O. Box 277, Bradley Beach, N.J., of control of such rights through the purchase. Applicants' representatives: Bert Collins, 140 Cedar Street, New York, N.Y., and James Farrell, 201 Montague Place,

South Orange, N.J. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between Newark, N.J., on the one hand, and, on the other, points in Middlesex, Monmouth, and Ocean Counties, N.J. Vendee is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, New York, Maryland, and Virginia. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F-8016. Authority sought for purchase by THE SHORT LINE OF CONNECTICUT, INCORPORATED, doing business as THE SHORT LINE, 12 James Street, East Hartford 8, Conn., of a portion of the operating rights of THE CONNECTICUT COMPANY, 470 James Street, New Haven, Conn., and for acquisition by DOMINICK T. BISESTI, 48 Converse Street, Longmeadow, Mass., and ALFRED S. DAVENPORT, 8 Frew Terrace, Thompsonville, Mass., of control of such rights through the purchase. Applicants' attorney: John L. Collins, 49 Pearl Street, Hartford 3, Conn. Operating rights sought to be transferred: *Passengers* and their baggage, as a *common carrier* over irregular routes in charter operations, from all points in Windham County (including Willimantic) and from those points in Tolland County (including the township of Mansfield) bounded by those points on or east of Highway Route 32, the whole bounded on the north by the Massachusetts State line, on the east by the Massachusetts and Rhode Island State lines, on the south by the Windham-New London County lines, and on the west by those points on and east of Highway Route 32 to points in New York, New Jersey, Pennsylvania, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Delaware, Maryland, Virginia, and the District of Columbia; and, in special operations from all points described above to points in Maine, Delaware, Maryland, Virginia, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Connecticut, Rhode Island, New Hampshire, and Massachusetts. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-11779; Filed Dec. 12, 1961;
8:49 a.m.]

[Notice 189]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 8, 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.

MOTOR CARRIERS OF PROPERTY

No. MC 1494 (Deviation No. 1), GROSS COMMON CARRIER, INC., 660 West Grand Avenue, Wisconsin Rapids, Wis., filed November 24, 1961. Attorney Claude J. Jasper, Suite 301 Provident Building, 111 South Fairchild 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 Milwaukee, Wis., over Wisconsin Highway 30 to junction Interstate Highway 90 east of Madison, thence over Interstate Highway 90 to junction U.S. Highway 16 west of Wisconsin Dells, 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 Milwaukee over U.S. Highway 16, via Portage and Wisconsin Dells, Wis., to La Crosse, Wis., and return over the same route.

No. MC 17481 (Sub-No. 2) (Deviation No. 3), MOORE MOTOR FREIGHT LINES, INC., 2901 Kasota Avenue, St. Paul 14, Minn., filed November 30, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Eau Claire, and Madison, Wis., over Interstate Highways 90 and 94, 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 Eau Claire, over U.S. Highway 12 to Madison, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-11780; Filed, Dec. 12, 1961;
8:50 a.m.]

[Notice 576]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 8, 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 64560. By order of December 5, 1961, the Transfer Board approved the transfer to O. T. Adams, doing business as Mike Adams, Eagle Grove, Iowa, of the operating rights in Certificate No. MC 114109, issued February 9, 1956, to R. W. Bradburn, doing business as Humboldt Transfer, Humboldt, Iowa, authorizing the transportation, over regular routes, of livestock, wagons, and agricultural implements and parts thereof, from and to specified points in Iowa and Minnesota, varying with the commodities transported, and over irregular routes, seed corn, farm implements and machinery and parts thereof, twine, and rope, livestock, farm products, household goods, and emigrant movables, from, to, and between specified points in Iowa, Minnesota, and Illinois, varying with the commodities transported. William A. Landau, 1307 East Walnut Street, Des Moines 6, Iowa, representative for applicant.

No. MC-FC 64577. By order of December 5, 1961, the Transfer Board approved the transfer to S. Hochhauser Trucking Corp., New York, N.Y., of Certificate No. MC 60252, issued November 27, 1940, to Leon Michelini, doing business as Michelin Trucking Co., New York, N.Y., authorizing the transportation of: *General commodities*, excluding household goods, commodities in bulk, and other specified commodities, between New York, N.Y., on the one hand, and, on the other, points in Hudson, Bergen, Passaic, Morris, Union, and Essex Counties, N.J. Louis B. Bruman, 120 Liberty Street, New York 6, N.Y., attorney for applicants.

No. MC-FC 64591. By order of December 5, 1961, the Transfer Board approved the transfer to Donald L. Williams, Springfield, S. Dak., of Certificates Nos. MC 14716 and MC 14716 Sub 2, issued November 10, 1955 and November 3, 1960, respectively, in the name of Owen J. Schmoll, Springfield, S. Dak., authorizing the transportation of: *Livestock* and farm products, from Springfield, S. Dak., and points in South Dakota within 20 miles of Springfield, S. Dak., to Sioux City, Iowa; and farm implements and machinery, millfeed and tankage, from Sioux City, Iowa, to Springfield, S. Dak., and points in South Dakota within 20 miles of Springfield, S. Dak.; *livestock* and poultry feed, in sacks and in bulk, from Norfolk Feed Mill, Norfolk, Nebr., to Vermillion, S. Dak.; prefabricated chimneys, soil pipe, fiber pipe, carlon-D pipe and lumber from Sioux City, Iowa, to Springfield, S. Dak., and points in Bon Homme County, S. Dak. Don A. Bierle, 308 Walnut Street, Yankton, S. Dak., attorney for applicants.

No. MC-FC 64651. By order of December 5, 1961, the Transfer Board approved the transfer to Elwood V. Eccles, doing business as Plum City Feed Mill, Plum City, Wis., Certificate No. MC 105035 issued June 14, 1949, to Archie S. Metcalf, Plum City, Wis., authorizing the transportation of agricultural commodities from points in the towns of Durand, Frankfort, Waterville, and Pepin, Pepin County and the town of Union, Pierce County, Wis., to South St. Paul, St. Paul, Minneapolis, Red Wing and White Bear, Minn.; supplies, to farms, from South St. Paul, St. Paul, Minneapolis, Red Wing and White Bear, Minn., to points in the above-specified Wisconsin towns; livestock, between points in the towns of Union, Maiden Rock, Salem and Rock Elm, in Pierce County, Wis., and Frankfort and Waterville, in Pepin County, Wis., on the one hand, and, on the other, South St. Paul and Newport, Minn.; and feed, from Minneapolis, St. Paul, South St. Paul, Newport and Hastings, Minn., to Plum City, Wis., and points in the towns of Union, Maiden Rock, Salem, Rock Elm, Frankfort, and Waterville, Wis. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., applicants' representative.

No. MC-FC 64655. By order of December 5, 1961, the Transfer Board approved the transfer to Matthew Ferrizz, Inc., Hempstead, N.Y., of Permit No. MC 74817 issued June 5, 1953, to Harry Habbeck, New York, N.Y., authorizing the transportation, over irregular routes, 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 points within the territory bounded by a line beginning at Stoneco, N.Y., and extending northeasterly to Dover Plains, N.Y., thence east to Kent, Conn., thence south through Ridgefield and Georgetown, Conn., to East Norwalk, Conn., thence across Long Island Sound to the Nassau-Suffolk County, N.Y., line, thence along the Nassau-Suffolk County line to the Atlantic Coast, thence along the Atlantic Coast to the southernmost point of Richmond County, N.Y., thence along the west boundary of Richmond County to the intersection of Richmond County line with that of Middlesex-Union County, N.J., line at a point directly east of Carteret, N.J., thence along the boundary lines and including the counties of Union, Essex, and Passaic, N.J., to New Jersey-New York State line at a point three miles northwest of Lakeside, N.J., thence in a southeasterly direction along the New Jersey-New York State line to the Hudson River, thence across the Hudson River to Hastings, N.Y., and thence north along the east bank of the Hudson River to Stoneco, including the points named. William D. Traub, 350 Fifth Avenue, New York 1, N.Y., representative for applicants.

No. MC-FC 64661. By order of December 5, 1961, the Transfer Board approved the transfer to Bonville Bros., Inc., Montville, Conn., of Permits Nos. MC 7327 and MC 7327 Sub 1, issued

February 13, 1942 and May 29, 1943, to Dennis C. Bonville doing business as Bonville Brothers, Montville, Conn., authorizing the transportation of paperboard and waste paper, over irregular routes, between Montville and Versailles, Conn., on the one hand, and, on the other, Pawtucket and Providence, R.I., Bloomfield, Harrison, Paterson, and Ridgefield Park, N.J., Beacon and New York, N.Y., and Beverly, Boston, Brockton, Cambridge, Chelsea, Clinton, Everett, Fitchburg, Framingham, Gardner, Leominster, Lynn, Lowell, Malden, Medford, New Bedford, Milford, Randolph, Salem, Somerville, Spencer, Thorndike, Walpole, West Fitchburg, West Hanover, Weymouth, and Worcester, Mass.; paperboard, from Montville and Versailles, Conn., to points in Rhode Island except Pawtucket and Providence, and to those in that part of Massachusetts east of the Connecticut River except Springfield, Beverly, Boston, Brockton, Cambridge, Chelsea, Clinton, Everett, Fitchburg, Framingham, Gardner, Leominster, Lynn, Lowell, Malden, Medford, New Bedford, Milford, Randolph, Salem, Somerville, Spencer, Thorndike, Walpole, West Fitchburg, West Hanover, Weymouth and Worcester; and waste paper from the above-specified destination points to Montville and Versailles, Conn.; and skids, from points in Rhode Island, and those in Massachusetts east of the Connecticut River except Springfield, to Montville and Versailles, Conn. Samuel A. Cooper, 10 Shetucket Street, P.O. Box 623, Norwich, Conn., public accountant representing applicants.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-11782; Filed, Dec. 12, 1961;
8:50 a.m.]

**FOURTH SECTION APPLICATIONS
FOR RELIEF**

DECEMBER 8, 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. 37464: *Sulphuric acid from LeMoyne, Ala.* Filed by O. W. South, Jr., Agent (No. A4143), for interested rail carriers. Rates on sulphuric acid, in tank-car loads, from LeMoyne, Ala., to Atlanta and East Point, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 24 to Southern Freight Association tariff I.C.C. S-162.

FSA No. 37465: *Substituted service—Erie-Lackawanna for Eazor Express, Inc.* Filed by Middle Atlantic Conference, Agent (No. 36), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Sharon, Pa., and Jersey City, N.J., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Middle Atlantic Conference tariff I.C.C. 16, MF-I.C.C. A-1230.

FSA No. 37466: *Substituted service—SAL for Roadway Express, Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 71), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Detroit, Mich., and Atlanta, Ga., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 7 to Central and Southern Motor Freight Tariff Association tariff MF-I.C.C. 246.

FSA No. 37467: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 424), for interested rail carriers. Rates on cement and related articles, lime, and pipe or tubing, in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition.

Tariff: Supplement 20 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

AGGREGATE OF INTERMEDIATES

FSA No. 37468: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 425), for interested rail carriers. Rates on cement and related articles, lime, and pipe or tubing, in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

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

Tariff: Supplement 20 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-11781; Filed, Dec. 12, 1961;
8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-XIII-7 (Rev. 2),
Amdt. 1]

**BRANCH MANAGER, ANCHORAGE,
ALASKA**

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

Delegation of Authority No. 30-XIII-7 (Revision 2), (26 F.R. 7557), is hereby amended by deleting Subsection I.A.1. and substituting in lieu thereof the following new Subsection I.A.1.:

1. To approve and decline participation loans in which SBA's share does not exceed \$15,000.

Effective date: November 22, 1961.

E. D. PETERSON,
Acting Regional Director,
Seattle Regional Office.

[F.R. Doc. 61-11765; Filed, Dec. 12, 1961;
8:48 a.m.]

[Delegation of Authority No. 30-XIII-17
(Rev. 1, Amdt. 1)]

BRANCH MANAGER, BOISE, IDAHO

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

Delegation of Authority 30-XIII-17 (Revision 1), (26 F.R. 7558), is hereby amended by deleting Subsection I.A.1 and substituting in lieu thereof the following new Subsection I.A.1:

1. To approve and decline participation loans in which SBA's share does not exceed \$15,000.

Effective date: November 22, 1961.

E. D. PETERSON,
Acting Regional Director,
Seattle Regional Office.

[F.R. Doc. 61-11766; Filed, Dec. 12, 1961;
8:48 a.m.]

[Delegation of Authority 30-IV-20 (Rev. 3),
Amdt. 1]

BRANCH MANAGER, COLUMBIA, SOUTH CAROLINA

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Delegation of Authority No. 30-IV-20 (Revision 3) 25 F.R. 9082 is hereby amended by deleting Section II in its entirety and substituting the following in lieu thereof:

II. The authority delegated herein may not be redelegated, except I.A.5 and I.B. which may be redelegated.

Effective date: November 20, 1961.

CLARENCE P. MOORE,
Regional Director,
Richmond Regional Office.

[F.R. Doc. 61-11767; Filed, Dec. 12, 1961;
8:48 a.m.]

[Delegation of Authority 30-VI-1, Amdt. 1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation Relating to Financial Assistance Functions

Delegation of Authority, No. 30-VI-1 (22 F.R. 7005) is hereby amended by deleting Subsection II in its entirety and substituting the following in lieu thereof:

II. The authority delegated herein may be redelegated, with the exception of Subsection I. B. 1, 2, 3, 4, 5 and 13, which may not be redelegated.

Effective date: November 17, 1961.

JAMES G. GARWICK,
Regional Director,
Cleveland Regional Office.

[F.R. Doc. 61-11768; Filed, Dec. 12, 1961;
8:48 a.m.]

[Delegation of Authority 30-XI-2 (Rev. 1)]

CHIEF, PROCUREMENT AND TECHNICAL ASSISTANCE DIVISION

Delegations Relating to Procurement and Technical Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6), as amended (25 F.R. 1706, 7418, 26 F.R. 177, 1456), there is hereby redelegated to the Chief, Procurement and Technical Assistance Division, the authority:

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

2. To make original determinations and determinations upon reconsideration thereof as to which concerns are small businesses within the meaning of the Small Business Size Standards Regulation, as amended, except cases which involve questions of dominance, questions relating to cooperatives and questions involving franchise, license or other contractual agreements. This authority is limited to the P&TA programs.

B. *Administrative.* 1. To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

II. The specific authority delegated in subsections I. A. 2 and I. B. 1 may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee

designated as Acting Chief, Procurement and Technical Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Procurement and Technical Assistance Division, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: September 18, 1961.

HIROLD R. SMETHILLS,
Regional Director,
Denver Regional Office.

[F.R. Doc. 61-11769; Filed, Dec. 12, 1961;
8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

EDMUND W. DUGAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of December 1, 1961.

Dated: December 4, 1961.

EDMUND W. DUGAN.

[F.R. Doc. 61-11770; Filed, Dec. 12, 1961;
8:48 a.m.]

HENRY G. MAGNUSSEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: Aluminum Corp. of America.
B. Additions: None.

This statement is made as of November 25, 1961.

Dated: December 2, 1961.

HENRY G. MAGNUSSEN.

[F.R. Doc. 61-11771; Filed, Dec. 12, 1961;
8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

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