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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10904

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BE- TWEEN CERTAIN CARRIERS REP- RESENTED BY THE NEW YORK HARBOR CARRIERS' CONFERENCE COMMITTEE AND CERTAIN OF THEIR EMPLOYEES

WHEREAS a dispute exists between certain carriers represented by the New York Harbor Carriers' Conference Committee, designated in the List of Carriers attached hereto and hereby made a part hereof, and certain of their employees represented by the Lighter Captains' Union, Local 996, I.L.A., a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its findings to the President with respect to the dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by carriers represented by the New York Harbor Carriers' Conference Committee, or by their employees, in the conditions out of which the dispute arose.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
January 12, 1961.

LIST OF CARRIERS

The Baltimore & Ohio Railroad Company
The Central Railroad Company of New Jersey
The Erie-Lackawanna Railroad Company
The Lehigh Valley Railroad Company
The New York Central Railroad Company
The New York, New Haven & Hartford Railroad Company
The Pennsylvania Railroad Company

[F.R. Doc. 61-363; Filed, Jan. 13, 1961;
9:28 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.454]

PART 301—ADDITIONAL COMPENSATION AND CREDIT GRANTED CERTAIN EMPLOYEES OF FEDERAL GOVERNMENT SERVING OUTSIDE UNITED STATES

Subpart E—Unhealthful Posts

ADDITIONS TO LIST

Pursuant to section 853 of the Foreign Service Act of 1946, as amended, and section 503 of Executive Order 10261 dated June 27, 1951, as amended, the following additions to the list of unhealthful places in § 301.61 established by Executive Order No. 5644 of June 8, 1931, as amended by the second paragraph of Executive Order No. 6942 of January 8, 1935, Executive Order No. 7062 of June 5, 1935, Executive Order No. 10000 of September 16, 1948, as amended, and Departmental Regulations 108.149 of March 13, 1952; 108.224 of June 1, 1954; 108.295 of August 15, 1956; 108.322 of July 5, 1957; 108.367 of July 3, 1958; 108.437 of June 14, 1960; 108.444 of August 9, 1960; and 108.449 of October 11, 1960 are made, effective as of the signature date of this regulation:

Bamako, Republic of Mali.
Bangui, Central African Republic.
Cotonou, Dahomey.
Fort Lamy, Chad.
Libreville, Gabon.
Niamey, Niger.
Ouagadougou, Upper Volta.

(Secs. 303, 443, 853, 60 Stat. 1002, 1006, 1024, sec. 207, 62 Stat. 194, 1205; 22 U.S.C. 843, 888, 1093, 5 U.S.C. 118h)

Dated: December 20, 1960.

For the Secretary of State.

LANE DWINELL,
Assistant Secretary.

[F.R. Doc. 61-324; Filed, Jan. 13, 1961;
8:51 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 10]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

PEACH CROP, 1961

The above-identified regulations are amended effective beginning with the 1961 crop year as follows:

1. The table following paragraph (a) of § 401.3 of this chapter is amended by inserting the following statement immediately following the closing date of January 15 for peaches for all states:

Applications for peach insurance for the 1961 crop year submitted during the period January 16 through January 31, 1961, when accompanied by payment of the premium may be accepted by the Corporation.

2. The peach endorsement shown in § 401.26 of this chapter is amended by adding a section 14 thereto to read as follows:

14. *Payment of premium during the period January 16 through January 31, 1961.* Notwithstanding any provision of the contract the provisions of this section 14 shall be a part of the peach endorsement of any contract of insurance for the 1961 crop year for which premium payment is made during the period January 16 through January 31, 1961. Premium payment may be made during the period January 16 through January 31, 1961, and in any case where the premium is paid during such period the date January 31 shall be substituted for the date January 15 wherever it appears in sections 2, 5, 11, and 12(c) of this endorsement; and the date February 1 shall be substituted for the date January 16 wherever it appears in sections 7 and 12 (a) of this endorsement.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on January 12, 1961.

[SEAL] F. N. McCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved: January 12, 1961.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 61-361; Filed, Jan. 13, 1961;
8:53 a.m.]

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

[Navel Orange Reg. 201]

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

Limitation of Handling

§ 914.501 Navel Orange Regulation 201.

(a) *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 han-

dling of such navel oranges, as herein-after 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 interests of producers and consumers, and 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 section 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 section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting, the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 12, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., January 15, 1961, and ending at 12:01 a.m., P.s.t., January 22, 1961, are hereby fixed as follows:

- (i) District 1: 400,000 cartons;
 - (ii) District 2: 300,000 cartons;
 - (iii) District 3: Unlimited movement;
 - (iv) District 4: Unlimited movement.
- (2) As used in this section, "handled," "District 1," "District 2," "District 3,"

"District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: January 13, 1961.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-376; Filed, Jan. 13, 1961; 11:15 a.m.]

[Orange Reg. 383]

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

Limitation of Shipments

§ 933.1044 Orange Regulation 383.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 10, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning

such provisions and effective time has been disseminated among handlers of such oranges; it is necessary in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

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

(2) Orange Regulation No. 382 (§ 933.1040; 25 F.R. 14014) is hereby terminated at 12:01 a.m., e.s.t., January 16, 1961.

(3) During the period beginning at 12:01 a.m., e.s.t., January 16, 1961, and ending at 12:01 a.m., e.s.t., February 13, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than $2\frac{3}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2\frac{3}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{1}{16}$ inches in diameter or smaller; or

(iii) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet: *Provided*, That such oranges may have slightly rough texture caused only by scarring, and may have scars and discoloration to the extent permitted under the U.S. No. 2 grade; or

(iv) Any Temple oranges, grown in the production area, which are of a size smaller than $2\frac{3}{16}$ inches in diameter, except that a tolerance of ten (10) percent, by count, for Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerance specified in the aforesaid United States Standards for Florida Oranges and Tangelos.

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

Dated: January 12, 1961.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-350; Filed, Jan. 13, 1961; 8:53 a.m.]

[Grapefruit Reg. 335]

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

Limitation of Shipments

§ 933.1045 Grapefruit Regulation 335.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 10, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this

section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

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

(2) During the period beginning at 12:01 a.m., e.s.t., January 16, 1961, and ending at 12:01 a.m., e.s.t., February 13, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided*, That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade, and may have slightly rough texture caused only by speck type melanose;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{15}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

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

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

Dated: January 12, 1961.

FLOYD F. HEDLUND,
Deputy Director, Fruit, and
Vegetable Division, Agricultural
Marketing Service.

[F.R. Doc. 61-348; Filed, Jan. 13, 1961;
8:53 a.m.]

[Tangerine Reg. 221]

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

Limitation of Shipments

§ 933.1046 Tangerine Regulation 221.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part

933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 10, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810-51.1834 of this title; 25 F.R. 8216).

(2) During the period beginning at 12:01 a.m., e.s.t., January 16, 1961, and ending at 12:01 a.m., e.s.t., February 13, 1961, no handler shall ship between the production area and any point outside

thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, that do not grade at least U.S. No. 1; or

(ii) Any tangerines, grown in the production area, that are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions $9\frac{1}{2} \times 9\frac{1}{2} \times 19\frac{1}{8}$ inches; capacity 1,726 cubic inches).

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

Dated: January 11, 1961.

FLOYD F. HEDLUND,
Deputy Director, Fruit and
Vegetable Division, Agricultural
Marketing Service.

[F.R. Doc. 61-352; Filed, Jan. 13, 1961;
8:53 a.m.]

[Tangelo Reg. 27]

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

Limitation of Shipments

§ 933.1047 Tangelo Regulation 27.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 10, 1961, such meeting was held to consider recommendations for

regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

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

(2) During the period beginning at 12:01 a.m., e.s.t., January 16, 1961, and ending at 12:01 a.m., e.s.t., February 13, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than $2\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos.

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

Dated: January 11, 1961.

FLOYD F. HEDLUND,
Deputy Director, Fruit and
Vegetable Division, Agricultural
Marketing Service.

[F.R. Doc. 61-351; Filed, Jan. 13, 1961;
8:53 a.m.]

[Lemon Reg. 881]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.988 Lemon Regulation 881.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part

953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon 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 lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 10, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., January 15, 1961, and ending at 12:01 a.m., P.s.t., January 22, 1961, are hereby fixed as follows:

- (i) District 1: 13,950 cartons;
 - (ii) District 2: 139,500 cartons;
 - (iii) District 3: Unlimited movement.
- (2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: January 12, 1961.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Veg-
etable Division, Agricultural
Marketing Service.

[F.R. Doc. 61-349; Filed, Jan. 13, 1961;
8:53 a.m.]

[Grapefruit Reg. 134]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITU- ATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 955.395 Grapefruit Regulation 134.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, 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 of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on January 5, 1961, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the continued regulation of the

handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., January 15, 1961, and ending at 12:01 a.m., P.s.t., February 5, 1961, no handler shall handle:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of White Water, California, unless such grapefruit grade at least U.S. No. 2; or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which measure less than $3\frac{1}{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than $3\frac{1}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{1}{16}$ inches in diameter and smaller.

(2) As used in this section, "handler," "variety," "grapefruit," and "handle" shall have the same meaning as when used in said amended marketing agreement and order; the term "U.S. No. 2" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

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

Dated: January 10, 1961.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 61-317; Filed, Jan. 13, 1961;
8:49 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 40—LICENSING OF SOURCE MATERIAL

The following amendments to Part 40 constitute an over-all revision of 10 CFR Part 40, "Control of Source Material".

Notice of proposed issuance of the following rules was published in the FEDERAL REGISTER on September 7, 1960 (25 F.R. 8619). A detailed statement of considerations explaining the provisions of the following amendments was published with the notice of proposed rule

making. Comments filed by interested persons have been given careful consideration. The following amendments are the same as those incorporated in the notice of proposed rule making, except that § 40.42 has been revised to take into account long-period facility licenses which incorporate in a single document licenses also for source material which may be used as fuel or blanket material.

Accordingly, effective 30 days after publication in the FEDERAL REGISTER, 10 CFR Part 40 is amended to read as follows:

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40.5	Interpretations.
40.6	
EXEMPTIONS	
40.11	Exemption for persons acquiring or transferring source material under contract with and for the account of the Commission.
40.12	Carriers.
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GENERAL LICENSES	
40.20	Types of licenses.
40.21	General license to receive title to source material.
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LICENSE APPLICATIONS	
40.31	Applications for specific licenses.
40.32	Requirements for approval of applications for specific licenses.
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LICENSES	
40.41	Terms and conditions of licenses.
40.42	Expiration.
40.43	Renewal of licenses.
40.44	Amendment of licenses at request of licensee.
40.45	Commission action on applications to renew or amend.
40.46	Inalienability of licenses.
40.47	License requirement for persons possessing source material on the effective date of the regulation in this part.
TRANSFER OF SOURCE MATERIAL	
40.51	Transfer of source material.
RECORDS AND INSPECTIONS	
40.61	Records.
40.62	Inspections.
40.63	Tests.
MODIFICATION AND REVOCATION OF LICENSES	
40.71	Modification, revocation and termination of licenses.
ENFORCEMENT	
40.81	Violations.
SCHEDULE	
40.90	Schedule A.
AUTHORITY: §§ 40.1 to 40.90 issued under sec. 161, 68 Stat. 948, 42 U.S.C. 2201. Interpret or apply secs. 62, 63, 64, 65, 182, 183, 68 Stat. 932, 933, 953, 42 U.S.C. 2092, 2093, 2094, 2095, 2232, 2233. For the purposes of sec. 223, 68 Stat. 958; 42 U.S.C. 2273, sec. 40.41(c) issued under sec. 161b., 68 Stat. 948; 42 U.S.C. 2201(b) and secs. 40.61, 40.62 and 40.63 issued under sec. 161p., 68 Stat. 950; 42 U.S.C. 2201(p).	

GENERAL PROVISIONS

§ 40.1 Purpose.

(a) The regulations in this part establish procedures and criteria for the issuance of licenses to receive title to, receive, possess, use, transfer, deliver, or import into or export from the United States source material and establish and provide for the terms and conditions upon which the Commission will issue such licenses.

(b) The regulations contained in this part are issued pursuant to the Atomic Energy Act of 1954, as amended (68 Stat. 919).

§ 40.2 Scope.

Except as provided in §§ 40.11 to 40.14, inclusive, the regulations in this part apply to all persons in the United States.

§ 40.3 License requirements.

No person subject to the regulations in this part shall receive title to, receive, possess, use, transfer, deliver, or import into or export from the United States any source material after removal from its place of deposit in nature, except as authorized in a specific or general license issued by the Commission pursuant to the regulations in this part.

§ 40.4 Definitions.

As used in this part:

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto;

(b) "Commission" means the Atomic Energy Commission or its duly authorized representatives;

(c) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government;

(d) "License", except where otherwise specified, means a license issued pursuant to the regulations in this part;

(e) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent or agency of the foregoing;

(f) "Pharmacist" means an individual registered by a state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico to compound and dispense drugs, prescriptions and poisons.

(g) "Physician" means an individual licensed by a state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico to dispense drugs in the practice of medicine.

(h) "Source Material" means (1) uranium or thorium, or any combination thereof, in any physical or chemical

form or (2) ores which contain by weight one-twentieth of one percent (0.05%) or more of (i) uranium, (ii) thorium or (iii) any combination thereof. Source material does not include special nuclear material.

(i) "Special nuclear material" means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material; or (2) any material artificially enriched by any of the foregoing;

(j) "United States," when used in a geographical sense, includes all territories and possessions of the United States, the Canal Zone and Puerto Rico;

(k) "Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting or beneficiating, or refining;

(l) Other terms defined in section 11 of the Act shall have the same meaning when used in the regulations in this part.

§ 40.5 Communications.

All communications concerning the regulations in this part should be addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

§ 40.6 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

EXEMPTIONS

§ 40.11 Exemption for persons acquiring or transferring source material under contract with and for the account of the Commission.

The regulations in this part do not apply to any person to the extent that such person receives possession of source material owned by the Atomic Energy Commission, or transfers, delivers, or exports source material owned by the Commission under and in accordance with a contract with and for the account of the Commission. In any such case, such person's obligations with respect to the source material are governed by the applicable contract between such person and the Commission.

§ 40.12 Carriers.

Common and contract carriers, warehousemen, and the United States Post Office Department are exempt from the requirements for a license set forth in section 62 of the Act and from the regulations in this part to the extent that they transport or store source material in the regular course of carriage for another or storage incident thereto.

§ 40.13 Unimportant quantities of source material.

(a) Any person is exempt from the regulations in this part and from the requirements for a license set forth in section 62 of the Act to the extent that

such person receives, possesses, uses, transfers, delivers, or imports into or exports from the United States source material in any chemical mixture, compound, solution, or alloy in which the source material is by weight less than one-twentieth of 1 percent (0.05 percent) of the mixture, compound, solution or alloy.

(b) Any person is exempt from the regulations in this part and from the requirements for a license set forth in section 62 of the Act to the extent that such person receives, possesses, uses, transfers, or imports into the United States unrefined and unprocessed ore containing source material; provided, that, except as authorized in a specific license, such person shall not refine or process such ore. The exemption contained in this paragraph shall not be deemed to authorize the export of source material.

(c) Any person is exempt from the regulation in this part and from the requirements for a license set forth in section 62 of the Act to the extent that such person receives, possesses, uses, transfers, or imports into the United States:

(1) Any quantity of thorium contained in (i) incandescent gas mantles; (ii) vacuum tubes; or (iii) welding rods;

(2) Source material contained in the following products: (i) Glazed ceramic tableware, provided that the glaze contains not more than 20 percent source material; (ii) glassware containing not more than 10 percent source material; but not including glass brick, pane glass, ceramic tile or other glass or ceramic used in construction;

(3) Photographic film, negatives, and prints containing uranium or thorium;

(4) Any finished product or part fabricated of, or containing tungsten or magnesium-thorium alloys, provided that the thorium content of the alloy does not exceed 4 percent by weight and that the exemption contained in this subparagraph shall not be deemed to authorize the chemical, physical or metallurgical treatment or processing of any such product or part; and

(5) (i) Uranium contained in aircraft counterweights installed in aircraft; *Provided*, That any such counterweight has been impressed with a statement, clearly legible after plating, which states "Caution-Radioactive Material-Uranium"; *And provided further*, That the exemption contained in this paragraph shall not be deemed to authorize the chemical, physical, metallurgical or other treatment or processing of any such counterweight or the installation in, or removal from, an aircraft of any such counterweight, without a specific license from the Commission.

(ii) The exemptions contained in this section shall not be deemed to authorize the manufacture of any of the products described herein.

§ 40.14 Specific exemptions.

The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulation in this part as it determines are authorized by law and will not endanger life or

property or the common defense and security and are otherwise in the public interest.

GENERAL LICENSES

§ 40.20 Types of licenses.

Licenses for source material are of two types: general and specific. The general licenses provided in this part are effective without the filing of applications with the Commission or the issuance of licensing documents to particular persons. Specific licenses are issued to named persons upon applications filed pursuant to the regulations in this part.

§ 40.21 General license to receive title to source material.

A general license is hereby issued authorizing the receipt of title to source material without regard to quantity. This general license does not authorize any person to receive, possess, deliver, use, import, export or transfer source material.

§ 40.22 Small quantities of source material.

(a) A general license is hereby issued authorizing use and transfer of not more than fifteen (15) pounds of source material at any one time by persons in the following categories:

(1) Pharmacists using the source material solely for the compounding of medicinals;

(2) Physicians using the source material for medicinal purposes;

(3) Persons receiving possession of source material from pharmacists and physicians in the form of medicinals or drugs;

(4) Commercial and industrial firms, and research, educational and medical institutions for research, development, educational or commercial purposes;

And provided, That no such person shall pursuant to this general license receive more than a total of 150 pounds of source material in any one calendar year; and provided further that the general license contained in this paragraph shall not be deemed to authorize the export of source material, except as authorized in a specific or general license issued pursuant to this part.

(b) Persons who receive, possess, use, or transfer source material pursuant to the general license issued in paragraph (a) of this section are exempt from the provisions of Part 20 of this chapter to the extent that such receipt, possession, use or transfer are within the terms of such general license: *Provided, however*, That this exemption shall not be deemed to apply to any such person who is also in possession of source material under a specific license issued pursuant to this part.

§ 40.23 General licenses to export.

(a) A general license, designated AEC-GRO-SMA, is hereby issued authorizing the export at any one time of up to three (3) pounds of source material from the United States to any foreign country or destination except countries or areas listed in § 40.90. Each person exporting source material pursuant to this general license shall file with the Collector of

Customs or the Postmaster one copy, in addition to those otherwise required, of the Shipper's Export Declaration covering each export, and mark such copy for transmittal to the Division of Licensing and Regulation of the United States Atomic Energy Commission, Washington 25, D.C.

(b) A general license, designated AEC-GRO-SMB, is hereby issued authorizing the export of incandescent gas mantles containing thorium, without regard to quantity, from the United States to any foreign country or destination except countries or destinations listed in § 40.90.

LICENSE APPLICATIONS

§ 40.31 Applications for specific licenses.

(a) Applications for specific licenses should be filed in quadruplicate on Form AEC-2, "Application for Source Material License", on Form AEC-7, "Application for Source Material Export License", as appropriate, with the United States Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation. Applications may also be filed in person at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., or the Commission's offices at Germantown, Maryland.

(b) The Commission may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the Commission to determine whether the application should be granted or denied or whether a license should be modified or revoked. All applications and statements shall be signed by the applicant or licensee or a person duly authorized to act for and on his behalf.

(c) Applications and documents submitted to the Commission in connection with applications will be made available for public inspection in accordance with the provisions of the regulations contained in Parts 2 and 9 of this chapter.

(d) An application for a license filed pursuant to the regulations in this part will be considered also as an application for licenses authorizing other activities for which licenses are required by the Act: *Provided*, That the application specifies the additional activities for which licenses are requested and complies with regulations of the Commission as to applications for such licenses.

(e) In his application, the applicant may incorporate by reference information contained in previous applications, statements or reports filed by the applicant with the Commission's Division of Licensing and Regulation: *Provided*, That such references are clear and specific.

§ 40.32 Requirements for issuance of specific licenses.

An application for a specific license for purposes other than export will be approved if:

(a) The application is for a purpose authorized by the Act; and

(b) The applicant is qualified by reason of training and experience to use the source material for the purpose re-

quested in such manner as to protect health and minimize danger to life or property; and

(c) The applicant's proposed equipment, facilities and procedures are adequate to protect health and minimize danger to life or property; and

(d) The issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

§ 40.33 Requirements for issuance of export licenses.

(a) An application for a license to export uranium will be approved if the Commission determines that:

(1) The proposed export is within the scope of and consistent with the terms of an agreement between the United States and the government of the recipient containing safeguards against diversion of the material to military use; or

(2) The cumulative quantity of uranium specifically licensed for export to the consignee since July 1, 1957, does not exceed one hundred (100) kilograms, provided that the cumulative quantity specifically licensed for export to the recipient country since July 1, 1957, does not exceed one thousand (1,000) kilograms, excluding any amounts exported pursuant to either subparagraph (1) of this paragraph or § 40.23; and

(3) The export will not be inimical to the interests of the United States.

(b) An application for a license to export thorium will be approved if the Commission determines that the export will not be inimical to the interests of the United States.

LICENSES

§ 40.41 Terms and conditions of licenses.

(a) Each license issued pursuant to the regulations in this part shall be subject to all the provisions of the Act, now or hereafter in effect, and to all rules, regulations and orders of the Commission.

(b) Neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of the Act.

(c) Each person licensed by the Commission pursuant to the regulations in this part shall confine his possession and use of source material to the locations and purposes authorized in the license. Except as otherwise provided in the license, a license issued pursuant to the regulations in this part shall carry with it the right to receive, possess, use and import source material and to deliver or transfer such material to other licensees within the United States authorized to receive such material.

(d) Each license issued pursuant to the regulations in this part shall be deemed to contain the provisions set forth in sections 183a to 183d, of the Act, whether or not said provisions are expressly set forth in the license.

(e) The Commission may incorporate in any license at the time of issuance, or thereafter by appropriate rule, regulation or order, such additional requirements and conditions with respect to

the licensee's receipt, possession, use, transfer, import and export of source material as it deems appropriate or necessary in order to:

(1) Promote the common defense and security;

(2) Protect health or to minimize danger to life or property;

(3) Protect restricted data;

(4) Require such reports and the keeping of such records, and to provide for such inspections of activities under the license as may be necessary or appropriate to effectuate the purposes of the Act and regulations thereunder.

§ 40.42 Expiration.

Except as provided in § 40.43(b), and except as may be provided in licenses issued for operation of production or utilization facilities pursuant to Part 50 of this chapter, each specific license shall expire no later than three years from the last day of the month in which it is issued.

§ 40.43 Renewal of licenses.

(a) Applications for renewal of a specific license shall be filed in accordance with § 40.31.

(b) In any case in which a licensee, not less than thirty (30) days prior to expiration of his existing license, has filed an application in proper form for renewal or for a new license, such existing license shall not expire until the application for renewal or for a new license has been finally determined by the Commission.

§ 40.44 Amendment of licenses at request of licensee.

Applications for amendment of a license shall be filed in accordance with § 40.31 and shall specify the respects in which the licensee desires his license to be amended and the grounds for such amendment.

§ 40.45 Commission action on applications to renew or amend.

In considering an application by a licensee to renew or amend his license, the Commission will apply the applicable criteria set forth in §§ 40.32 and 40.33.

§ 40.46 Inalienability of licenses.

No license issued or granted pursuant to the regulations in this part shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of this Act, and shall give its consent in writing.

§ 40.47 License requirement for persons possessing source material on the effective date of this amendment.

(a) Any person who on the effective date of this amendment possesses source material received pursuant to a specific license issued by the Commission shall be deemed to possess such material pursuant to a license issued under the regulations in this part. Such license shall be deemed to include all terms and conditions incorporated in the previous

license which are not inconsistent with or otherwise provided for in the regulations in this part and shall expire 90 days from the effective date of this amendment or on the expiration date contained in the previous license, whichever is later.

(b) Any person who on the effective date of this amendment possesses source material received pursuant to a general license issued by the Commission shall be deemed to possess such material pursuant to a license issued under the regulations in this part. To the extent that such possession is not authorized under an exemption or general license pursuant to §§ 40.11 through 40.14 or §§ 40.20 through 40.23, respectively, the license granted pursuant to this paragraph shall expire ninety (90) days from the effective date of this amendment.

TRANSFER OF SOURCE MATERIAL

§ 40.51 Transfer of source material.

(a) No licensee shall transfer source material except as authorized pursuant to this section.

(b) Any licensee may transfer source material:

- (1) To the Commission;
- (2) To a specific or general licensee whose license authorizes him to receive such material;
- (3) To any person exempt from the regulations in this part to the extent permitted under such exemption; or
- (4) As otherwise authorized by the Commission in writing.

RECORDS AND INSPECTIONS

§ 40.61 Records.

(a) Each person who receives source material pursuant to a license issued pursuant to the regulations in this part shall keep records showing the receipt, transfer, export and disposal of such source material.

§ 40.62 Inspections.

(a) Each licensee shall afford to the Commission at all reasonable times opportunity to inspect source material and the premises and facilities wherein source material is used or stored.

(b) Each licensee shall make available to the Commission for inspection, upon reasonable notice, records kept by him pursuant to the regulations in this chapter.

§ 40.63 Tests.

Each licensee shall perform, or permit the Commission to perform, such tests as the Commission deems appropriate or necessary for the administration of the regulations in this part, including tests of:

- (a) Source material;
- (b) Facilities wherein source material is utilized or stored;
- (c) Radiation detection and monitoring instruments; and
- (d) Other equipment and devices used in connection with the utilization or storage of source material.

MODIFICATION AND REVOCATION OF LICENSES

§ 40.71 Modification, revocation and termination of licenses.

(a) The terms and conditions of each license shall be subject to amendment, revision, or modification by reason of amendments to the Act, or by reason of rules, regulations, or orders issued in accordance with the Act.

(b) Any license may be revoked, suspended, or modified, in whole or in part, for any material false statement in the application or any statement of fact required under section 182 of the Act, or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means which would warrant the Commission to refuse to grant a license on an original application, or for violation of, or failure to observe any of, the terms and conditions of the Act, or the license, or of any rule, regulation or order of the Commission.

(c) Except in cases of willfulness or those in which the public health, interest or safety requires otherwise, no license shall be modified, suspended, or revoked unless, prior to the institution of proceedings therefor, facts or conduct which may warrant such action shall have been called to the attention of the licensee in writing and the licensee shall have been accorded opportunity to demonstrate or achieve compliance with all lawful requirements.

(d) The Commission may terminate a specific license upon request submitted by the licensee to the Commission in writing.

ENFORCEMENT

§ 40.81 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

§ 40.90 Schedule A.

Albania.
Bulgaria.
China, including Manchuria (and excluding Taiwan (Formosa)) (includes Inner Mongolia; the provinces of Tsinghai and Sinkiang; Tibet; the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liaoning Province).
Communist-controlled area of Viet Nam.
Czechoslovakia.
East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin).
Estonia.
Hungary.
Latvia.
Lithuania.
North Korea.
Poland (including Danzig).
Outer Mongolia.
Rumania.
Union of Soviet Socialist Republics.

Dated at Germantown, Md., this 9th day of January 1961.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 61-283; Filed, Jan. 13, 1961; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

PART 301—INTRODUCTORY

PART 303—APPLICATIONS, REQUESTS, AND SUBMITTALS

PART 304—FORMS, INSTRUCTIONS, AND REPORTS

PART 326—BANK OBLIGATIONS PRESCRIBED AS DEPOSITS

PART 327—ASSESSMENTS

Miscellaneous Amendments

A. In the FEDERAL REGISTER of November 29, 1960 (25 F.R. 12203-12207), proposed amendments of Part 327 of the Corporation's rules and regulations relating to assessments were published with notice of proposed rule making. The following amendment of Part 327, which includes such proposed amendments, is adopted effective January 16, 1961: *Provided*, That all of the provisions of Part 327 (including the Corporation's Assessment Decisions Nos. 1-167 in §§ 327.100-327.267 thereof), which were in effect immediately prior to the adoption of the following amendment thereof, remain applicable to the determination and payment of assessments due on or before January 15, 1961. Part 327 is amended to read as follows:

PART 327—ASSESSMENTS

- Sec.
327.1 Reporting of assessment base additions for unposted credits and deductions for unposted debits.
327.2 Classification of deposits.
327.3 Payment of assessments by banks whose insured status has terminated.
327.4 Time of payment.

AUTHORITY: §§ 327.1 to 327.4 issued under sec. 7, 74 Stat. 551, sec. 9, 64 Stat. 882; 12 U.S.C. 1817, 1819. Interpret or apply secs. 7, 8, 74 Stat. 546-551 and 64 Stat. 877-881; 12 U.S.C. 1817, 1818.

§ 327.1 Reporting of assessment base additions for unposted credits and deductions for unposted debits.

(a) *Definitions.* (1) The term "unposted credit" as used in this section means any deposit received in any office of the bank for deposit in any other office of the bank located in any State of the United States, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, except those which have been included in total deposits in the report of conditions or which have been offset in the report of condition by an equal

amount of cash items in its possession drawn on itself (on the same type of deposits as those offset) and not charged against deposit liabilities at the close of business on the date as of which the report of condition is made.

(2) The term "unposted debit" as used in this section means a cash item in the bank's possession drawn on itself which has been paid or credited and is chargeable against, but has not been charged against, deposit liabilities at the close of business on the date as of which the report of condition is made.

(3) The above terms "unposted credit" and "unposted debit" do not include items which have been reflected in deposit accounts on the general ledger and in the report of condition, although they have not been credited or debited to individual deposit accounts.

(b) *Methods of reporting unposted credits and unposted debits.* (1) Each insured bank shall report unposted credits in reports of condition for addition to the assessment base in the following manner:

(i) When the records of the bank show the actual amounts of unposted credits segregated between demand deposits and time and savings deposits, the actual segregated amounts thereof must be reported; or

(ii) When the records of the bank show the actual amount of all unposted credits with no such segregation thereof, the actual amount thereof must be reported, for addition to time and savings deposits, unless the bank determines by experience factors and reports the amounts of the unposted credits so segregated; or

(iii) When the records of the bank do not show the actual amount of unposted credits either in total or in segregated amounts, the amounts of unposted credits must be determined by experience factor or factors and reported in total amount for addition to time and savings deposits or in segregated amounts.

(2) Unposted debits may be reported in the same manner for deduction from the assessment base, except that unsegregated amounts may be reported for deduction only from demand deposits.

(c) *Bank reporting actual amounts.* When actual amounts are shown on the records of the bank, an insured bank shall separately state in the report of condition for additions to deposits for assessment purposes the actual amount of unposted credits in Schedule FDI either segregated between demand deposits and time and savings deposits according to the type of account to which the item is to be credited, or the total amount shall be reported for additions to time and savings deposits. If the bank elects to take deductions for unposted debits chargeable to deposit accounts and actual amounts are shown on the records of the bank, it shall separately state in the report of condition the actual amounts of the unposted debits either segregated between demand deposits and time and savings deposits according to the type of account against which the items are chargeable, or the total amount shall be reported for de-

ductions from demand deposits. When only the total amount of such unposted credits or unposted debits is shown on the records of the bank, the bank may elect to determine by experience factors such segregated amounts for either unposted credits or unposted debits or both.

(d) *Bank reporting on basis of experience factor.* An insured bank whose records do not show the amounts of unposted credits and unposted debits shall compute by experience factor or factors the unposted credits and may so compute the unposted debits. Banks with two years' experience on January 1, 1961 may establish an experience factor or factors under paragraph (f) of this section, or, upon application to and approval by the Corporation, may establish an experience factor or factors under paragraph (g) of this section, the same as banks with less than two years' experience. Such a bank, upon written approval by the Corporation, may be permitted to use separate factors for computing the additions to demand deposits and to time and savings deposits, or for computing the deductions from such deposits; or may be permitted to use a single factor for computing additions to be made in total amount to time and savings deposits or for computing deductions to be made in total amount from demand deposits. When a single factor is used, the additions or deductions are required to be made to or from the type of deposit giving the lesser advantage to the bank in taking the 16 $\frac{2}{3}$ percent deduction from demand deposits and the 1 percent deduction from time and savings deposits.

(e) *Procedure for obtaining approval of experience factor.* Each bank operating as an insured bank prior to January 1, 1961, which intends to use an experience factor in computing the amounts of unposted credits or unposted debits, shall signify its intention in writing to the Corporation not later than March 1, 1961. Any bank becoming an insured bank on or after January 1, 1961, whose records do not show amounts of unposted credits and unposted debits, and which proposes to report such items for assessment purposes by means of experience factors, shall so inform the Corporation within thirty (30) days after it becomes an insured bank. Upon receipt of such notice, the Corporation will furnish to the bank a form for use in submitting to the Corporation the computations used in determining the percentage factor. Upon approval by the Corporation of such experience factors, the bank shall thereafter use such factors in reporting unposted credits or debits until new experience factors are established pursuant to paragraph (k) of this section.

(f) *Experience factors for banks with not less than two years' experience on January 1, 1961.* (1) The reporting bank may use either of the following experience factors in reporting unposted credits for addition to the assessment base:

(i) *Separate experience factors for additions to demand deposits and to time and savings deposits.* The factor for:

(a) Demand deposits shall be the percentage obtained by dividing the average

amount of unposted credits creditable to demand deposits which were added to deposits in certified statements for the assessment base days in the last two years prior to January 1, 1961, by the average amount of total demand deposits shown on the books of the bank on such base days; and

(b) Time and savings deposits shall be the percentage obtained by dividing the average amount of unposted credits creditable to time and savings deposits which were added to deposits in the certified statements for the assessment base days in the last two years prior to January 1, 1961, by the average amount of total time and savings deposits shown on the books of the bank on such base days.

There shall be separately stated in the report of condition for addition to demand deposits for assessment purposes, the amount obtained by multiplying the amount of total demand deposits shown in the report of condition by the factor for demand deposits, and for addition to time and savings deposits for assessment purposes the amount obtained by multiplying the amount of total time and savings deposits shown in the report of condition by the factor for time and savings deposits. In the event that the records of the bank show the total amount of unposted credits which were added to deposits in certified statements for the assessment base days in the last two years prior to January 1, 1961, but do not show the amounts thereof segregated as to those creditable to demand deposits and to time and savings deposits, the bank may determine such segregated amounts for use in determining its separate experience factors hereunder, in the following manner: The bank shall ascertain the percentage to total unposted credits, of the unposted credits which are creditable to demand deposits, and the percentage to total unposted credits, of the unposted credits which are creditable to time and savings deposits, for the business days in the week commencing on March 15, 1961 and ending on March 21, 1961, both days inclusive, and shall apply such percentages to the average amount of all unposted credits which were added to deposits in such certified statements.

(ii) *Single experience factor.* The factor shall be the percentage obtained by dividing the average amount of all unposted credits which were added to deposits in certified statements for the assessment base days in the last two years prior to January 1, 1961, by the average amount of total deposits shown on the books of the bank for such base days. There shall be separately stated in the report of condition for addition to time and savings deposits for assessment purposes, the amount obtained by multiplying the amount of total deposits shown in the report of condition by such factor.

(2) The reporting bank may use either of the following experience factors in reporting unposted debits for deduction from the assessment base:

(i) *Separate experience factors for deductions from demand deposits and from*

time and savings deposits. The factor for:

(a) Demand deposits shall be the percentage obtained by dividing the average amount of unposted debits chargeable to demand deposits which were claimed as deductions in the certified statements for the assessment base days in the last two years prior to January 1, 1961, or, if not claimed as a deduction thereunder, the amount of such unposted debits deducted from deposit liabilities before entry in such certified statements, by the average amount of total demand deposits shown on the books of the bank on such base days; and

(b) Time and savings deposits shall be the percentage obtained by dividing the average amount of unposted debits chargeable to time and savings deposits which were claimed as deductions in the certified statements for the assessment base days in the last two years prior to January 1, 1961, or, if not claimed as a deduction thereunder, the amount of such unposted debits deducted from deposit liabilities before entry in such certified statements, by the average amount of total time and savings deposits shown on the books of the bank on such base days.

There shall be separately stated in the report of condition for deduction from demand deposits for assessment purposes, the amount obtained by multiplying the amount of total demand deposits shown in the report of condition by the factor for demand deposits, and for deduction from time and savings deposits for assessment purposes the amount obtained by multiplying the amount of total time and savings deposits shown in the report of condition by the factor for time and savings deposits. In the event that the records of the bank show the total amount of unposted debits which were claimed as deductions in certified statements for the assessment base days in the last two years prior to January 1, 1961 or deducted from deposit liabilities before entry in such certified statements, but do not show the amounts thereof segregated as to those chargeable to demand deposits and to time and savings deposits, the bank may determine such segregated amounts for use in determining its separate experience factors hereunder, in the following manner: The bank shall ascertain the percentage to total unposted debits, of the unposted debits which are chargeable to demand deposits, and the percentage to total unposted debits, of the unposted debits which are chargeable to time and savings deposits, for the business days in the week commencing on March 15, 1961 and ending on March 21, 1961, both days inclusive, and shall apply such percentages to the average amount of all unposted debits which were claimed as deductions in such certified statements or deducted from deposit liabilities before entry in such certified statements.

(ii) *Single experience factor.* The factor shall be the percentage obtained by dividing the average amount of all unposted debits which were claimed as deductions in the certified statements for the assessment base days in the last two years prior to January 1, 1961, or, if

not claimed as a deduction thereunder, the amount of unposted debits deducted from deposit liabilities before entry in such certified statements, by the average amount of total deposits shown on the books of the bank on such base days. There shall be separately stated in the report of condition for deduction from demand deposits for assessment purposes, the amount obtained by multiplying the amount of total deposits shown in the report of condition by such factor. If the amount of deductions so obtained exceeds demand deposits, the excess thereof may be deducted from time and savings deposits.

(g) *Experience factors for banks with less than two years' experience.* (1) The reporting bank may use either of the following experience factors in reporting unposted credits for addition to the assessment base for two years:

(i) *Separate experience factors for additions to demand deposits and to time and savings deposits.* The factor for each semiannual period for:

(a) Demand deposits shall be the percentage obtained by dividing the amount of unposted credits on March 15, 1961 and thereafter on the first business day of February or August which are creditable to demand deposits by the amount of total demand deposits as shown on the books of the bank at the close of business on the same day; and

(b) Time and savings deposits shall be the percentage obtained by dividing the amount of unposted credits on March 15, 1961 and thereafter on the first business day of February or August which are creditable to time and savings deposits by the amount of total time and savings deposits as shown on the books of the bank at the close of business on the same day.

The bank shall determine, on March 15, 1961 and thereafter on the first business day of February or August until two years' experience has been obtained, the actual amount of unposted credits segregated according to the type of account to which creditable. There shall be separately stated in each report of condition for addition to demand deposits for assessment purposes, the amount obtained by multiplying the amount of total demand deposits shown in the report of condition by the factor for demand deposits for such semiannual period, and for addition to time and savings deposits for assessment purposes the amount obtained by multiplying the amount of total time and savings deposits shown in each report of condition by the factor for time and savings deposits for such semiannual period.

(ii) *Single experience factor.* The factor for each semiannual period shall be the percentage obtained by dividing the amount of all unposted credits on March 15, 1961 and thereafter on the first business day of February or August by the total deposits as shown on the books of the bank at the close of business on the same day. The bank shall determine, on March 15, 1961 and thereafter on the first business day of February or August until two years' experience has been obtained, the actual amount of all unposted credits. There shall be separately stated

in each report of condition for addition to time and savings deposits for assessment purposes, the amount obtained by multiplying the amount of total deposits shown in the report of condition by the factor for such semiannual period.

(iii) *Permanent experience factor.* When two years' experience has been obtained under this paragraph, a new factor shall be computed and used for the ninth and subsequent reports of condition. This factor shall be the percentage obtained by dividing the aggregate amount of the unposted credits by the aggregate amount of the deposits, which were used in establishing each factor for the four preceding semiannual periods.

(2) Reporting bank may use either of the following experience factors in reporting unposted debits for deduction from the assessment base for two years:

(i) *Separate experience factors for demand deposits and for time and savings deposits.* The factor for each semiannual period:

(a) Demand deposits shall be the percentage obtained by dividing the amount of unposted debits on March 15, 1961 and thereafter on the first business day of February or August which are chargeable to demand deposits by the amount of total demand deposits as shown on the books of the bank at the close of business on the same day; and

(b) Time and savings deposits shall be the percentage obtained by dividing the amount of unposted debits on March 15, 1961 and thereafter on the first business day of February or August which are chargeable to time and savings deposits by the amount of total time and savings deposits as shown on the books of the bank at the close of business on the same day.

The bank shall determine, on March 15, 1961 and thereafter on the first business day of February or August until two years' experience has been obtained, the actual amount of unposted debits segregated according to the type of account against which chargeable. There shall be separately stated in each report of condition for deduction from demand deposits for assessment purposes, the amount obtained by multiplying the amount of total demand deposits shown in the report of condition by the factor for demand deposits for such semiannual period, and for deduction from time and savings deposits for assessment purposes the amount obtained by multiplying the amount of total time and savings deposits shown in the report of condition by the factor for time and savings deposits for such semiannual period.

(ii) *Single experience factor.* The factor for the semiannual period shall be the percentage obtained by dividing the amount of all unposted debits on March 15, 1961 and thereafter on the first business day of February or August by the total deposits as shown on the books of the bank at the close of business on the same day. The bank shall determine, on March 15, 1961 and thereafter on the first business day of February or August until two years' experience has been obtained, the actual amount of all unposted debits. There

shall be separately stated in each report of condition for deduction from demand deposits for assessment purposes, the amount obtained by multiplying the amount of total deposits shown in the report of condition by the factor for such semiannual period. If the amount of deductions so obtained exceeds demand deposits, the excess thereof may be deducted from time and savings deposits.

(iii) *Permanent experience factor.* When two years' experience has been obtained under this paragraph, a new factor shall be computed and used for the ninth and subsequent reports of condition. This factor shall be the percentage obtained by dividing the aggregate amount of the unposted debits by the aggregate amount of the deposits, which were used in establishing each factor for the four preceding semiannual periods.

(3) When it is impractical to segregate the amounts of unposted credits or debits outstanding in a "branch clearings" account or similar account or to segregate such unposted credits or debits between demand deposits and time and savings deposits in computing a factor or factors under this paragraph, such amounts may be ascertained in accordance with computation methods approved by the Corporation, upon application of the bank to the Corporation for permission to compute such amounts.

(h) *Experience factors for newly insured banks.* A newly insured bank may determine its experience factors in the same manner as that provided for banks with less than two years' experience in subparagraphs (1) and (2) of paragraph (g) of this section, except that in preparing its first report of condition for assessment purposes it shall determine the actual amounts of unposted credits, debits and deposits on a day designated by the Corporation, instead of on the first business day of February or August.

(i) *Mergers, consolidations, deposit assumptions, and conversions.* The continuing or resulting bank in a merger, consolidation or deposit assumption transaction, involving one or more banks which used an experience factor, shall use new experience factors based on the combined experience of the participating banks for the two-year period prior to such transaction or may establish a new factor or factors in accordance with paragraph (g) of this section. A bank resulting from the conversion of a bank shall continue to use the experience factors of the converted bank.

(j) *Use of experience factor.* Experience factors for the computation of unposted credits or unposted debits or both, once established by any bank and approved by the Corporation, must continue to be used for a period of at least three years and until a new factor or factors are established with the approval of the Corporation or until such time as the accounting methods of the bank are changed to show actual amounts thereof from day to day.

(k) *Bank establishing new experience factors.* Upon thirty days' written notice to the Corporation, a bank may establish new permanent factors in the manner provided in subparagraphs (1) and (2)

of paragraph (g) of this section: *Provided, however,* That until such new permanent factors have been determined and approved in writing by the Corporation the bank shall continue to use its pre-established factors.

(l) *Corporation requiring new experience factors.* The Corporation may require a bank to establish new factors at any time as provided in subparagraphs (1) or (2), or both, of paragraph (g) of this section, and for this purpose may designate a day or days and a period or periods other than those specified therein for the determination of deposits and the actual amounts of unposted credits or unposted debits, or both. When such new factor or factors have been computed either by the bank or the Corporation and have been approved in writing by the Corporation, the bank shall use such new factor or factors for reports of condition filed thereafter.

(m) *Notice to Corporation of changes in accounting methods.* When a bank changes its accounting procedures from those used in the period in which its experience factors were established, in such manner as to increase or decrease the amount of unposted credits or unposted debits, it shall promptly give written notice to the Corporation of such change.

§ 327.2 Classification of deposits.

(a) The deposits to be reported in the reports of condition required to be made under section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817) shall be segregated between the time and savings deposits and the demand deposits.

(b) The time and savings deposits for the purpose of such reports and for the computation of assessments as provided in subsection (b) of section 7 of the Act (12 U.S.C. 1817) shall consist of:

(1) Time certificates of deposit evidenced by an instrument providing on its face that the amount of such deposit is payable on a certain date not less than thirty days after the date of deposit, at the expiration of a specified period not less than thirty days after the date of the instrument, or upon written notice to be given not less than thirty days before the date of payment;

(2) Time deposits, open account, being a deposit other than a time certificate of deposit or a savings deposit, with respect to which there is in force a written contract with the depositor that neither the whole nor any part of such deposit may be withdrawn prior to the date of maturity which shall not be less than thirty days after the date of the deposit or prior to the expiration of the period of notice which must be given by the depositor in writing not less than thirty days in advance of withdrawals, including deposits such as Christmas club accounts and vacation club accounts, which are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than three (3) months, even though some of the deposits are made within thirty (30) days from the end of such period; and

(3) Deposits accumulated for the payment of personal loans representing the

aggregate of amounts which are accumulated by borrowers for payment of personal loans in accounts opened by borrowers in connection with personal loans (whether or not the bank maintains a separate personal loan department) and which, under contracts between the bank and the borrowers, do not immediately reduce the unpaid balances of the loans but are assigned or pledged to assure repayment of the personal loans at maturity, except that amounts received by the bank which under contracts with the borrowers constitute installment payments on personal loans and immediately reduce the unpaid balances of the loans even though recorded on separate accounts on the books of the bank shall not be reported as deposits; and

(4) Savings deposits being deposits evidenced by a passbook or written receipt or agreement (i) deposited to the credit of one or more individuals or of a corporation, association, or other organization operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes and not operated for profit, or (ii) in which the entire beneficial interest is held by one or more individuals or by such a corporation, association, or other organization and in respect to which (iii) the depositor is required, or may at any time be required, by the bank to give notice in writing of an intended withdrawal not less than thirty (30) days before such withdrawal is made and (iv) withdrawals are permitted in only two ways, either upon presentation of a passbook, if any, through payment to the person presenting the passbook, or without presentation of a passbook, through payment to the depositor himself but not to any other person, whether or not acting for the depositor.

(c) Demand deposits shall consist of all deposits other than time and savings deposits.

§ 327.3 Payment of assessments by banks whose insured status has terminated.

(a) *Assumed deposits of terminating bank become deposits of assuming bank.* When the deposit liabilities of an insured bank are assumed by another insured bank the assumed deposits, for assessment purposes, shall be deposit liabilities of the assuming bank and shall cease to be deposit liabilities of the bank whose deposits are assumed from and after the effective date of the assumption.

(b) *Payment of assessments by assuming bank on assumed deposits of terminating bank.* Where the deposit liabilities of an insured bank are assumed by another insured bank and the assuming bank agrees to file the Certified Statement which the terminating bank is required to file, the filing of such Certified Statement and the payment of the assessment thereon by the assuming bank shall be deemed the acts of the terminating bank: *Provided,* That the requisite notice of assumption¹ be given

¹ The requisite notice of assumption shall be the notice prescribed in § 307.3 of this chapter.

to the depositors of the terminating bank, and *Provided further*, That such Certified Statement shall be filed separately from that required to be filed by the assuming bank.

(c) *Resumption of insured status before insurance of deposits ceases.* If a bank whose insured status has been terminated under section 8 (a) or (b) of the Federal Deposit Insurance Act, makes application to the Corporation, before the insurance of its deposits shall have ceased, to be permitted to continue or to resume its status as an insured bank and if the Board of Directors grants the application, the bank will be deemed, for assessment purposes, to continue as an insured bank and must thereafter furnish Certified Statements and pay assessments as though its insured status had not been terminated. For the procedure to be followed in making such application, see § 303.7 of this chapter.

§ 327.4 Time of payment.

Each insured bank shall pay to the Corporation the amount of the semiannual assessment due to the Corporation, as shown on its Certified Statement,* at the time such statement is required to be filed under section 7 (c) of the Federal Deposit Insurance Act.

B. Part 326 of the Corporation's rules and regulations, relating to bank obligations prescribed as deposits, is repealed effective January 16, 1961, because of the amendment of the definition of the term "deposit" in subsection (1) of section 3 of the Federal Deposit Insurance Act, as amended by Public Law 86-671, approved July 14, 1960 and effective on January 1, 1961 except as to the determination and payment of assessments due on January 15, 1961 (12 U.S.C. 1813 (1)): *Provided*, That rights and liabilities existing on or before January 1, 1961, with respect to insured deposits, and existing on or before January 15, 1961 with respect to the determination and payment of assessments, are not affected by such repeal.

As the repeal of Part 326 as provided herein and the following amendments of §§ 301.1, 303.5, 304.1, 304.2 and 304.3 do not diminish the rights of insured banks, notice of them as proposed rules is found to be unnecessary. Further, it is found that the effective date of the amendment of Part 327 and of the repeal of Part 326 as provided herein should not be deferred for thirty days, because of the effective dates of the amendments of the Federal Deposit Insurance Act by Public Law 86-671, approved July 14, 1960, and the effective date of the other amendments should not be deferred for thirty days, because they relate to applications, reports and forms and do not impose additional substantive burdens upon insured banks.

The following amendments of the rules and regulations of the Corporation are adopted effective January 16, 1961:

§ 301.1 [Amendment]

1. In § 301.1 delete the following: "(Act of Sept. 21, 1950, Pub. Law 797, 81st Cong.)" and substitute therefor the following: "(12 U.S.C. 1811-1831)."

* See §§ 304.1 and 304.3 of this chapter.

§ 303.5 [Amendment]

2. Paragraph (c) of § 303.5 is amended to read as follows:

(c) *Merger, consolidation, asset acquisition or assumption transaction between insured banks.* Application by an insured bank for the consent of the Corporation to merge or consolidate with, acquire the assets of, or assume the liability to pay any deposits made in, another insured bank—when the resulting or assuming bank is to be an insured State nonmember bank (except a District bank)—together with copies of all agreements or proposed agreements relating thereto, including the charter or articles of incorporation of the resulting or assuming bank, should be filed with the Supervising Examiner of the Federal Deposit Insurance District in which the resulting or assuming bank is located. The appropriate form of application and instructions for completing the same may be obtained upon request from the office of said Supervising Examiner.

§ 304.1 [Amendment]

3. In § 304.1 delete the words "and pursuant to the instructions" in the first sentence and delete the words "and instructions for completing the same" in the second sentence.

§ 304.2 [Amendment]

4. In § 304.2 delete the words "by the board of directors pursuant to law" in the first sentence and add at the end of the section the following sentence: "Each insured national bank and each insured District bank at the time of making reports of conditions to the Comptroller of the Currency and each insured State member bank at the time of making reports of condition to the Federal Reserve bank, required under the Federal Deposit Insurance Act, shall furnish an executed and attested copy thereof to the Corporation."

§ 304.3 [Amendment]

5. In paragraph (a) of § 304.3 insert after the words "other application" in the third sentence the words "may be".

6. In paragraph (d) of § 304.3 delete the words "other application retained by the bank as part of its permanent records" in the third sentence and substitute therefor the words "other application may be retained by the bank".

7. In paragraph (g) of § 304.3 delete the words "other application retained in the files of the bank as part of its permanent records" in the fourth sentence and substitute therefor the words "other application may be retained by the bank".

8. Amend § 304.3 by redesignating paragraphs (i) through (u) as paragraphs (j) through (v), respectively, and by adding a new paragraph (i) to read as follows:

(i) *Form 86: Application for merger, consolidation, asset acquisition or assumption.* The bank applying for prior written consent to merge with, consolidate with, acquire the assets of, or assume liability to pay deposits made in, another bank or institution, pursuant to section 18(c) of the Federal Deposit Insurance Act and for the establishment of branches incident thereto pursuant to

section 18(d) of the Act is required to submit statements, representations, and information with respect to the several factors enumerated in said section 18(c). Twelve copies of the application and all documents, schedules and exhibits, including the agreement between the participating banks and the charter or articles of incorporation of the resulting or assuming bank, are to be executed by an authorized officer with the bank's corporate seal affixed and forwarded to the Supervising Examiner. The Corporation will furnish the applicant bank with a form of the notice (Form 116) for publication provided for in said section 18(c).

9. In redesignated paragraph (k) of § 304.3 delete the words "one copy retained in the bank's files" in the fifth sentence and substitute therefor the words "one copy may be retained by the bank".

10. In redesignated paragraph (l) of § 304.3 delete the parenthetical statement "(Short form)" wherever it appears in said paragraph, and at the end of the first sentence add the words "and information for assessment purposes".

11. In redesignated paragraph (m) of § 304.3 delete the parenthetical statement "(Short form)".

12. Section 304.3 is amended by deleting redesignated paragraphs (q) through (v), inclusive, and substituting therefor the following paragraphs (q) through (y):

(q) *Form 545: Certified Statement (for banks other than mutual savings).* A Form 545 must be submitted on or before January 31 and July 31 of each year by every insured bank, except any newly insured banks which must submit their First Certified Statement on Form 645, and any mutual savings banks which must use Form 545 (Savings). Form 545 shows the deposit liabilities, less authorized deductions, reported in two reports of condition in each semiannual assessment period. The form will show the computation of the assessment base and the amount of the assessment due the Corporation. It must be prepared in duplicate, certified by the president of the bank or any other officer designated by its board of directors and an original must be forwarded to the Fiscal Agent. The duplicate copy should be retained in the bank's file. The forms are mailed to all insured banks each six months in ample time to permit compliance with the law, but if not received on or before January 1 or July 1, they should be obtained from the

* Section 7(b)(6) of the Federal Deposit Insurance Act, which relates to assessment base deductions, provides, in part, as follows: "Each insured bank, as a condition to the right to make any such deduction in determining its assessment base, shall maintain such records as will readily permit verification of the correctness of its assessment base. No insured bank shall be required to retain such records for such purpose for a period in excess of five years from the date of the filing of any certified statement, except that when there is a dispute between the insured bank and the Corporation over the amount of any assessment the bank shall retain such records until final determination of the issue."

Fiscal Agent. Any questions in respect to such forms should be directed to the Fiscal Agent.

(r) *Form 545 (Savings): Certified Statement (for mutual savings banks)*. This form is substantially the same as Form 545, and should be used by mutual savings banks.

(s) *Form 645: First Certified Statement (for banks other than mutual savings)*. The First Certified Statement, Form 645, must be submitted on or before July 31 or January 31 following the semiannual period in which the bank began operation as an insured bank. The form shows the deposit liabilities, less authorized deductions, as provided by law, on the last date within such period for which it was required to submit a report of condition or if such bank became an insured bank after the last date in such period for which a report of condition was required, such bank shall make a report of condition as of the last day of such semiannual period, and shall file with the Corporation a Certified Statement showing, as its assessment base for such period, its assessment base for the date of such special report. The form will show the computation of the assessment base and the amount of the assessment due the Corporation. It must be prepared in duplicate, certified by the president of the bank or any other officer designated by its board of directors, and the original must be forwarded to the Fiscal Agent. The duplicate copy should be retained in the bank's file.⁴ The forms will be mailed by the Fiscal Agent to newly insured banks with appropriate instructions for their preparation.

(t) *Form 645 (Savings): First Certified Statement (for mutual savings banks)*. This form is substantially the same as Form 645 and should be used by mutual savings banks.

(u) *Form 845: Final Certified Statement—for use by an insured bank (except mutual savings banks) whose deposits are assumed by another insured bank*. This statement, Form 845, shows the deposit liabilities, less authorized deductions of the bank in the report or reports of condition prior to the assumption date. Form 845 accompanied by appropriate letter of explanation and instructions will be mailed by the Fiscal Agent to each insured bank whose deposit liabilities are assumed by another insured bank. The form must be prepared in duplicate, certified by the president of the bank or any other officer designated by its board of directors and the original must be forwarded to the Fiscal Agent. The duplicate copy should be retained in the bank's files.⁴ If the deposits of the liquidating bank are assumed by a newly insured bank, the liquidating bank is not required to file Form 845 or to pay any assessments upon the deposits so assumed after the semiannual period in which the assumption takes effect.

(v) *Form 845 (Savings): Final Certified Statement (for mutual savings banks)*. This form is substantially the

same as Form 845 and should be used by mutual savings banks.

(w) *Form 845A: Final Certified Statement—for use of an insured bank (other than mutual savings banks) whose deposit liabilities are assumed by another insured operating bank*. (To be used when the assuming bank executes the Certified Statement for the bank whose deposits were assumed.) Form 845A may be substituted for Form 845 described in paragraph (u) of this section if the assuming bank is executing the Certified Statement for the bank whose deposit liabilities were assumed. Form 845A is prepared in the same manner as Form 845 except the certification is executed by an official of the assuming bank.

(x) *Form 845A (Savings): Final Certified Statement—for use of an insured mutual savings bank whose deposit liabilities are assumed by another insured operating bank*. (To be used when the assuming bank executes the Certified Statement for the bank whose deposits were assumed.) Form 845A (Savings) may be substituted for Form 845 (Savings) described in paragraph (v) of this section if the assuming bank is executing the Certified Statement for the bank whose deposit liabilities were assumed. Form 845A (Savings) is prepared in the same manner as Form 845 (Savings) except the certification is executed by an official of the assuming bank.

(y) *Amended and corrected Certified Statements*. Forms for use in amending or correcting previously submitted Certified Statements are identical in number and form with Forms 545, 645, 845 and 845A (for other than mutual savings banks) and Forms 545 (Savings), 645 (Savings), 845 (Savings), and 845A (Savings) described above except the title of the form contains the additional word "Amended" or "Corrected". These forms may be obtained on request from the Fiscal Agent.

FEDERAL DEPOSIT INSURANCE
CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 61-359; Filed, Jan. 13, 1961;
8:53 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 245; Special Civil Air Reg.
SR444]

PART 60—AIR TRAFFIC RULES

Jet Advisory Areas

Draft Release No. 60-2, published in the FEDERAL REGISTER on January 15, 1960 (25 F.R. 610) gave notice that the Federal Aviation Agency proposed the adoption of a Special Civil Air Regulation establishing jet advisory areas and certain requirements for flight therein.

With the advent of commercial turbojet air carrier operations in the United States, procedures were adopted to provide an increased measure of flight safety

for such operations. Through the co-operation of the Air Defense Command of the Department of the Air Force, selected long-range radar facilities of that Command were jointly used and the Federal Aviation Agency provides flight following and traffic advisory service to United States turbojet air carrier flights as well as to some aircraft of foreign registry. This service does not provide positive separation. It does, however, provide an increased degree of safety by advising pilots of the presence of other aircraft and by providing guidance with respect to the most effective manner to avoid collision.

Comments received in response to the draft release reflected general endorsement of the principles of the proposal, but recommended some modifications.

The proposal would require that air carrier turbojet aircraft operating within the continental control area and engaged in the carriage of passengers in scheduled air transportation be flown within airspace designated as a "jet advisory area." A jet advisory area would be a designated area of airspace within which special operating rules apply to enhance the safety of air carrier turbojet flight. Such rules would require that air carrier turbojet aircraft be operated in accordance with the Instrument Flight Rules of Part 60 of the Civil Air Regulations during all flight above 24,000 feet within the continental control area. They would also require that all air carrier turbojet aircraft be equipped with a functioning radar beacon transponder. It has since been determined that these provisions, bearing solely upon scheduled air carrier operations, should not be made a part of the Air Traffic Rules but should become a part of the regulations governing air carrier operations. For this reason, the proposed more restrictive operating rules, applicable solely to air carrier operations, do not appear in the final rule.

The International Air Transport Association (IATA) supported the proposed amendment but expressed concern with respect to the effective date of the requirement for a radar beacon transponder. Their problem stems from contemplated changes in internationally acceptable equipment specifications for the radar beacon transponders. The IATA has recommended that the effective date of the radar transponder equipment requirement for foreign air carrier turbojet aircraft be established at a date sufficiently in the future to permit international agreement on the matter as well as to provide an adequate period of time for installation of equipment after such agreement is reached. The Agency has concluded that the IATA recommendation is reasonable and valid and any future regulation will provide a reasonable period of time for equipment installation after international radar beacon transponder equipment specifications are resolved.

The Department of the Air Force acknowledged the necessity of the proposed rules, but did not concur with the proposed lateral dimensions of the jet advisory areas or with the extension of

⁴ See footnote on page 291.

the nonradar jet advisory areas. In its comment, the Department of the Air Force contended that the establishment of jet advisory areas, 32 miles in width, would result "in a 60 percent increase in separation criteria." It states that no formal agreement to increase the current standards with respect to the jet routes has been reached, nor have statistics been developed to establish that such an increase is either necessary or desirable. The Department of the Navy also objected to expansion of nonradar jet advisory areas to flight levels 370-390.

Radar advisory areas, which comprise 90 percent of the airspace affected, are now 40 miles wide and such width will be reduced a minimum of 8 miles by the implementation of the rule. With regard to the expansion of nonradar advisory areas, which are presently 20 miles wide and exist only at flight levels 270-310, inclusive, the Agency recognizes that the number of such areas should be reduced insofar as possible. It is anticipated that such a reduction will result from the utilization of new flight checking procedures which will permit the establishment of radar advisory areas with a floor in excess of 24,000 feet. Thus, the overall effect will be to reduce the airspace within which the new rules will apply.

Certain language contained in the proposal has been modified to more clearly state the intent of the rule. Paragraphs 2 (a) and (b) now clearly state that radar and nonradar jet advisory areas will not have dimensions in excess of 16 statute miles on either side of specified jet routes. The applicability paragraph has been revised to more clearly indicate the scope of the rule. It is emphasized that this regulation does not effect flight advisory areas located outside the continental control area.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted to become effective on February 14, 1961.

Jet Advisory Area Rules

1. *Applicability.* The air traffic rules contained in this regulation shall apply to the operation of all aircraft in jet advisory areas located within the continental control area.

2. *Jet advisory areas.* As used in this regulation, the term "jet advisory areas" means airspace so designated in the Regulations of the Administrator, within which the air traffic rules contained in this Special Civil Air Regulation apply for the purpose of providing additional traffic advisory service for U.S. and foreign scheduled air carrier aircraft.¹

(a) Nonradar jet advisory areas have a lateral dimension of not more than 16 statute miles on either side of specified jet

routes between flight levels 270 and 310, inclusive and 370 and 390, inclusive.

(b) Radar jet advisory areas have a lateral dimension of not more than 16 statute miles on either side of specified jet routes between 24,000 feet mean sea level and flight level 390, inclusive.

(c) Terminal radar jet advisory areas are those areas between 24,000 feet mean sea level and flight level 390, inclusive, designated to provide for the arrival and departure requirements of major air terminals.

3. *Operating rules.* In addition to the air traffic rules of Part 60, the following rules apply to any aircraft when operated within jet advisory areas in accordance with VFR, or in accordance with IFR when cleared to maintain "VFR conditions" or "VFR conditions on top."

(a) *In radar jet advisory areas.* (i) Aircraft equipped with a functioning radar beacon transponder shall operate the transponder to reply on such mode and/or code as may be specified by air traffic control for the area in which flight is conducted.²

(ii) Aircraft not equipped with a functioning radar beacon transponder shall obtain specific prior authorization from air traffic control, except that in the event of radio failure precluding the obtaining of authorization, such flights may transit jet advisory areas by maintaining the appropriate VFR cruising flight level specified in § 60.32 of the Civil Air Regulations.

(b) *In nonradar jet advisory areas.* All aircraft, including those equipped with a functioning radar beacon transponder, shall obtain specific authorization from air traffic control prior to operating within the area of nonradar coverage of a jet advisory area.

(Secs. 313(a), 307(c) of the Federal Aviation Act of 1958, 72 Stat. 752, 749; 49 U.S.C., 1354, 1348)

Issued in Washington, D.C., on January 9, 1961.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 61-286; Filed, Jan. 13, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7697 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Atlas Sewing Centers, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees*; § 13.140 *Old, reclaimed or reused product being new*; § 13.155 *Prices*; § 13.155-10 *Bait*; § 13.155-45 *Fictitious marking*; § 13.157 *Prize contests*.

(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, Atlas Sewing Centers, Inc. (Miami, Fla.), et al., Docket 7697, Oct. 27, 1960]

² Mode and/or code requirements and other detailed operational procedures for the radar beacon transponder are published in the Airman's Guide and are also depicted on Flight Information Publication—"En Route—High Altitude (U.S.)" and U.S. Coast and Geodetic Survey Radio Facility Chart—"High Altitude—En Route."

In the Matter of Atlas Sewing Centers, Inc., a Corporation, Herbert Kern, Theodore O. Kaplen, and Charlotte L. Blackburn, Individually and as Officers of Said Corporation, and Leo Kern, Individually and as Chairman of the Board of Directors of Said Corporation

Consent order requiring a large sewing machine and vacuum cleaner chain, with headquarters in Miami, Fla., transacting business through 36 subsidiary corporations which operated some 50 retail stores in 22 States, to cease using bait advertising, fictitious pricing, and deceptive contests to obtain leads to prospective purchasers, and to cease claiming that repossessed or traded-in sewing machines and vacuum cleaners were new and that merchandise was guaranteed.

The order to cease and desist is as follows:

It is ordered, That respondent Atlas Sewing Centers, Inc., a corporation, and its officers, and respondents Herbert Kern, Theodore O. Kaplen and Charlotte L. Blackburn, individually and as officers of said corporation, and Leo Kern, individually and as Chairman of the Board of Directors of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machines and vacuum cleaners, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That said merchandise is offered for sale when such offer is not a bona fide offer to sell the merchandise so offered;

2. That awards or prizes are of a certain value or worth, unless in using such awards or prizes the recipients thereof are benefited by, or save the amount of, the stated value or worth of such prizes or awards;

3. That any price is respondents' usual and regular retail price of said merchandise when it is in excess of the price at which said merchandise is usually and customarily sold at retail in their normal course of business;

4. That sewing machines and vacuum cleaners which are trade-ins or have been repossessed are new, or otherwise failing to clearly reveal that sewing machines and vacuum cleaners which are trade-ins or have been repossessed are trade-ins or repossessed, as the case may be;

5. That said merchandise sold or offered for sale is guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

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

¹ Jet advisory areas (radar and nonradar) are also depicted on Flight Information Publication—"En Route—High Altitude (U.S.)" published by the Aeronautical Chart and Information Center, Air Photographic and Charting Service (MATS), USAF, Second and Arsenal Streets, St. Louis 18, Missouri, and on the U.S. Coast and Geodetic Survey Radio Facility Chart entitled—"High Altitude—En Route," compiled and printed in Washington, D.C., by the U.S. Department of Commerce.

form in which they have complied with the order to cease and desist.

Issued: October 27, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 61-295; Filed, Jan. 13, 1961;
8:46 a.m.]

[Docket 7840 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Cutter Laboratories, Inc.

Subpart—Discriminating in price under sec. 2, Clayton Act—Price discrimination under 2(a): § 13.700 *Arbitrary or improper functional discounts*; § 13.730 *Customer classification*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Cutter Laboratories, Inc. (legal successor to Cutter Laboratories), Berkeley, Calif., Docket 7840, October 27, 1960]

Consent order requiring manufacturers of human and veterinary biologicals and pharmaceuticals in Berkeley, Calif., to cease discriminating in price in violation of section 2(a) of the Clayton Act through classifying its customers into functional categories with results as typical, that a low volume purchaser paid a higher net price than his high volume purchasing competitors in the same group, and all purchasers in one group received a 15% price advantage over competitors in another where both bought less than \$25.

The order to cease and desist is as follows:

It is ordered, That respondent Cutter Laboratories, Inc., a corporation (the legal successor to Cutter Laboratories which was named as respondent in the original complaint), and its officers, representatives, agents and employees, directly or through any corporate or other device, in or in connection with the sale of its products, including human and animal biologicals and pharmaceuticals, in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such products of like grade and quality by selling to any one purchaser at net prices higher than the net price charged to any other purchaser who in fact competes in the resale and distribution of the respondent's products with the purchaser paying the higher price.

It is further ordered, That the allegation of a substantial lessening of competition or tendency toward monopoly in the line of commerce in which the respondent is engaged be dismissed.

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

It is ordered, That respondent Cutter Laboratories, Inc., a corporation (the legal successor to Cutter Laboratories which was named as respondent in the original complaint) shall within sixty

(60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: October 27, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 61-296; Filed, Jan. 13, 1961;
8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55295]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Ports of Entry

JANUARY 9, 1961.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II), Anchorage, Alaska, is hereby designated as a customs port of entry in Customs Collection District No. 31 (Alaska).

Section 1.1(c) of the Customs Regulations is amended by adding "Anchorage, Alaska (T.D. 55295)." in the column headed "Ports of entry" in District No. 31 (Alaska).

(R.S. 161, 251, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66)

Notice of the proposed designation of Anchorage as a customs port of entry was published in the FEDERAL REGISTER of November 18, 1960 (25 F.R. 10994), pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003). No objections to this action were received. It is considered in the best interest of the public that this action be put in effect as soon as possible. For this reason it is found that compliance with the effective date limitations of section 4(c) of that Act serves no good purpose. This Treasury decision shall, therefore, be effective upon publication in the FEDERAL REGISTER.

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 61-330; Filed, Jan. 13, 1961;
8:51 a.m.]

[T.D. 55294]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Baggage Declaration

Customs Form 6064 is a serially numbered baggage declaration with detachable coupon, designed for use at the port of New York for passengers arriving by vessel. At the request of various collectors of customs it has been decided

to permit the use of this form at other ports where the collector believes the use of a numbered form, with coupon, is desirable. Customs Form 6064 has, therefore, been revised to make it suitable for use at all ports and is hereby redesignated as customs Form 6063-B.

Section 10.17(k) of the Customs Regulations is amended by changing 6064 to 6063-B where it appears in the last sentence.

Section 10.21(j) of the Customs Regulations is amended by changing 6064 to 6063-B where it appears in the first sentence.

A new supply of customs Form 6063-B is now being printed and will be available from the Customs Information Exchange in the near future.

[SEAL] LAWTON M. KING,
Acting Commissioner of Customs.

Approved: January 9, 1961.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 61-329; Filed, Jan. 13, 1961;
8:51 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Changes in Drug-Labeling Requirement; Changes in New-Drug Applications; Amendment in Final Order and Changes in Effective Date

On December 9, 1960, the Commissioner of Food and Drugs, pursuant to section 701 of the Federal Food, Drug, and Cosmetic Act and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625) published in the FEDERAL REGISTER (25 F.R. 12592) the final order amending the regulations for the enforcement of the drug and device sections and the new-drug section of the law for the purposes of requiring manufacturers to furnish adequate information for the professional use of prescription drugs and devices and to keep new drugs off the market until the adequacy of manufacturing methods, facilities, and controls have been confirmed by establishment inspection, when required.

Portions of the order were to become effective on January 8, 1961, and other portions were scheduled to become effective on March 9, 1961.

Representatives of the industries involved have demonstrated to the Commissioner that it is impracticable to effect full compliance with those portions of the order scheduled to become effective on January 8, 1961 by that date.

Additionally, the Commissioner concludes that certain portions of the published regulations require clarifying revisions.

Therefore, it is ordered:

1. That the requirements of § 1.106(b) (2) (ii), (iii), (iv), and (v) and 1.106(c) (ii), (iii), (iv), and (v) shall not, until January 1, 1962, be applicable to drugs bearing labels printed prior to January 8, 1961, if the information required by these sections is contained in the labeling within the package from which the drugs are to be dispensed.

2. That the requirements of § 1.106(b) (2) (vi) and 1.106(c) (2) (vi) shall not be applicable, until June 6, 1961, to any carton of a drug packaged prior to January 8, 1961, if the identifying lot or control number appears on the label of the drug contained in that carton.

3. That the provisions of § 1.106 (b) (4), (c) (4), and (d) (4) shall not apply to catalogs and price lists distributed to pharmacists and wholesale druggists (but not to physicians or other practitioners), until January 1, 1962.

4. Section 1.106 *Drugs and devices; directions for use* is amended in the following respects:

a. Paragraph (b) (2) (v) is amended to read as follows:

(v) If it is for other than oral use, the names of all inactive ingredients, except that:

(a) Flavorings and perfumes may be designated as such without naming their components.

(b) Color additives may be designated as coloring without naming specific color components unless the naming of such components is required by a color additive regulation prescribed in Part 8 of this chapter.

(c) Trace amounts of harmless substances added solely for individual product identification need not be named.

(vi) If it is intended for administration by parenteral injection, the quantity or proportion of all inactive ingredients, except that ingredients added to adjust the pH or to make the drug isotonic may be declared by name and a statement of their effect; and if the vehicle is water for injection it need not be named.

b. Paragraph (c) (2) (v) is amended to read as follows:

(v) If it is for other than oral use, the names of all inactive ingredients, except that:

(a) Flavorings and perfumes may be designated as such without naming their components.

(b) Color additives may be designated as coloring without naming specific color components unless the naming of such components is required by a color additive regulation prescribed in Part 8 of this chapter.

(c) Trace amounts of harmless substances added solely for individual product identification need not be named.

(vi) If it is intended for administration by parenteral injection, the quantity or proportion of all inactive ingredients, except that ingredients added to adjust the pH or to make the drug isotonic may be declared by name and a

statement of their effect; and if the vehicle is water for injection, it need not be named.

c. Paragraphs (b) (4) and (c) (4) are amended by inserting in the first sentence, just before the last word "contain", the parenthetical phrase "(other than dose information required by § 1.106 (b) (2) (ii) and (c) (2) (ii))".

5. That the effective date for the amendments published December 9, 1960, scheduled to become effective on January 8, 1961, is hereby changed to February 7, 1961.

Notice and public procedure are not necessary prerequisites to the promulgation of this order since the changes in effective dates and other amendments relax existing requirements.

Effective date. This order shall be effective on the date of signature.

Dated: January 6, 1961.

[SEAL]

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

[F.R. Doc. 61-318; Filed, Jan. 13, 1961;
8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 726—PAYMENT OF AMOUNTS DUE MENTALLY INCOMPETENT MEMBERS OF THE NAVAL SERVICE

Purpose; Convening Authority

Scope and purpose. Part 726 is amended to reflect regulations of the Department of the Navy as recently revised, particularly with respect to members of other uniformed services receiving medical treatment in naval hospitals.

1. Section 726.1 is revised to read as follows:

§ 726.1 Purpose.

This part provides the regulations for the naval service necessary to carry out the provisions of the Act of June 21, 1950 (64 Stat. 249), as amended (37 U.S.C. 351-354), and prescribes procedures for investigating into the mental competency of members of the naval service entitled to pay who are alleged to be incapable of managing their affairs (and such members of the other uniformed services receiving medical treatment by the Department of the Navy), and for effecting payments of amounts due in the accounts of members of the naval service found by competent medical authority to be mentally incapable of managing their own affairs. According to said Act as amended,

competent medical authority shall consist of a board appointed from available medical officers or physicians under his jurisdiction by the head of whichever of the following departments or agencies is providing medical treatment for the member, or by a person designated by the head of that department or agency:

- (1) Department of the Army;
- (2) Department of the Navy;
- (3) Department of the Air Force;

- (4) Department of Health, Education, and Welfare;
- (5) Veterans Administration.

If the hospitalization or medical care of the member is not provided by the United States, the board shall be appointed by the Secretary of the Department having jurisdiction of the member. Each board shall consist of at least three qualified medical officers or physicians one of whom must be specially qualified in the treatment of mental disorders.

§ 726.4 [Amendment]

2. Section 726.4(c) is revised to read as follows:

(c) *Action by the convening authority.*

(1) Upon receipt of information that a member of the naval service is alleged to be incapable of handling his own affairs, the convening authority will convene a board of not less than three medical officers or physicians as required by the Act referred to in § 726.1 to determine if the alleged incompetent is capable of managing his own affairs. At least one of the members of the board, preferably a psychiatrist, shall personally observe the alleged mental incompetent and satisfy himself that the medical record correctly reflects the individual's state of mental health. Such a board shall also be convened upon request by proper authority or upon receipt of information that a member of another uniformed service in a naval hospital is alleged to be mentally incapable of handling his own affairs. The composition of the board shall be in accordance with the Act referred to in § 726.1; medical officers of the uniformed services as members may include those of the Reserve components on active or inactive duty.

(2) The convening authority will insure that the board specially reports, or attaches to its record a signed certification, that the member is mentally capable or incapable of managing his own affairs.

(3) The convening authority will forward one copy of the record and competency certification, in the case of members of the naval service, to the Director;

Army, to the Commanding General, Finance Center, U.S. Army, Indianapolis 49, Indiana (Attention: Settlements Operations in the case of active duty personnel, or Retired Pay Division in the case of retired personnel);

Air Force, to the Air Force Accounting and Finance Center, 3800 York Street, Denver 5, Colorado (Attention: Retired Pay Division in the case of retired personnel);

Coast Guard, to the Commandant, U.S. Coast Guard (Code PS), 1300 E Street NW., Washington 25, D.C.;

Coast and Geodetic Survey, to the Director, Coast and Geodetic Survey, Washington 25, D.C.;

Public Health Service, to the Chief, Division of Personnel, Public Health Service, Department of Health, Education, and Welfare, Washington 25, D.C.,

to be used as the medical basis for a trustee appointment in the case of a finding that a member is incapable of managing his own affairs, or, if found capable of handling his own affairs, the medical basis for termination of a trusteeship where previously established on a finding of incompetency.

(4) In addition, the convening authority will in the case of a finding of incompetency set forth in his forwarding endorsement the name, relationship, and address of the member's next of kin, and such other pertinent data as shall be available to appoint a trustee to receive amounts which are or may become payable to the member except where a trustee or other legal representative had already been appointed as the result of a prior determination of mental incapacity, such as when originally placed on the temporary disability retired list or prior determination of mental incapacity as the result of a previous periodic physical examination.

(5) In addition, where a member of the naval service is found to be mentally incapable of managing his own affairs and a trustee or other legal representative to receive the pay of the individual has not been appointed, the convening authority shall immediately notify the Navy or Marine Corps disbursing officer holding the member's active-duty pay account or the Commanding Officer, U.S. Navy Finance Center, Cleveland 14, Ohio, or the Commandant of the Marine Corps (CDH), Washington 25, D.C., in the case of retired members and personnel of the Fleet Reserve of the Navy and Naval Reserve, or retired members and personnel of the Fleet Marine Corps Reserve of the Marine Corps and Marine Corps Reserve, respectively, and request that the member's pay account be placed in a suspended status pending the appointment of a trustee by the Director or the appointment of a committee, guardian, or other legal representative by a court of competent jurisdiction. The convening authority will at the same time advise the Director when this has been done.

(Sec. 5031, 70A Stat. 278, as amended, secs. 1-4, 64 Stat. 249, as amended; 10 U.S.C. 5031, 37 U.S.C. 351-354)

By direction of the Secretary of the Navy.

[SEAL] W. C. MOTT,
Rear Admiral, U.S. Navy, Judge
Advocate General of the Navy.

JANUARY 9, 1961.

[F.R. Doc. 61-284; Filed, Jan. 13, 1961;
8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 61—MONEY ORDERS

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Money Orders; Parcel Post to Laos

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

I. In § 61.1 *Issuance of domestic money orders*, as published in Federal Register document 60-11863, 25 F.R. 13218, amend subparagraph (2) of paragraph (c) for the purpose of clarification to read as follows:

(c) *Putting amount, dating stamp, and initials on money order.* * * *

(2) *Dating stamp and initials.* The employee who issues the money order shall put the all-purpose dating stamp (Item 570) and his initials, in ink, in the spaces provided on form.

NOTE: The corresponding Postal Manual section is 171.132.

(R.S. 161, as amended, secs. 501, 5101-5105, 74 Stat. 580, 680, 681 (Pub. Law 86-682); 5 U.S.C. 22, 39 U.S.C. 501, 5101-5105)

II. In § 168.5 *Individual country regulations* the country "Laos", as amended by Federal Register document 60-7411, 25 F.R. 7532-7533, Federal Register document 60-8922, 25 F.R. 9174-9176, is further amended by adding the following immediately below the heading "Parcel Post" as a result of action taken by that country:

Postal Administration of Laos has announced that all post offices in that country other than Vientiane are closed to parcel post service. Therefore surface and air parcels for Laos, unless addressed for delivery at Vientiane, will not be accepted for mailing until further notice.

(R.S. 161, as amended, secs. 501, 505, 74 Stat. 580, 581 (Pub. Law 86-682); 5 U.S.C. 22, 39 U.S.C. 501, 505)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 61-315; Filed, Jan. 13, 1961;
8:49 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 7—International Cooperation Administration

PART 7-60—CONTRACT APPEAL PROCEDURE

- | | |
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AUTHORITY: §§ 7-60.1 to 7-60.27 issued under sec. 521, 68 Stat. 855, as amended; 22 U.S.C. 1781(a).

§ 7-60.1 Scope.

Except to the extent otherwise provided pursuant to § 7-60.26 (Optional accelerated procedure for cases involving \$5,000 in amount or less), §§ 7-60.2 through 7-60.25 govern the procedure in all cases before the Board. They shall be construed for the purpose of securing just and inexpensive determination of appeals without unnecessary delay. All pleadings provided for hereunder shall be so construed as to do substantial justice.

§ 7-60.2 Definitions.

As used in this part, the terms:

(a) "Contracting officer" includes any officer or other authority whose decision may be reviewed by the Board pursuant to the order creating the Board.

(b) "Board" means the full Board, panel, panel chairman, member, or Executive Secretary, as may be appropriate.

§ 7-60.3 Notice of appeal.

(a) An appeal shall be made by submitting a notice in writing addressed to the Director of the International Cooperation Administration, Washington 25, D.C. The original notice, together with the two copies thereof, shall be mailed to or otherwise filed with the contracting officer from whose decision the appeal is taken. The notice shall be mailed or otherwise filed with the contracting officer within 30 days from the date of receipt of the written decision from the contracting officer, unless otherwise provided in the contract. The notice shall indicate that an appeal is thereby intended, and shall identify the contract (by number), the contracting officer, and the decision from which the appeal is taken. The notice shall be signed by the contractor or his attorney and shall state the address to which communications from the Board and Government counsel should be sent and where service is to be made. The complaint referred to in § 7-60.6 may be filed with the notice.

§ 7-60.4 Action by contracting officer.

(a) When the contracting officer receives a notice of appeal in any form, he shall endorse on the original and all copies the date of mailing or the date of receipt if otherwise filed and shall forward the original and one copy of the notice, together with the complaint if filed therewith, immediately to the Board for docketing. Within 15 days after he receives the notice, the contracting officer shall transmit one copy to the Assistant General Counsel (Contract Staff) for the use of Government counsel accompanied by a file containing all documents pertinent to the appeal, including the following:

(1) The findings of fact and the decision from which the appeal is taken and the letter or letters or other documents of claim in response to which the decision was issued;

(2) All documents relied upon in making the findings and decision;

(3) A copy of the contract and specifications, pertinent plans, amendments, and change orders;

(4) All correspondence between the parties and other data pertinent to the dispute;

(5) Transcripts of any testimony taken in connection with the dispute in addition to any affidavits or statements of any witnesses that were made prior to the filing of the notice of appeal with the Board; and

(6) Such additional information as the contracting officer may consider material.

(b) Clearly legible duplicate originals, photostat copies, or certified true copies of the documents should be furnished. The contracting officer should retain the original contract file and an original or duplicate original of each contract in his contract file unless otherwise specifically requested.

(c) The contracting officer and all other officers and employees of ICA shall cooperate with the Board and Government counsel in the processing of the appeal so as to assure a speedy and just settlement.

§ 7-60.5 Docketing and notice to contractor.

When the Board receives the notice of appeal for docketing, the Executive Secretary shall assign it a docket number, shall promptly so advise the contractor and contracting officer, shall forward a copy of these rules to the contractor, and shall forward a copy of the notice of appeal to the Assistant General Counsel (Contract Staff).

§ 7-60.6 Complaint.

Within 30 days after receipt of notice of docketing of the appeal, or within such longer time as may be allowed by the Board, the contractor shall file with the Board, if not previously filed with the notice of appeal, a complaint setting forth simple, concise, and direct statements of each of his claims showing that he is entitled to relief including the dollar amount claimed. If the amount claimed involves \$5,000 or less, he may, in his complaint, request that the appeal be handled under the optional accelerated procedure (§ 7-60.26). Each claim shall be stated with as much particularity as is practical. No technical form is required, but each claim should be separately identified. Documentary evidence in support of claims may be filed as exhibits to the complaint. All documents filed as exhibits to the complaint shall be plainly listed and identified in the complaint. An original and three copies of the complaint shall be filed. Upon receipt thereof, the Executive Secretary of the Board shall serve a copy of the complaint on the Assistant General Counsel (Contract Staff).

§ 7-60.7 Answer.

Within 60 days after service of the complaint, or within such longer period of time as may be allowed by the Board, counsel for the Government shall prepare and file with the Board an answer thereto. The answer shall set forth simple, concise, and direct statements of the Government's defenses to each claim asserted by the contractor. Each defense shall be stated with as much particularity as is practical. Defenses which go

to the jurisdiction of the Board may be included in the answer, or may be raised by motion pursuant to the provisions of § 7-60.12. If the contractor requests recourse to the optional accelerated procedure (§ 7-60.26), the answer shall contain a statement as to whether such request is concurred in by the Government. Counsel for the Government shall at the same time file with the Board the following documents which shall be plainly listed and identified:

(a) The findings of fact, if any, and the decision from which the appeal is taken, and the letter or letters or documents of claim in response to which the decision was issued by the contracting officer;

(b) The contract and pertinent plans, specifications, amendments, and change orders.

Documentary evidence in support of the Government's defenses may be filed as exhibits to the answer. All documents filed as exhibits to the answer shall be plainly listed and identified in the answer. An original and three copies of the answer shall be filed with the Board. Upon receipt thereof, the Executive Secretary shall serve a copy of the answer on the contractor or his attorney.

§ 7-60.8 Reply.

The contractor may file a reply within fifteen days after receipt of the Government's answer.

§ 7-60.9 Appeal file.

The notice of appeal, the complaint and exhibits attached thereto, the answer and exhibits attached thereto, and the documents required to be filed therewith pursuant to § 7-60.7, all papers filed by the parties with the Board pursuant to this part, and all correspondence exchanged between the Board and the parties or their attorneys shall constitute the appeal file, which shall be available for inspection by the parties at the offices of the Board. Prior arrangements for inspection of the file shall be made with the Executive Secretary of the Board.

§ 7-60.10 Amendments to pleadings.

At any time before oral hearing or before submission of a case by the parties without an oral hearing, the Board in its discretion may permit a party, within the proper scope of the appeal, to amend its pleadings, upon conditions just to both parties. The Board upon its own initiative or upon application by a party may in its discretion order a party to make a more definite statement of its complaint or answer, or to reply to an answer. When issues within the proper scope of the appeal but not raised by the complaint and answer are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised therein. If evidence is objected to at the hearing on the ground that it is not within the issues made by the complaint and answer, the Board may allow the pleadings to be amended within the proper scope of the appeal and shall do so freely when the presentation of the merits of the action will be served thereby and the objecting

party fails to satisfy the Board that admission of such evidence would prejudice him in maintaining his case or defense upon the merits. The Board may, however, grant a continuance to enable the objecting party to meet such evidence.

§ 7-60.11 Trial briefs.

The Board in its discretion may order the submission of trial briefs prior to oral hearing.

§ 7-60.12 Motions to dismiss for lack of jurisdiction.

(a) Defenses which go to the jurisdiction of the Board, or other challenges to the jurisdiction of the Board with respect to an appeal, may be raised by motion. Such motions may, upon application of either party, in the discretion of the Board, be determined before oral hearing on the merits. The lack of Board authority to proceed in a particular case may be recognized and the appeal dismissed at any time.

(b) Motions to dismiss for lack of jurisdiction by the parties shall be filed in writing with the Board, unless otherwise permitted by the Board. The moving party shall submit its supporting argument or brief in written form within five days or such other period as the Board may allow after the motion is made. The other party shall be allowed five days or such other period as the Board may allow after receipt of the motion to file a reply.

(c) The Board may, on its own motion, submit questions concerning its jurisdiction to the General Counsel. Before so doing, it shall notify the parties of its intent and permit them to submit argument or briefs in written form on such questions within such reasonable times as it may allow.

(d) Motions made pursuant to this section, with supporting written arguments or briefs, shall be referred by the Board to the General Counsel, who shall advise the Board of his decision. The Assistant General Counsel (Contract Staff), attorneys directly responsible to him, and other attorneys participating in preparation of the Government case or representation of the Government shall not participate in the deliberations leading to or the preparation of any decision by the General Counsel on such a motion except as otherwise provided in this section.

(e) Failure of the contractor to state a case on which any relief could be granted shall be treated as a jurisdictional question and, after the complaint is filed, shall be a proper ground for a motion to dismiss for lack of jurisdiction. The contractor shall be afforded the opportunity to move to amend the complaint within the proper scope of the appeal after the motion to dismiss has been made but no such motion shall be entertained unless it is received by the Board within 30 days after service of an order dismissing the appeal for lack of jurisdiction on the ground of failure to state a case.

(f) Defenses and challenges to the jurisdiction of the Board made in pleadings shall be deemed motions to dismiss

for lack of jurisdiction under this section.

§ 7-60.13 Depositions and discovery.

(a) Depositions which a party desires to take for the purpose of offering in evidence shall be taken in accordance with the procedures set forth in § 7-60.27.

(b) Under appropriate circumstances, but not as a matter of course, the Board will entertain motions for permission to serve written interrogatories on the opposing party, motions for an order to produce and permit the inspection of designated documents, and motions for permission to serve upon the opposing party a request for the admission of specified facts. Such motions shall be granted only to the extent and upon such terms as the Board in its discretion considers to be consistent with the objective of securing just and inexpensive determination of appeals without unnecessary delay.

§ 7-60.14 Stipulations.

The parties may stipulate in writing any facts that are relevant and material to the issues involved, and to those documents or facts which may be received in evidence without formal proof. Such stipulations shall be subject to approval by the Board.

§ 7-60.15 Prehearing conference.

(a) The Board, upon its own initiative or upon application of either or both of the parties, may direct the parties or their attorneys to appear before the Board at a specified time and place for a conference to consider:

- (1) Simplification of the issues;
- (2) The possibility of obtaining stipulations as to admissions of fact and introduction of documents which will avoid unnecessary proof;
- (3) The limitation of the number of expert witnesses, if a hearing is to be held; and
- (4) Such other matters as may aid in the disposition of an appeal.

(b) The results of the conference shall be reduced to writing by the Board and made part of the record.

§ 7-60.16 Failure to prosecute.

The Board may order the contractor to show cause why the appeal should not be dismissed for failure to prosecute. The Board shall serve or attempt to serve such order on the contractor at the most recent address it has, or if no appearance has been filed or address for service has been otherwise furnished to the Board, it shall use such address as the contracting officer may have. If the contractor fails to show cause to the Board's satisfaction, it may affirm the decision of the contracting officer, dismiss the appeal, or make such other order as it deems appropriate.

§ 7-60.17 Filing and service of papers.

(a) The parties shall file with the Board an original and three copies of all papers, subsequent to the complaint and answer. Upon receipt thereof, the Board shall serve or otherwise furnish the opposing party with a copy.

(b) Service shall be made personally, or by mailing the document to be served

in a sealed envelope, registered or certified, return receipt requested, with postage prepaid, addressed to the party upon whom service shall be made, and the date of the receipt shall be the date of service. Waivers of service of any papers may be noted thereon or on a copy thereof, or on a separate paper, signed by the parties or their attorneys and filed with the Board. When any party has appeared by attorney, service upon the attorney will be deemed proper service upon the party.

§ 7-60.18 Hearing.

(a) The contractor may submit the case on the record or request an oral hearing. The Board shall, at the request of either party filed within 15 days after the answer is served on the contractor, grant an oral hearing. The parties shall be given at least 15 days' notice of the time and place of hearing.

(b) Hearings shall be held in Washington, D.C., unless otherwise ordered by the Board.

(c) If either party does not wish to appear or to be represented at a hearing, he shall so advise the Board. A party who so advises the Board may file a brief within 20 days after the date assigned for the hearing, or within such other period as may be allowed by the Board.

(d) The unexcused absence of a party or his authorized representative at the time and place set for the hearing shall not be the occasion for delay. In such event, the hearing shall proceed and the case shall be regarded as submitted by the absent party.

(e) Hearings shall be as informal as may reasonably be allowable and appropriate under all circumstances. Both parties may offer oral and written evidence, subject to exclusion by the Board of any irrelevant, immaterial, or repetitious evidence. The general procedures as to the introduction of evidence and the calling of witnesses shall be in the discretion of the Board.

(f) Attention of the witnesses will be invited to 18 U.S.C. 1001. Testimony may be received under oath or affirmation.

(g) The Board shall make provision for a verbatim transcript of all oral hearings, except that under the optional accelerated procedure (§ 7-60.26) the stenographic record will not be transcribed unless requested by either of the parties. Copies of the transcript shall be furnished to the contractor at his expense.

(h) After a decision has become final, the Board may, upon request and after notice to the other party, permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. Substitution of true copies of the exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

§ 7-60.19 Representation of the parties.

(a) An individual contractor may appear before the Board in person, a corporation by an officer thereof, a partnership or joint venture by a member thereof, or by an attorney-at-law duly licensed in any State, Commonwealth,

Territory, or in the District of Columbia. In special cases, the Board may authorize contractors to be represented by persons other than those mentioned.

(b) If the person representing the contractor is not identified in the notice of appeal (§ 7-60.3), he should file a notice of appearance with the Board stating his name, address, and if an attorney-at-law, the jurisdiction in which he is licensed. The Government shall be represented by the Assistant General Counsel (Contract Staff), International Cooperation Administration, Washington 25, D.C. Appearances of other attorneys who will represent the Government with him may be filed with the Board. If the Assistant General Counsel (Contract Staff) is not to represent the Government, he shall so notify the Board, indicating who has been designated to do so.

§ 7-60.20 Post-hearing briefs.

The Board may fix a reasonable time after the close of an oral hearing within which additional briefs may be filed.

§ 7-60.21 Decisions.

Decisions of the Board shall be made in writing. Copies of decisions shall be served on the parties. All final orders and decisions (except those required for good cause to be held confidential) shall be available for public inspection.

§ 7-60.22 Reconsideration.

Motions for reconsideration must be received by the Board within 30 days after service on the party moving for reconsideration of the decision or order dismissing the case. Reconsideration of the decision, which may include a hearing or rehearing, may be granted if, in the judgment of the Board, sufficient reason therefor appears.

§ 7-60.23 Extensions of time.

The Board may grant extensions of time except with respect to the filing of the notice of appeal.

§ 7-60.24 Board actions.

(a) Except as otherwise provided in this part, each appeal shall be assigned to a panel of three Board members designated by the General Counsel, who will designate one member as Chairman. The Chairman shall be a duly licensed attorney-at-law. Alternates may be designated by the General Counsel for any panel member who dies, is absent, is disqualified, or is otherwise unable to participate.

(b) Oral hearings may be held before one or more members of the panel or before the full panel, as designated by the Chairman, provided that the presiding member is a duly licensed attorney-at-law.

(c) Except as otherwise provided in this part, decisions on preliminary motions, procedural matters, and the conduct of hearings shall be by the Chairman or presiding officer. Decisions on the merits of the specific disputes under appeal shall be by a majority of the panel.

(d) The Chairman should be designated not later than 15 days after the answer is filed pursuant to § 7-60.6.

The other members of the panel should be designated not later than 10 days before the date set for the hearing, if there is to be an oral hearing, or not later than the date the record is closed and the case is ready for decision.

(e) Before a Chairman is designated, rulings on extensions of time pursuant to § 7-60.23 may be made by the Executive Secretary. Rulings and orders on extensions of time and other matters before such designation may be made by a member of the Board designated by the General Counsel to rule on preliminary motions.

(f) The Executive Secretary will act for the Board in docketing appeals, issuing appropriate notices to the parties, and corresponding with the parties on behalf of the Board.

§ 7-60.25 Address of Board.

Unless the parties are notified otherwise, correspondence with the Board and papers to be filed with it by them shall be addressed to:

Board of Contract Appeals, Office of the Director, International Cooperation Administration, Washington 25, D.C.

§ 7-60.26 Optional accelerated procedure for cases involving \$5,000 in amount or less.

An appeal involving \$5,000 in amount or less shall be processed under this section at the request of the contractor, subject to the concurrence of the Government. Under this section:

(a) The appeal will be decided by a single member of the Board, who shall have for this purpose all the authority and power of the full Board to hear, consider, determine, and re-consider the matter.

(b) The appeal shall be deemed submitted for decision on the record unless the contractor or the Government, within 10 days after receipt of the Government's answer by the contractor, requests the Board to schedule an oral hearing.

(c) Such oral hearing shall be fixed at such time and place as shall be agreeable to the parties and to the Board member concerned, taking into consideration any request therefor of the contractor.

(d) For the purpose of this section, the amount involved in an appeal shall be the difference between the amount of the contractor's claim as stated in his complaint and the amount, if any, determined by the decision from which the appeal is taken.

(e) If the Board member assigned to the case under this section determines that the amount involved exceeds or may exceed \$5,000, the parties shall be so informed, and the appeal shall be disposed of in accordance with §§ 7-60.6 through 7-60.25, inclusive. The determination so made shall be final and conclusive.

§ 7-60.27 Depositions.

(a) *When depositions may be taken.* After an appeal has been docketed by the Board either party may take the testimony of any person by deposition

upon oral examination or written interrogatories for use as evidence in the appeal proceedings.

(b) *Before whom taken.* Depositions to be offered in evidence before the Board may be taken before and authenticated by any person authorized by the laws of the United States, or by the laws of the place where the deposition is taken, to administer oaths.

(c) *Written interrogatories.* (1) A party desiring to take the deposition of any person upon written interrogatories shall serve them upon the opposite party with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the person before whom the deposition is to be taken. Within 20 days thereafter the party so served may serve cross interrogatories upon the party proposing to take the deposition.

(2) A copy of the notice and copies of all interrogatories served shall be delivered by the party taking the deposition to the person designated in the notice who should proceed promptly to take the testimony of the witness in response to the interrogatories.

(d) *Oral interrogatories.* When either party desires to take the testimony of any person by deposition upon oral examination, unless the parties stipulate as to the time and place where the deposition is to be taken and the name of the person before whom it is to be taken and the name and address of the witness, such party shall give the opposite party at least 30 days' written notice of the time and place where such deposition will be taken and the name and address and official title of the person before whom it is proposed to take the deposition, and the name and address of the witness.

(e) *Form and return of deposition.* Each deposition shall show the docket number and the caption of the proceedings, the place and date of taking, the name of the witness, and the names of all persons present. The person taking the deposition shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and shall enclose the original deposition and exhibits in a sealed packet with postage and other transportation prepaid and forward same to the Executive Secretary, International Cooperation Administration Board of Contract Appeals.

(f) *Introduction in evidence.* Either party to the appeal may offer depositions in evidence. The entire deposition must be offered unless otherwise stipulated by the parties or directed by the Board.

Issued pursuant to the order of the Acting Director on Establishment and Designation of ICA Board of Contract Appeals, dated October 27, 1960.

Dated: January 11, 1961.

HENRY T. KING, JR.,
Acting General Counsel.

[F.R. Doc. 61-320; Filed, Jan. 13, 1961;
8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

PART 205—REPORTS OF MOTOR CARRIERS

Motor Carrier Annual Report Form E (Other Than Class I Carriers of Passengers)

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 23d day of June A.D. 1960.

The matter of annual reports of motor carriers of passengers other than Class I carriers being under consideration and, the changes to be effected by this order being reductions in the reporting requirements for such carriers, rule-making procedure under section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 205.4 of the order dated October 1, 1957, in the matter of Motor Carrier Annual Report Form E (Other Than Class I Carriers of Passengers) be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1960, and subsequent years, to read as shown below.

It is further ordered, That § 205.4 be, and it is hereby, modified and amended to read as follows:

§ 205.4 Annual reports of carriers of passengers other than Class I carriers.

Commencing with the year ended December 31, 1960, and for subsequent years thereafter, until further order, all motor carriers of passengers other than Class I carriers, as defined in § 181.02-1 of this chapter, viz., carriers having gross operating revenues (including interstate and intrastate) of less than \$200,000 annually from passenger motor carrier operations, are required to file annual reports in accordance with Motor Carrier Annual Report Form E (passenger), which is attached to and made a part of this section.¹ Such report shall be filed in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before April 30 of the year following the year to which it relates.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

And it is further ordered, That a copy of this order and of Motor Carrier Annual Report Form E (passenger) shall be served on all motor carriers of passengers (other than Class I carriers of passengers) and upon every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by posting a copy thereof in the office of the Secretary of the Commission at Washington, D.C.,

¹ Form filed as part of original document.

and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.
[F.R. Doc. 61-322; Filed, Jan. 13, 1961;
8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Aleutian Islands National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Aleutian Islands National Wildlife Refuge, Alaska, is permissible only under the following conditions:

- (a) Species permitted to be taken: All species of ptarmigan.
- (b) Open season: As prescribed by State regulations.
- (c) Daily bag limits: As prescribed by State regulations.
- (d) Methods of hunting: As prescribed by State regulations.
- (e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on all lands on Adak, Atka, Unimak, Shemya, Attu and Great Sitkin islands.

(f) Other provisions:

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

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

(3) The provisions of this special regulation are effective through June 30, 1961.

URBAN C. NELSON,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

JANUARY 1, 1961.

[F.R. Doc. 61-300; Filed, Jan. 13, 1961;
8:47 a.m.]

PART 32—HUNTING

Kenai National Moose Range, Alaska

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

Hunting of upland game on the Kenai National Moose Range, Alaska, is permissible only under the following conditions:

- (a) Species permitted to be taken: Ptarmigan, spruce grouse and snowshoe hare.
- (b) Open season: As prescribed by State regulation.
- (c) Daily bag limits: As prescribed by State regulation.
- (d) Methods of hunting: As prescribed by State regulation.
- (e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on all of the lands within the Kenai National Moose Range.

(f) Other provisions:

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

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

(3) The provisions of this special regulation are effective through June 30, 1961.

URBAN C. NELSON,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

JANUARY 1, 1961.

[F.R. Doc. 61-303; Filed, Jan. 13, 1961;
8:48 a.m.]

PART 32—HUNTING

Kodiak National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALASKA

KODIAK NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Kodiak National Wildlife Refuge, Alaska, is permissible only under the following conditions:

- (a) Species permitted to be taken: Native species of ptarmigan and snowshoe hare.
- (b) Open season: As prescribed by State regulations.

(c) Daily bag limits: As prescribed by State regulations.

(d) Methods of hunting: As prescribed by State regulations.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on all of the lands within the Kodiak National Wildlife Refuge.

(f) Other provisions:

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

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

(3) The provisions of this special regulation are effective through June 30, 1961.

URBAN C. NELSON,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

JANUARY 1, 1961.

[F.R. Doc. 61-306; Filed, Jan. 13, 1961;
8:48 a.m.]

PART 32—HUNTING

Nunivak Island National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALASKA

NUNIVAK ISLAND NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Nunivak Island National Wildlife Refuge, Alaska, is permissible only under the following conditions:

- (a) Species permitted to be taken: Native species of ptarmigan.
- (b) Open season: As prescribed by State regulations.

(c) Daily bag limits: As prescribed by State regulations.

(d) Methods of hunting: As prescribed by State regulations.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on all of the lands within the Nunivak Island National Wildlife Refuge.

(f) Other provisions:

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

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

(3) The provisions of this special regulation are effective through June 30, 1961.

URBAN C. NELSON,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

JANUARY 1, 1961.

[F.R. Doc. 61-307; Filed, Jan. 13, 1961;
8:48 a.m.]

PART 32—HUNTING

Kodiak National Wildlife Refuge, Alaska

The following special regulation is issued.

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

ALASKA

KODIAK NATIONAL WILDLIFE REFUGE

Hunting of big game on the Kodiak National Wildlife Refuge, Alaska, is permissible only under the following conditions:

- (a) Species permitted to be taken: Brown bear.
- (b) Open season: As prescribed by State regulations.
- (c) Bag limit: As prescribed by State regulations.
- (d) Methods of hunting: As prescribed by State regulations.
- (e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on all of the lands within the Kodiak National Wildlife Refuge.

(f) Other provisions:

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

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

(3) The provisions of this special regulation are effective through June 30, 1961.

URBAN C. NELSON,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

JANUARY 1, 1961.

[F.R. Doc. 61-305; Filed, Jan. 13, 1961;
8:48 a.m.]

PART 32—HUNTING

Aleutian Islands National Wildlife Refuge, Alaska

The following special regulation is issued.

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

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Hunting of big game on the Aleutian Islands National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: Caribou and brown bear.

(b) Open season: As prescribed by State regulations.

(c) Bag limit: As prescribed by State regulations.

(d) Methods of hunting: As prescribed by State regulations.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on those areas of the refuge described as follows:

(1) Caribou may be taken on Atka Island only.

(2) Brown bear may be taken on Unimak Island only.

(f) Other provisions:

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

(2) A Federal permit is required to take brown bear on Unimak Island. Permits may be obtained from Refuge Manager, Cold Bay, Alaska, or from U.S. Game Management Agent, Box 280, Anchorage, Alaska.

(3) The provisions of this special regulation are effective through June 30, 1961.

URBAN C. NELSON,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

JANUARY 1, 1961.

[F.R. Doc. 61-301; Filed, Jan. 13, 1961;
8:47 a.m.]

PART 32—HUNTING

Bering Sea National Wildlife Refuge, Alaska

The following special regulation is issued:

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

ALASKA

BERING SEA NATIONAL WILDLIFE REFUGE

Hunting of big game on the Bering Sea National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: Caribou.

(b) Open season: No closed season.

(c) Bag limit: As prescribed by refuge permit.

(d) Methods of hunting: As prescribed by State regulations.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on all lands of the Bering Sea National Wildlife Refuge.

(f) Other provisions:

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

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Su-

pervisor, Bureau of Sport Fisheries and Wildlife, Kenai, Alaska.

(3) The provisions of this special regulation are effective through June 30, 1961.

URBAN C. NELSON,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

JANUARY 1, 1961.

[F.R. Doc. 61-302; Filed, Jan. 13, 1961;
8:47 a.m.]

PART 32—HUNTING

Kenai National Moose Range, Alaska

The following special regulation is issued.

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

ALASKA

KENAI NATIONAL MOOSE RANGE

Hunting of big game on the Kenai National Moose Range, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: Black bear.

(b) Open season: As prescribed by State regulations.

(c) Bag limit: As prescribed by State regulations.

(d) Methods of hunting: As prescribed by State regulations.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on all lands within the Kenai National Moose Range.

(f) Other provisions:

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

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

(3) The provisions of this special regulation are effective through June 30, 1961.

URBAN C. NELSON,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

JANUARY 1, 1961.

[F.R. Doc. 61-304; Filed, Jan. 13, 1961;
8:48 a.m.]

PART 33—SPORT FISHING

Nunivak Island National Wildlife Refuge, Alaska

The following special regulation is issued.

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

ALASKA

NUNIVAK ISLAND NATIONAL WILDLIFE REFUGE

Sport Fishing on the Nunivak Island National Wildlife Refuge, Alaska, is

permissible only under the following conditions:

- (a) Species permitted to be taken: As prescribed by State regulations.
- (b) Open season: As prescribed by State regulations.
- (c) Daily creel limits: As prescribed by State regulations.
- (d) Methods of fishing: As prescribed by State regulations.
- (e) Description of areas open to fishing:

Fishing is permitted in accordance with (a) above on all of the waters within the Nunivak Island National Wildlife Refuge.

(f) 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 through December 31, 1961.

URBAN C. NELSON,
*Regional Director, Bureau of
Sport Fisheries and Wildlife.*

JANUARY 1, 1961.

[F.R. Doc. 61-308; Filed, Jan. 13, 1961;
8:48 a.m.]

PART 33—SPORT FISHING

Aleutian Islands National Wildlife Refuge, Alaska

The following special regulation is issued.

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

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Sport fishing on the Aleutian Islands National Wildlife Refuge, Alaska, is permissible only under the following conditions:

- (a) Species permitted to be taken: As prescribed by State regulations.
- (b) Open season: As prescribed by State regulations.
- (c) Daily creel limits: As prescribed by State regulations.
- (d) Methods of fishing: As prescribed by State regulations.
- (e) Description of areas open to fishing:

Fishing is permitted in accordance with (a) above on all waters within the Aleutian Islands National Wildlife Refuge.

(f) 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 through December 31, 1961.

URBAN C. NELSON,
*Regional Director, Bureau of
Sport Fisheries and Wildlife.*

JANUARY 1, 1961.

[F.R. Doc. 61-309; Filed, Jan. 13, 1961;
8:48 a.m.]

PART 33—SPORT FISHING

Bering Sea National Wildlife Refuge, Alaska

The following special regulation is issued.

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

ALASKA

BERING SEA NATIONAL WILDLIFE REFUGE

Sport fishing on the Bering Sea National Wildlife Refuge, Alaska, is permissible only under the following conditions:

- (a) Species permitted to be taken: As prescribed by State regulations.
- (b) Open season: As prescribed by State regulations.
- (c) Daily creel limits: As prescribed by State regulations.
- (d) Methods of fishing: As prescribed by State regulations.
- (e) Description of areas open to fishing:

Fishing is permitted in accordance with (a) above on all waters within the Bering Sea National Wildlife Refuge.

(f) 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 required to enter the public fishing area. Permits may be obtained from Wildlife Refuge Supervisor, Kenai, Alaska.

(3) The provisions of this special regulation are effective through December 31, 1961.

URBAN C. NELSON,
*Regional Director, Bureau of
Sport Fisheries and Wildlife.*

JANUARY 1, 1961.

[F.R. Doc. 61-310; Filed, Jan. 13, 1961;
8:48 a.m.]

PART 33—SPORT FISHING

Kenai National Moose Range, Alaska

The following special regulation is issued.

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

ALASKA

KENAI NATIONAL MOOSE RANGE

Sport fishing on the Kenai National Moose Range, Alaska, is permissible only under the following conditions:

- (a) Species permitted to be taken: As prescribed by State regulations.

(b) Open season: As prescribed by State regulations.

(c) Daily creel limits: As prescribed by State regulations.

(d) Methods of fishing: As prescribed by State regulations.

(e) Description of areas open to fishing:

Fishing is permitted in accordance with (a) above on all of the waters within the Kenai National Moose Range.

(f) 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 through December 31, 1961.

URBAN C. NELSON,
*Regional Director, Bureau of
Sport Fisheries and Wildlife.*

JANUARY 1, 1961.

[F.R. Doc. 61-311; Filed, Jan. 13, 1961;
8:49 a.m.]

PART 33—SPORT FISHING

Kodiak National Wildlife Refuge, Alaska

The following special regulation is issued.

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

ALASKA

KODIAK NATIONAL WILDLIFE REFUGE

Sport fishing on the Kodiak National Wildlife Refuge, Alaska, is permissible only under the following conditions:

- (a) Species permitted to be taken: As prescribed by State regulations.
- (b) Open season: As prescribed by State regulations.
- (c) Daily creel limits: As prescribed by State regulations.
- (d) Methods of fishing: As prescribed by State regulations.
- (e) Description of areas open to fishing:

Fishing is permitted in accordance with (a) above on all of the waters within the Kodiak National Wildlife Refuge.

(f) 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 through December 31, 1961.

URBAN C. NELSON,
*Regional Director, Bureau of
Sport Fisheries and Wildlife.*

JANUARY 1, 1961.

[F.R. Doc. 61-312; Filed, Jan. 13, 1961;
8:49 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 60-KC-92]

CONTROL AREAS AND CONTROL ZONES

Alteration of Control Area Extension and Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 601.1278 and 601.2048 of the regulations of the Administrator, the substance of which is stated below.

The Des Moines, Iowa, control area extension is presently designated as all that area north of VOR Federal airway No. 6 within a 25-mile radius of the Des Moines VORTAC and within 5 miles either side of the Newton, Iowa, VOR 209° True radial, extending from the Des Moines 25-mile radius control area extension to the Newton VOR. The Des Moines control zone is presently designated within a 5-mile radius of the Des Moines Municipal Airport, within 2 miles either side of the south course of the radio range extending from the radio range station to 12 miles south, within 2 miles either side of the front and back courses of the Des Moines ILS localizer extending from the localizer to 12 miles southeast and northwest of the airport, and within 2 miles either side of the 176° and 356° True radials of the Des Moines VORTAC extending from the 5-mile radius zone to 10 miles south of the VORTAC.

The Federal Aviation Agency is considering altering the Des Moines control area extension and the Des Moines control zone as follows:

1. Alter the control area extension by basing it on the Des Moines Municipal Airport and include additional area within a 25-mile radius of the airport south of VOR Federal airway No. 6. This additional area would provide protection to aircraft in transition from the Woodburn, Iowa, Intersection to the Des Moines ILS preparatory to executing straight-in approaches to the Des Moines Municipal Airport.

2. Reduce the control zone extension based on the VORTAC 176° and 356° True radials by terminating it at the VORTAC. The portion of this extension south of the VORTAC is in excess of that required for protection of aircraft executing the prescribed VORTAC instrument approach procedure.

3. Revoke the control zone extension based on the southeast course of the ILS localizer. The 5-mile radius zone would provide adequate protection for aircraft executing prescribed ILS and ADF approach procedures utilizing the localizer southeast course and the ILS outer marker.

4. Revoke the control zone extension based on the south course of the radio range. The radio range instrument approach procedure is being cancelled and this extension would no longer be required for the protection of aircraft.

5. Lengthen the control zone extension based on the ILS localizer northwest course to extend to 15 miles northwest of the localizer. Lengthening this extension would provide the required protection for aircraft executing the prescribed instrument approach procedure utilizing the northwest course of the ILS localizer.

If these actions are taken, the Des Moines, Iowa, control area extension would be redesignated within a 25-mile radius of the Des Moines, Iowa, Municipal Airport (latitude 41°32'10" N., longitude 93°39'25" W.), and within 5 miles either side of the Newton, Iowa, VOR 209° True radial extending from the 25-mile radius area to the Newton, Iowa, VOR. The Des Moines, Iowa, control zone would be redesignated within a 5-mile radius of the Des Moines, Iowa, Municipal Airport (latitude 41°32'10" N., longitude 93°39'25" W.), within 2 miles either side of the 356° True radial of the Des Moines VORTAC extending from the 5-mile radius zone to the VORTAC, and within 2 miles either side of the Des Moines ILS localizer northwest course extending from the 5-mile radius zone to 15 miles northwest of the localizer.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on January 9, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-287; Filed, Jan. 13, 1961;
8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-FW-105]

CONTROL ZONES

Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2224 of the regulations of the Administrator, the substance of which is stated below.

The Anderson, S.C., control zone is presently designated within a 5-mile radius of the Anderson Airport extending 2 miles either side of the southwest course of the Spartanburg, S.C., radio range to a point 10 miles southwest of the Anderson Airport.

The Federal Aviation Agency has under consideration alteration of the Anderson control zone. A terminal VOR located approximately 6 miles southwest of the Anderson Airport at latitude 34°25'12" N., longitude 82°47'15" W., has been commissioned by the Federal Aviation Agency. In addition, a prescribed instrument approach procedure based on the VOR has been designated to replace the present prescribed ADF instrument approach procedure based on the Anderson radio beacon. It is proposed to alter the control zone extension based on the southwest course of the Spartanburg radio range by redesignating it along the 038° True radial of the Anderson terminal VOR. The altered extension would provide protection for aircraft executing the prescribed terminal VOR instrument approach procedure.

If this action is taken, the Anderson, S.C., control zone would be redesignated within a 5-mile radius of the Anderson Airport (latitude 34°29'40" N., longitude 82°42'30" W.), and within 2 miles either side of the 038° True radial of the Anderson terminal VOR extending from the 5-mile radius zone to the terminal VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at

this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C. on January 9, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-288; Filed, Jan. 13, 1961;
8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-FW-97]

CONTROL ZONES

Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2263 of the regulations of the Administrator, the substance of which is stated below.

The Lafayette, La., control zone is presently designated within a 5-mile radius of Lafayette Airport, within 2 miles either side of the 172° True radial of the Lafayette VOR extending from the VOR to 10 miles south, and within 2 miles either side of a line bearing 187° True from the Lafayette radio beacon extending from the radio beacon to 10 miles south. The Federal Aviation Agency has under consideration alteration of the Lafayette control zone. It is proposed to designate a new extension to the north within 2 miles either side of the ILS localizer north course extending from the 5-mile radius zone to the ILS outer marker compass locator (latitude 30°17'21" N., longitude 91°57'10" W.). This would provide protection for aircraft executing the proposed ILS instrument approach procedures at the Lafayette Airport. In addition, the present extensions based on the Lafayette VOR and radio beacon do not provide adequate protection for aircraft executing the prescribed VOR and ADF instrument approach procedures at the Lafayette Airport. It is therefore proposed to lengthen these extensions to 12 miles south of the VOR and radio beacon. If these actions are taken the Lafayette,

La., control zone would be designated within a 5-mile radius of Lafayette Airport (latitude 30°12'00", longitude 91°59'40"); within 2 miles either side of the Lafayette ILS localizer north course extending from the 5-mile radius zone to the ILS outer marker; within 2 miles either side of the 172° True radial of the Lafayette VOR extending from the 5-mile radius zone to 12 miles south of the VOR and within 2 miles either side of the 187° True bearing from the Lafayette radio beacon extending from the 5-mile radius zone to 12 miles south of the radio beacon.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on January 9, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-289; Filed, Jan. 13, 1961;
8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-NY-104]

CONTROL ZONES

Revocation and Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and § 601.2267 of the regulations of the Administrator, the substance of which is stated below.

The Baltimore, Md., control zone (601.2003) is designated within a 5-mile radius of Harbor Field, Baltimore, Md., and within 5 miles either side of the

north and south courses of the Baltimore radio range extending from the airport to a point 10 miles south of the radio range. The portion of this control zone which lies within the geographic limits of, and between the designated altitudes of the Camp Springs, Md. (Andrews AFB), Restricted Area/Military Climb Corridor (R-542) is excluded during the restricted area's time of designation.

The Baltimore, Md., control zone (601.2267), is designated within a 5-mile radius of the Baltimore Friendship International Airport, extending 2 miles either side of the ILS localizer course to 10 miles west of the outer marker.

The Federal Aviation Agency has under consideration the following proposed airspace actions.

1. Revoke the Baltimore (Harbor Field) control zone. This control zone would no longer be required inasmuch as Harbor Field was closed permanently on December 31, 1960.

2. Alter the Baltimore (Friendship International Airport) control zone as follows:

a. Extend the control zone extension based on the west course of the ILS localizer to 12 miles west of the outer marker. The presently designated extension does not provide adequate protection for aircraft executing prescribed instrument approach procedures based on the ILS localizer west course and the outer marker.

b. Designate a control zone extension within 2 miles either side of the ILS localizer east course extending from the 5-mile radius zone to 6 miles east of the localizer. This extension would provide protection for aircraft executing prescribed instrument approach procedures based on the ILS localizer east course.

c. Designate a control zone extension within 2 miles either side of the 089° and 280° True radials of the Baltimore VOR, extending from the 5-mile radius zone to 6 miles east and 12 miles west of the VOR. These extensions would provide protection for aircraft conducting prescribed instrument approach procedures utilizing the Baltimore VOR.

If these actions are taken:

The Baltimore, Md. (Harbor Field), control zone would be revoked. The Baltimore (Friendship International Airport) control zone would be redesignated with a 5-mile radius of the Friendship International Airport (latitude 39°10'25" N., longitude 76°40'15" W.), within 2 miles either side of the ILS localizer east course extending from the 5-mile radius zone to 6 miles east of the localizer, within 2 miles either side of the ILS localizer west course extending from the 5-mile radius zone to 12 miles west of the ILS outer marker, and within 2 miles either side of the Baltimore VOR 089° and 280° True radials extending from the 5-mile radius zone to 6 miles east and 12 miles west of the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30.

N.Y. All communications received within forty-five days after publication of this notice in the *FEDERAL REGISTER* will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on January 9, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-290; Filed, Jan. 13, 1961;
8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that, pursuant to authority contained in section 308, Pub. Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, § 107.308-5 of Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations. Part 107, Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations governing the establishment and operation of small business investment companies chartered or licensed by the Small Business Administration to operate under the Small Business Investment Act of 1958, and to carry out the provisions of said Act, was published in the *FEDERAL REGISTER* on December 4, 1958 (23 F.R. 9383), and became effective on publication in the *FEDERAL REGISTER*. Prior to final adoption of such amendment of the Regulation, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Investment Division, Small Business Administration, Washington 25, D.C., within a period of 30 days from the date of publication of this notice in the *FEDERAL REGISTER*.

Information. The amendment under consideration changes the provisions of § 107.308-5 primarily so as to provide regulatory requirements concerning reports which are in compliance with statutory changes contained in section 6 of the Small Business Investment Act Amendments of 1960 and in conformity with § 107.304-1 of the regulation, as amended, pertaining to equity capital for incorporated small business concerns.

Basically, the statutory changes require that it shall be a function of each small business investment company to provide a source of equity capital for incorporated small business concerns in accordance with the regulations of the Small Business Administration. The amended section of the regulation referred to provides for the furnishing of equity capital to small business concerns in return for equity securities consisting either of capital stock or instruments which evidence a debt and provide conversion rights or stock purchase warrants or options on the capital stock of small business concerns.

In addition to serving the foregoing purposes, the amendment under consideration provides for reporting by Licensees with respect to options on their capital stock granted in accordance with amended § 107.302-2 of the regulation.

It is proposed to amend the Small Business Investment Companies Regulation as follows:

The Small Business Investment Companies Regulation (23 F.R. 9383), as amended (25 F.R. 1397, 2354, 2516, 3316, 5374, 5478, 5825, 7276, 8068, 8855, 9845, 10087), is hereby further amended by:

Paragraph (h) of § 107.308-5 is deleted and replaced by the following new paragraph (h):

§ 107.308-5 Reports.

(h) The Financial Report, SBA Form 468, required to be used by all Licensees in making financial reports to SBA is designed to furnish the companies and SBA with the information needed for their respective purposes. The Financial Report, SBA Form 468,¹ which is incorporated in and expressly made a part of this section, shall be prepared as follows:

PART I

STATEMENT OF FINANCIAL CONDITION

Assets

Item

1. *Cash on hand and in banks.* State the total of all demand deposits, cash items in process of collection, and the petty cash fund.
2. *U.S. Government obligations, direct and fully guaranteed.* State at cost the total investment in direct obligations of the United States Government and those obli-

¹ Form, as amended, filed with the Federal Register Office as part of the original document. Copies of SBA Form 468, Financial Report, as amended, together with amended instructions, are available at the Office of the Administrator of the Small Business Administration, 811 Vermont Avenue, NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the Office of the Administrator of the Small Business Administration.

gations guaranteed as to principal and interest by the United States Government. (Increase in redemption value of United States Savings bonds purchased at less than face value may be considered cost for this purpose.) State current market value parenthetically.

3. *Notes receivable.* State the total unpaid principal amount of miscellaneous notes receivable, except notes representing amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.
4. *Accounts receivable.* State the combined total of all amounts due for (1) advisory, consulting, appraisal, loan, and miscellaneous services rendered, (2) services rendered to "participating" companies on their participations in loans, assets acquired in liquidation of loans and debt securities, and amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities of the "initiating" company, and (3) making funds available on a deferred basis to "initiating" companies in connection with their loans or commitments to small business concerns and (as an "initiating" company) making funds available on a deferred basis on loan commitments to small business concerns; the amount of declared dividends receivable on capital stock of small business concerns; and miscellaneous amounts due on open account.

(a) *Less: Allowance for uncollectibles* (applicable to items 3 and 4). State the amount of the valuation reserve provided for estimated losses on the foregoing receivables.

5. *Accrued interest receivable.* State the total amount of (1) interest accrued on loans to and debt securities of small business concerns, United States Government obligations (direct and fully guaranteed), notes receivable, sales contracts, and other interest-bearing amounts due from debtors; (2) the full amount of interest accrued on loans participated in by others, less amount due "participating" companies; and (3) interest accrued on the amount of the company's participation in loans initiated by others.

(a) *Less: Allowance for uncollectibles.* State the amount of the valuation reserve provided for estimated losses of accrued interest receivable.

- 6 and 12. *Loans (Section 305).* Show the current and noncurrent portions, respectively, of the unpaid balance of funds advanced on loans to small business concerns pursuant to section 305 of the Small Business Investment Act of 1958, as amended. Secured obligations acquired from small business concerns which carry the right through conversion or through exercise of stock purchase warrants or options by the holder thereof to acquire stock in the small business concerns may be obtained only under section 304 of the Act and are not to be included in these items but in the appropriate subdivisions of items 8 and 13.
- 6(a) and 12(a). *Less: Participation by others.* State the outstanding balances of participations by other lending institutions in loans (section 305) which relate to the current and noncurrent portions of such loans, respectively.
- 6(b) and 12(b). *Less: Sold with recourse, less company's equity.* Show the current and noncurrent portions, respectively, of the unpaid principal balance of loans to small business concerns which have been sold with recourse on the company, less the company's equity in such transferred loans.

- 12(c). *Net loans maturing after one year.* Enter the balance resulting from the deduction of the appropriate amount opposite item 12b from item 12.

12(d). *Less: Allowance for uncollectibles.* State the amount of the valuation reserve provided for estimated losses on loans.

7. *Loan funds in escrow pending closing.* State the amount of loan funds in escrow pending the closing of loans to small business concerns.

8 and 13. *Debt securities of SBCs (section 304):*

8(a) and 13(a). *Convertible.*

8(b) and 13(b). *With stock purchase rights.*

8(c) and 13(c). *Divested of stock rights.*

Show opposite the appropriate items the current and noncurrent portions, respectively, of the total value at cost of small business concerns' convertible debt securities, debt securities with stock purchase rights (warrants or options), and debt securities divested of stock rights, all acquired by the company pursuant to section 304 of the Small Business Investment Act of 1958, as amended.

8(d) and 13(d). *Less: Sold with recourse, less company's equity.* Show the current and noncurrent portions, respectively, of the value at cost of unmatured debt securities issued by small business concerns to the company which have been sold with recourse on the company, less the company's equity in such transferred securities.

13(e). *Net debt securities of SBCs maturing after one year.* Enter the balance resulting from the deduction of the appropriate amount opposite item 13(d) from the appropriate amount opposite item 13(c).

13(f). *Less: Allowance for losses.* State the amount of the valuation reserve provided for estimated losses on convertible debt securities with attached stock purchase warrants or options, and debt securities divested of stock rights.

9 and 21. *Due from directors, officers, and employees.* Show the current and noncurrent portions, respectively, of the unpaid balance of amounts advanced to directors, officers, and employees.

10. *Other current assets.* State the total of all current amounts due the company not provided for elsewhere.

11. *Total current assets.* Enter the total of the appropriate amounts opposite items 1, 2, 4(a), 5(a), 6(b), 7, 8(d), 9, and 10.

14. *Capital stock of SBCs:*

(a) *Convertible.*

(b) *With stock purchase rights.*

(c) *Other.*

State opposite the appropriate items the value at cost of small business concerns' convertible capital stock, capital stock with stock purchase rights (warrants or options), and other capital stock (without conversion privileges or stock purchase rights), all acquired by the company pursuant to section 304 of the Small Business Investment Act of 1958, as amended.

(d) *Less: Allowance for losses.* State the amount of the valuation reserve provided for estimated losses on small business concerns' convertible capital stock, capital stock with attached stock purchase warrants or options, and other capital stock of such concerns owned by the company.

15. *Amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.* State the total of the unpaid balances of accounts, notes, sales contracts, purchase money mortgages, etc., evidencing indebtedness to the company arising from the sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304).

(a) *Less: Participation by others.* State the outstanding balance of participations by other lending institutions in amounts due the company from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304).

(b) *Less: Allowance for uncollectibles.* State the amount of the valuation reserve

provided for estimated losses of amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304).

16. *Assets acquired in liquidation of loans and debt securities.* State, as recorded in the books of account, the company's investment in assets acquired by foreclosure or otherwise in liquidation of loans (section 305) and debt securities (section 304), including judgments and sheriffs' certificates.

(a) *Less: Participation by others.* State the outstanding balance of participations by other lending institutions in assets acquired by the company in liquidation of loans (section 305) and debt securities (section 304).

(b) *Less: Allowance for losses.* State the amount of the valuation reserve provided for estimated losses on assets acquired in liquidation of loans (section 305) and debt securities (section 304).

17. *Total loans and investments.* Enter the total of the appropriate amounts opposite items 12(d), 13(f), 14(d), 15(b), and 16(b).

18. *Corporate premises owned—land.* State the actual cost of acquisition of the land used as the site of the company's office quarters, plus the actual cost of any improvements applicable to the land.

19. *Corporate premises owned—building.* State the actual cost of acquisition of the building used as the company's office quarters, plus the actual cost of any improvements applicable to the building.

(a) *Less: Accumulated depreciation.* State the amount of the valuation reserve provided for depreciation of the building and other depreciable improvements of corporate premises owned.

20. *Furniture and equipment.* State the total cost of furniture, fixtures, and equipment (including automobiles) owned by the company.

(a) *Less: Accumulated depreciation.* State the amount of the valuation reserve provided for depreciation of furniture, fixtures, and equipment.

22. *All other.* State the total amount of assets at cost not provided for elsewhere, such as organization costs, recoverable amounts advanced for the protection and preservation of the company's investments, and prepaid expenses or deferred charges, including prepayments of insurance, unamortized discount on debentures payable, and the unamortized cost of improvements to leased property used as the company's office quarters.

23. *Total other assets.* Enter the total of the appropriate amounts opposite items 18, 19(a), 20(a), 21, and 22.

24. *Total.* Enter the total of items 11, 17, and 23.

Liabilities, Capital Stock, and Surplus

25. *Obligations payable to SBA, maturing within one year.* State the total of the current portions of the unpaid principal balance of notes payable for funds borrowed from SBA and the unpaid principal balance of funds received by the company under its subordinated debenture bond payable issued to SBA.

26. *Obligations payable to other than SBA, maturing within one year.* State the total amount of the current portions of the unpaid principal balance of notes payable for funds borrowed from other than SBA, installments to be paid on the company's unsubordinated debenture bonds, subordinated debenture bonds payable to other than SBA, and mortgages payable for funds borrowed on corporate premises or other real estate.

27. *Accounts payable.* State the total of accounts payable (1) for services rendered to the company on its participations in

loans, assets acquired in liquidation of loans (section 305) and debt securities (section 304) and amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304); (2) for commitment fees for having funds made available on a deferred basis by "participating" companies; and (3) on open account. Accounts payable for the purchase of securities, if significant, shall be shown parenthetically.

28. *Accrued interest.* State the total amount of interest accrued on the company's notes, mortgages, and debentures payable; on loans (section 305) and debt securities (section 304) of small business concerns sold with recourse on the company; and on other interest-bearing obligations.

29. *Accrued salaries.* State the total amount of the company's liability for accrued salaries.

30. *Accrued taxes on income.* Show the total amount of estimated Federal and State income taxes accrued and unpaid.

31. *Other accruals.* State the total amount of the company's liability for accrued social security taxes and other accrued expenses.

32. *Dividends payable.* State the total amount of the company's liability for dividends, other than stock dividends, declared by the Board of Directors on capital stock issued and outstanding.

33 and 43. *Amounts due directors, officers, and employees.* Show the current and noncurrent portions, respectively, of amounts owed to directors, officers, or employees, other than salaries.

34. *Federal taxes withheld.* State the total amount of Federal income and social security taxes withheld from employees' salaries and not yet remitted to the Internal Revenue Service.

35. *State and city taxes withheld.* Show the total amount of State income and city taxes withheld from employees' salaries and not yet remitted to the appropriate tax collectors.

36. *Unapplied receipts.* State the total amount of funds received by the company which have not been applied to loans (section 305), debt securities (section 304), interest receivable, etc.

37. *Advance interest payments.* State the total amount of interest collected through cash payments by debtors on interest-bearing items prior to the interest maturity date.

38. *Miscellaneous trust receipts.* State the total amount of the company's liability for funds withheld or received in trust not provided for elsewhere, including earnest money deposits and funds withheld from employees' salaries for the purchase of United States savings bonds, payment of group life insurance premiums, etc.

39 and 45. *Other.* Show the current and noncurrent portions, respectively, of the unpaid principal balance of notes payable in evidence of amounts owed by the company other than for funds borrowed, and of the amount of liabilities not provided for elsewhere.

40. *Total Current Liabilities.* Enter the total of items 25 through 39.

41. *Obligations payable after one year.*

(a) *For funds borrowed from SBA (Section 303).* Show the noncurrent portion of the total unpaid principal balance of notes payable for funds borrowed from SBA.

(b) *For funds borrowed from other than SBA.* Show the total of the noncurrent portions of notes payable for funds borrowed from other than SBA, installments on unsubordinated debenture bonds payable issued for funds borrowed, and installments on subordinated debenture bonds payable issued to other than SBA for funds borrowed.

42. *Mortgages payable.* Show the noncurrent portion of mortgages payable for funds borrowed on corporate premises or other real estate owned by the company.
44. *Unamortized premium on debentures payable.* State the amount of the unamortized balance of premium on unmatured outstanding debentures payable sold by the company for a sum in excess of par.
46. *Debenture, subordinated, issued to SBA (section 302).* Show the noncurrent portion of the unpaid principal balance of funds received by the company under its subordinated debenture bond payable issued to SBA.
47. *Total liabilities.* Enter the total of the appropriate amounts opposite items 40, 45, and 46.
48. *Capital stock.* Show the total par or stated value of the capital stock issued, plus any capital stock dividends declared payable by the company's board of directors and not issued as of the date of the report.
49. *Paid-in surplus.* State the total amount of surplus arising from (1) sales initially of the company's capital stock at a price in excess of par value (including amounts transferred from capital stock subscribed at a price above par, when shares are issued); (2) donations to the company of its issued capital stock carried as treasury stock at fair market value or par value; (3) retirements of capital stock purchased at less than the par value thereof; (4) sales of treasury stock in excess of its carrying value on the books of the company; (5) donations or gifts to the company of assets carried at not in excess of fair market value; and (6) other capital equity transactions with stockholders.
50. *Less: — shares of treasury stock at cost.* State the number of shares and the total amount of the company's issued capital stock which has been reacquired and not retired.
51. *Total.* Enter the balance resulting from the deduction of item 50 from the appropriate amount opposite item 49.
52. *Capital stock subscribed.* Show the total amount at the subscription price of the company's capital stock subscribed.
(a) *Less: Subscriptions receivable.* Show the total amount of the unpaid balances of capital stock subscriptions receivable.
53. *Total.* Enter the total of the appropriate amounts opposite items 51 and 52(a).
54. *Retained earnings, net income.* State the accumulated balance of the company's undistributed net income since incorporation.
55. *Retained earnings, net realized gain on investments.* State the accumulated balance of the company's undistributed net realized gain or loss on investments since incorporation.
56. *Appropriated retained earnings.* State the total amount of retained earnings earmarked for some future purpose and thus restricted from dividend distribution.
57. *Total Capital Stock and Surplus.* Enter the total of the appropriate amounts opposite items 53 and 56.
58. *Total.* Enter the total of items 47 and 57.

STATEMENT OF STATUTORY CAPITAL AND SURPLUS

1. *Debenture, subordinated, issued to SBA.* State the total of the unpaid principal balance of funds received under the subordinated debenture bond payable issued to SBA. This amount shall agree with the total of the appropriate portion of item 25 plus item 46 of the Statement of Financial Condition.
2. *Capital stock and surplus.* State the amount of the combined fully paid capital stock issued and outstanding and paid-in surplus. This amount shall agree with item 51 of the Statement of Financial Condition less the amount of any declared

stock dividends payable which may be included in item 51.

3. *Total.* Enter the total of items 1 and 2 of this Statement of Statutory Capital and Surplus.

STATEMENT OF INCOME AND EXPENSE

Income

Item

1. *Commitment income.* State the total of the amount of income earned on commitments to small business firms for loans (section 305) and debt securities (section 304), and the amount of commitment income on deferred participations of the company in the lending activities of other financial institutions.
2. *Interest on loans.* State the amount of interest earned on loans (section 305) to small business concerns.
3. *Interest on debt securities.* State the amount of interest earned on debt securities of small business concerns owned by the company pursuant to section 304.
4. *Interest on U.S. Government securities.* State the amount of interest earned on United States Government obligations, direct and fully guaranteed.
5. *Interest on amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.* State the amount of interest earned on amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304).
6. *Interest income—other.* State the amount of interest earned on loan funds in escrow pending closing, on notes receivable (except those from debtors on sale of assets acquired in liquidation of loans and debt securities), and on other interest-bearing receivables not provided for elsewhere.
7. *Compensation income—participations sold.* State the amount of compensation earned by the company for loan services rendered in connection with participations sold.
8. *Advisory and consulting service fees.* State the amount of fees charged for advisory, consulting, and related services rendered to small business concerns.
9. *Appraisal and investigation fees.* State the amount of fees charged for appraisal, investigation, and related services rendered to banks or other financial institutions.
10. *Miscellaneous fees.* State the amount of fees charged for application, appraisal, investigation, and related services rendered to small business concerns.
11. *Dividends on capital stock of SBCs.* State the amount of income from declared dividends on capital stock of small business concerns.
12. *Sharings in income of SBCs.* State the amount of sharings or participations in the income of small business concerns from which the company has acquired debt securities (section 304).
13. *Income from assets acquired in liquidation of loans and debt securities.* State the amount of income earned on assets acquired in liquidation of loans (section 305) and debt securities (section 304), including the operation of properties so acquired.
14. *Other income.* State the total amount of (1) recoveries on asset losses charged to loss accounts; (2) income earned from the leasing or renting to others of portions of corporate premises owned; (3) gain or loss on debentures payable purchased and retired; and (4) other income of a miscellaneous nature.
15. *Total.* Enter the total of items 1 through 14.

Expense

16. *Commitment expense.* State the total amount of commitment expense on (1) commitments from SBA to make funds available on a subordinated debenture

and (2) deferred participations of other financial institutions in the company's lending activities.

17. *Interest on notes and other obligations payable to SBA.* State the total amount of interest expense on notes payable and the subordinated debenture payable, all issued for funds borrowed from SBA.
18. *Interest on obligations payable to other than SBA.* State the total amount of interest expense on (1) loans to small business concerns sold with recourse upon the company; (2) debt securities of SBCs sold with recourse upon the company; (3) notes payable for funds borrowed from other than SBA; (4) subordinated and unsubordinated debentures payable issued to other than SBA; (5) mortgages payable for funds borrowed; and (6) miscellaneous obligations.
19. *Compensation expense—participations purchased.* State the amount of compensation expense for loan services received from "initiating" companies in connection with participations purchased.
20. *Debenture and fiscal agent expense.* State the amount of charges for services rendered and expenses incurred by the company's fiscal agent, and expenses directly incident to the sale, redemption, and servicing of debentures payable.
21. *Transfer agent and registrar expense.* State the amount of charges to the company by the transfer agent and the registrar for services rendered in connection with the issuance and transfer of the company's capital stock.
22. *Expense on assets acquired in liquidation of loans and debt securities.* State the amount of expense incurred on assets acquired in liquidation of loans (section 305) and debt securities (section 304), including the operation of properties so acquired.
23. *Operating expenses.* State the total amount of operating expenses, including advertising, appraisal, consulting, auditing, communications, space occupancy, depreciation of office building and equipment, directors' and stockholders' meetings, insurance, loan service, investment adviser, legal, miscellaneous services and supplies, salaries, taxes (other than income), travel, uncollectible receivables, maintenance and repairs, retirement benefits, organization, and estimated asset loss expenses.
24. *Amortization of discount (premium) on debentures payable.* State the net amount of amortization of discount or premium on unmatured outstanding debentures payable issued by the company.
25. *Total.* Enter the total of items 16 through 24.
26. *Net income before taxes on income.* Enter the balance resulting from the deduction of item 25 from item 15.
27. *Provision for Federal and other income taxes.* State the amount of the Federal and other income tax accruals relating to income exclusive of net realized gain or loss on investments.
28. *Net income exclusive of net realized gain or loss on investments.* Enter the balance resulting from the deduction of item 27 from item 26.

STATEMENT OF REALIZED GAIN OR LOSS ON INVESTMENTS

1. *U.S. Government securities.* Show the aggregate cost, aggregate net proceeds, and net gain or loss on the sale or other disposition of United States Government obligations, direct and fully guaranteed.
2. *Debt securities of SBCs.* Show the aggregate cost, aggregate net proceeds, and net gain or loss on the sale or other disposition of debt securities of small business concerns.
3. *Capital stock of SBCs.* Show the aggregate cost, aggregate net proceeds, and net gain or loss on the sale or other disposition of capital stock of small business concerns.

4. *Stock purchase warrants or options of SBCs.* Show the aggregate net proceeds and the net gain on the sale or other disposition for value of stock purchase warrants or options which have been detached from the capital stock certificates or debt securities with which they were issued by small business concerns.
5. *Assets acquired in liquidation of loans and debt securities.* Show the aggregate cost, aggregate net proceeds, and net gain or loss on the sale or disposition of assets acquired in liquidation of loans and debt securities of small business concerns. The aggregate cost shown for this item shall be the same as that recorded in the books of account on the basis determined by the board of directors from among (1) bid-in price of the property, (2) agreed consideration for the property, and (3) fair appraised value of the property, but not to exceed the total amount of the related loan or debt security involved.
6. *Other.* Show the aggregate cost, aggregate net proceeds, and net gain or loss on the sale or disposition of any investments not included in items 1 through 5.
7. *Net realized gain (loss) on investments, before taxes on income.* Enter the net total of items 1 through 6.
8. *Provision for Federal and other income taxes.* State the amount of Federal and other income tax accruals relating to net realized gain on investments.
9. *Net realized gain (loss) on investments.* Enter the balance resulting from the deduction of item 8 from item 7.

PART II

SCHEDULE 1—SURPLUS RECONCILEMENTS

Describe in this schedule all activities in accounts for paid-in surplus, retained earnings, and appropriated retained earnings during the periods covered by the schedule. The "current period" is the period immediately following the period for which this particular schedule was last submitted. In each reconciliation show opening balances, explanation of additions and deductions during periods, and balances at close of periods.

In Schedule 1b show separately the reconciliations of retained earnings from (1) net income, and (2) net realized gain on investments.

SCHEDULE 2—OPERATING EXPENSES

Include all operating expenses in this schedule. The "current period" is the period immediately following the period for which this particular schedule was last submitted.

SCHEDULE 3—LOANS (SECTION 305)

Furnish in this schedule a summary of loan activities under section 305 of the Act for the period immediately following the period for which this schedule was last submitted. List each loan by debtor, face amount, terms, opening unpaid balance of funds advanced, total additions during period, total deductions during period, and unpaid balance of funds advanced at close of period, showing the portion maturing within one year and the portion maturing after one year. The totals of columns (8) and (9) shall agree with items 6 and 12, respectively, of the Statement of Financial Condition. This schedule will comprise one or more of the following types of loans, grouped under brief headings designating the types, but without need for subtotals:

1. Direct loans.
2. Loans which the "initiating" investment company shares with another lending institution. Such loans in which others participate shall be shown in the gross amount of funds advanced on the books and reports of the "initiating" company.
3. Loans in which the "participating" investment company owns a participating interest in loans of an "initiating" company. Such participations in loans of others shall

be shown in the amount of the net investment on the books and reports of the "participating" company.

4. Loans sold with recourse. Such loans shall be stated in the amount of the unpaid balance of funds advanced as shown on the company's books after giving effect to payments made as reported to the company by the purchasers.

All transactions during the reporting period in connection with loans outstanding at any time during the period shall be included in the data summarized in the schedule even if there is no related opening or closing loan balance.

SCHEDULE 4—DEBT SECURITIES OF SBC'S
(SECTION 304)

Furnish in this schedule a list of all debt securities of small business concerns held, acquired, converted, or sold during the period immediately following the period for which the schedule was last submitted. The debt securities shall be shown at face amount in column (2) and on the basis of cost in columns (5) through (9). The additions and deductions during the period shall be given, and the balance at the close of the period shall show a segregation between the amount maturing within one year and the amount maturing after one year. The totals of columns (8) and (9) shall agree with the appropriate amounts opposite items 8(c) and 13(c), respectively, in the Statement of Financial Condition. The market value, or fair value as determined by the board of directors, shall be shown in column (10). Column (11) shall show the percentage of each debtor small business concern's voting securities (including those necessary to cover conversion of, or exercise of stock rights attached to, the debt securities described in this schedule) which can be obtained by the company through conversion of debt securities held or through exercise of stock purchase warrants or options attached to debt securities held.

SCHEDULE 5—DELINQUENT LOANS (SECTION 305)
(NOT SHOWN SEPARATELY ON STATEMENT OF FINANCIAL CONDITION)—ALLOWANCE FOR UNCOLLECTIBLE LOANS

Show in this schedule all past due installments on loans (section 305). Opposite the name of each small business concern shall be entered separately the total outstanding balance of the delinquent loan, column (2), and the past due installments of principal and interest, columns (3) and (4). The allowance for uncollectible loans, when such allowance is based upon estimated realizable value of the individual loan, shall be shown in columns (5) through (9), opposite the name of each small business concern, showing opening balance, total additions, total deductions, and closing balance, all relating to the period immediately following the period for which this schedule was last submitted. Additions in column (6) shall represent charges to uncollectible loans expense. Those in column (7) shall represent recoveries on loans previously written off. If the allowance for uncollectibles is based upon a percentage of loans made, the beginning balance, additions, deductions, and closing balance shall be entered in columns (5) through (9) opposite side caption No. 2, "General allowance for uncollectible loans." In any event the final total of column (9) shall agree with the appropriate amount opposite item 12(d) in the Statement of Financial Condition.

SCHEDULE 5a—DELINQUENT DEBT SECURITIES
(SECTION 304) (NOT SHOWN SEPARATELY ON STATEMENT OF FINANCIAL CONDITION)—ALLOWANCE FOR LOSSES ON DEBT SECURITIES

Show in this schedule all past due installments on debt securities (section 304). Opposite the name of each small business concern shall be entered separately the total

outstanding balance of the delinquent debt security, column (2), and the past due installments of principal and interest, columns (3) and (4). The allowance for losses on debt securities, when such allowance is based upon estimated realizable value of the individual debt security, shall be shown in columns (5) through (9), opposite the name of each small business concern, showing opening balance, total additions, total deductions, and closing balance, all relating to the period immediately following the period for which this schedule was last submitted. Additions in column (6) shall represent charges to expense for estimated losses on debt securities. Those in column (7) shall represent recoveries on debt securities previously written off. If the allowance for losses is based upon a percentage of debt securities acquired, the beginning balance, additions, deductions, and closing balance shall be entered in columns (5) through (9) opposite side caption No. 2, "General allowance for losses on debt securities." In any event the final total of column (9) shall agree with the appropriate amount opposite item 13(f) in the Statement of Financial Condition.

SCHEDULE 6—CAPITAL STOCK OF SBC'S—ALLOWANCE FOR LOSSES ON CAPITAL STOCK OF SBC'S

Show in this schedule pertinent data with respect to the capital stock of small business concerns acquired by the company during the period immediately following the period for which this schedule was last submitted. The stock shall be shown at cost. Allowance for estimated losses, if any, shall be indicated, as well as the market or fair value as determined by the board of directors. The total of column (9) shall agree with the appropriate amount opposite item 14(c) in the Statement of Financial Condition. Column 12 shall show the percentage of each financed small business concern's voting securities (including those necessary to cover conversion of, or exercise of stock rights attached to, the capital stock described in this schedule) represented by voting stock held plus the voting securities which can be obtained by the reporting company upon conversion of convertible stock held or exercise of stock purchase warrants or options attached to stock held.

PART III

SCHEDULE 7—CASH ON HAND AND IN BANKS

Show in this schedule all cash on hand and in banks. Demand deposits comprise balances which are subject to withdrawal without notice. Cash items in process of collection represent those items which have been placed with banks for collection. Petty cash shall represent the full amount of the petty cash imprest fund.

SCHEDULE 8—U.S. GOVERNMENT OBLIGATIONS,
DIRECT AND FULLY GUARANTEED

List in this schedule all securities owned which have been issued or guaranteed by the U.S. Government, showing the name of the issuer and the title of each issue. Other required data, such as interest rate, call date, maturity date, and principal amount at par of bonds and notes, may be obtained by inspection of the securities or from records of securities pledged. The cost shown in column (6) of this schedule shall be in agreement with item 2 of the Statement of Financial Condition. The current market value of the securities shall be shown in column (7) of the schedule and shall agree with the amount shown parenthetically in item 2 of the Statement of Financial Condition.

SCHEDULE 9—LOAN PARTICIPATIONS PURCHASED
AND SOLD (SECTION 305)

Show in this schedule the balances of individual loans participated in by other lend-

ing institutions as of the reporting date. The schedule shall be prepared from the viewpoint of the reporting investment company, and the purchaser or seller of the participation as reported in column (3) shall in each case be other than the reporting company.

The total purchases by others (P) in columns (7) and (8) shall agree with items 6(a) and 12(a), respectively, of the Statement of Financial Condition. Total from sellers (S) in columns (7) and (8) will be included in items 6 and 12, respectively, of the Statement of Financial Condition.

SCHEDULE 10—DUE FROM DIRECTORS, OFFICERS, AND EMPLOYEES

Show in this schedule amounts due from directors, officers, and employees at any time within the period immediately following the period for which this schedule was last submitted for advances made to them. An explanation shall be furnished for any amount written off or for any collection other than in cash. Amounts outstanding shall be classified as current and noncurrent and shown in columns (6) and (7), respectively, the totals of which columns shall agree with items 9 and 21 in the Statement of Financial Condition.

SCHEDULE 11—SUNDRY ASSETS

Show and explain in this schedule, by appropriate classification, the amounts of any of the sundry assets which are significant in relation to the amount of total assets. Such assets may include: (1) Notes receivable, (2) accounts receivable, (3) dividends receivable, (4) accrued interest receivable, (5) loan funds in escrow pending closing, (6) other current assets, representing current amounts due which are not accounted for under a specific class heading, (7) prepayments or deferred charges, (8) organization costs, and (9) other assets.

Explain clearly any provisions made or any methods in operation to write off or amortize any of the amortizable items in this schedule.

SCHEDULE 12—AMOUNTS DUE FROM DEBTORS ON SALE OF ASSETS ACQUIRED IN LIQUIDATION OF LOANS AND DEBT SECURITIES—ALLOWANCE FOR UNCOLLECTIBLES

Show in this schedule, by debtors, all accounts receivable, notes receivable, sales contracts, purchase money mortgages, etc., carried during the period in the account for amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304). The balances at the beginning and close of the period immediately following the period for which this schedule was last submitted shall be shown, together with additions and deductions during such reporting period. Allowances for uncollectibles based upon an evaluation of individual amounts due shall be recorded in column (9) opposite the name of the debtor. If a general allowance is utilized instead of individual allowances, it shall appear only at the bottom of column (9).

Items in this account which originate from the sale of assets acquired in liquidation of participation loans shall be shown in the gross amounts by debtors, and, on the line directly thereunder, the "participating" company's equity shall be enclosed in parentheses and deducted in arriving at the totals for columns (5), (6), (7), and (8). If, however, the company preparing this report is not the "initiating" company but is itself the "participating" company, only its equity in the sale of assets arising from liquidation of such participation loan shall be included in this schedule.

The totals of columns (8) and (9) shall agree with items 15 and 15(b), respectively, of the Statement of Financial Condition.

SCHEDULE 13—ASSETS ACQUIRED IN LIQUIDATION OF LOANS AND DEBT SECURITIES—ALLOWANCE FOR LOSSES

List in this schedule, by former debtors (small business concerns), all assets carried during the period immediately following the period for which this schedule was last submitted in the account for assets acquired in liquidation of loans and debt securities. The balances, by former debtors, at the beginning of the reporting period, additions and deductions during the period, and balances at the close of the period shall be shown in columns (3), (4), (5), and (6). The allowance for losses based upon an appraisal of the assets held shall be recorded in column (7). Current market value or fair value as determined by the board of directors at the close of the period shall be shown in column (8). The totals of columns (6) and (7) shall agree with items 16 and 16(b), respectively, of the Statement of Financial Condition.

Assets acquired in liquidation of a participation loan shall be identified with the former debtor as named in column (1) and in the case of an "initiating" company preparing this report the gross amount shall be shown. In such case the "participating" company's equity shall be enclosed in parentheses on the line thereunder and shall be deducted in arriving at the totals for columns (3), (4), (5), and (6). If the reporting company is the "participating" company rather than the "initiating" company, only the reporting company's equity shall be included in this schedule.

SCHEDULE 14—OBLIGATIONS PAYABLE TO SBA

Furnish in this schedule a summary analysis for the period immediately following the period for which this schedule was last submitted of the accounts for notes payable to SBA and for the subordinated debenture issued to SBA.

The terms of each note payable to SBA shall be recorded in columns (2) and (3); the unpaid balance at the beginning of the period and additions and deductions during the period shall be reflected in columns (4), (5), and (6); and the balance payable at the end of the period, segregated between amounts due within one year and amounts due after one year, shall be reflected in columns (7) and (8).

The subordinated debenture issued to SBA shall be entered in this schedule in a similar manner.

The total of column (7) shall agree with item 25 on the Statement of Financial Condition, and the total of column (8) shall equal the sum of items 41(a) and 46 in the Statement of Financial Condition.

SCHEDULE 15—OBLIGATIONS PAYABLE FOR FUNDS BORROWED FROM OTHER THAN SBA

Show in this schedule all obligations payable for funds borrowed from other than SBA, including (1) all notes payable for funds borrowed from other than SBA; (2) debentures payable, unsubordinated; (3) debentures payable, subordinated, issued to other than SBA; and (4) mortgages payable for funds borrowed on corporate premises or other real estate. Such liabilities shall be grouped and described by class in column (2), but subtotals are not required. The terms of each obligation shall be set out in columns (3) and (4); the unpaid balance at the beginning of the period immediately following the period for which this schedule was last submitted and additions and deductions during such reporting period shall be shown in columns (5), (6), and (7); and the balance payable at the close of the period, segregated between amounts due within one year and amounts due after one year, shall be reflected in columns (8) and (9).

The total of column (8) shall agree with item 26 in the Statement of Financial Condition.

dition, and the total of column (9) shall equal the sum of items 41(b) and 42 in the Statement of Financial Condition.

SCHEDULE 16—CAPITAL STOCK OF LICENSEE

Furnish in this schedule a complete description of capital stock authorized and capital stock issued and outstanding, and data relating to special transactions involving capital stock.

In column (1) shall be described the type and class of each issue, such as common—\$5.00 par, preferred (6% Series of 1960), etc. The par value and the stated value of no-par stock shall also be reported in column (1).

The number of shares authorized, whether issued or not, shall be reported in column (2).

The number of shares and amount, at par or stated value, of stock issued and not retired or cancelled shall be reported in columns (3) and (4). The total of column (4), plus the amount of any declared stock dividends payable, shall agree with item 48 of the Statement of Financial Condition. The number of shares held as treasury stock shall be shown in column (5). Column (6) shall represent the difference between column (3) and column (5).

Column (7) shall be the amount at par or stated value representing the number of shares outstanding as shown in column (6). The total of column (8) shall represent the amount of capital stock subscribed at the subscription price and shall agree with item 52 of the Statement of Financial Condition.

In column (9) shall be reported the amount of subscriptions receivable, which shall agree in total with item 52(a) of the Statement of Financial Condition.

Column (10) shall show the number of shares (other than those under option) reserved for purchase by officers and employees, and column (11) shall show the number of shares reserved to cover options and other rights.

SCHEDULE 17—COMMITMENTS OUTSTANDING

Furnish in this schedule a summary showing separately, with subtotals, (1) commitments to small business concerns for equity financing under section 304 of the Act, as amended, (2) commitments to small business concerns for loans under section 305 of the Act, as amended, and (3) commitments to financing institutions for deferred participations in loans or commitments to small business concerns.

SCHEDULE 18—DETACHED STOCK PURCHASE WARRANTS OR OPTIONS ON STOCK OF SBC'S

Show in this schedule pertinent data concerning stock purchase warrants or options on stock of small business concerns which have been detached from the capital stock or debt securities of such concerns with which they were issued and are held by the reporting company as of the date of this report.

The small business concern which issued each stock purchase warrant or option is to be identified in column (1); column (2) shall show the number of shares called for; column (3) shall specify the type and class of stock called for; column (4) shall inform as to the grant and expiration dates of the warrant or option; column (5) shall set forth the price or prices at which the stock purchase rights are exercisable, showing the period within which each price applies; and columns (6) and (7) shall show the total number of shares of the small business concern's voting stock and nonvoting stock, respectively, which are outstanding plus those covered by the detached warrant or option described. Column (8) shall show the percentage of each small business concern's voting securities, including those called for by the stock purchase warrants or options described in this schedule, which

can be obtained by the reporting company upon exercise of such warrants or options.

SCHEDULE 19—OPTIONS ON LICENSEE'S CAPITAL STOCK

Furnish in this schedule full information concerning capital stock options outstanding which have been granted by the company in lieu of salary or in payment for services actually rendered to the company, as provided for in § 107.302-2 of the Regulation, as amended.

The holder of each option shall be identified in column (1). The number of shares optioned shall be shown in column (2). In column (3) shall be described the type and class of stock called for by the option, such as common—\$5.00 par, preferred (6 percent Series of 1960), etc.

Column (4) shall show the grant and expiration dates of each option and column (5) shall set forth the price or prices at which each option is exercisable, together with the period during which each price applies.

Column (6) shall show the fair market value, per share, of stock called for by each option, at the date the option was granted. The price at which the option is exercisable as a percentage of fair market value, per share, of the optioned stock at date of granting shall be shown in column (7). Column (8) shall set forth the provisions made with respect to each option in the

event of the optionee's death or retirement, or other circumstances.

The fair market value, per share, of stock called for at date the option was granted, if not ascertainable on the basis of actual market, shall be as determined by the board of directors.

Dated: January 10, 1961.

PHILIP McCALLUM,
Administrator.

[F.R. Doc. 61-323; Filed, Jan. 13, 1961;
8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 13864]

APPLICATIONS FOR VOLUNTARY ASSIGNMENTS OR TRANSFERS OF CONTROL

Order Extending Time for Filing Comments

In the matter of amendment of Part 1 of the Commission's rules adding § 1.365

concerning applications for voluntary assignments or transfers of control.

The Commission having under consideration (1) the above-captioned proceedings; and (2) the petition filed on January 9, 1961, by the National Association of Broadcasters, among others, requesting that the time for filing comments in said proceedings be extended for 10 days; and

It appearing that good and sufficient cause has been shown for said extension and that the public interest would be served thereby;

It is ordered, This 10th day of January 1961, that the time for filing comments in the above-captioned proceedings is extended to and including January 26, 1961, and the time for filing reply comments is extended to and including February 6, 1961.

Released: January 11, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-332; Filed, Jan. 13, 1961;
8:52 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 218-61]

APPORTIONMENT, REAPPORTIONMENT, AND ALLOTMENT OF APPROPRIATIONS

By virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22) and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), I hereby amend paragraph 1 of subsection (c) of section 15 of Order No. 175-59, dated January 19, 1959, to read as follows:

(1) *Apportionment, reapportionment, and allotment of appropriations.* Pursuant to section 665 of title 31 of the United States Code, making requests upon the Director of the Bureau of the Budget for apportionment or reapportionment of appropriations, including the determination, whenever required, that such apportionment or reapportionment indicates the necessity for the submission of a request for a deficiency or supplemental estimate, and making allotments to organizational units of the Department of appropriations made available to the Department within the limits of such apportionments or reapportionments.

Dated: January 6, 1961.

WILLIAM P. ROGERS,
Attorney General.

[F.R. Doc. 61-314; Filed, Jan. 13, 1961;
8:49 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. S-57 (Sub. No. 5)]

STATES MARINE LINES, INC.

Notice of Amendment of Application and of Rescheduling of Hearing

Notice is hereby given of amendment of the application of States Marine Lines, Inc. (formerly States Marine Corporation of Delaware), for written permission of the Federal Maritime Board, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, to permit the continuance, in the event the Federal Maritime Board awards an operating-differential subsidy to States Marine Lines, Inc., of the operation of the "SS Alaskan", a tanker owned by an affiliate of States Marine Lines, Inc., Oil Transport, Incorporated, in the transportation as contract carrier of chemicals, petrochemicals and lubricating oil in domestic commerce between the United States Pacific ports on the one hand, and United States Gulf and Atlantic ports on the other.

The amendment consists of the request for the following: Written permission under section 805(a) of the Merchant Marine Act, 1936 in the event States Marine Lines is awarded operating subsidy, to permit the "SS Alaskan" to be chartered or sub-chartered for the carriage of petroleum and petroleum products in the domestic intercoastal and coastwise commerce of the United States.

This amended application may be inspected by interested parties in the Office of Hearing Examiners, Federal Maritime Board, Washington, D.C.

A hearing on the application, as amended, will be held before Chief Examiner Gus O. Basham, beginning at 10 a.m., January 26, 1961, in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. An Initial Decision will be issued. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application, as amended, and desiring to be heard on issues pertinent to section 805(a) must notify the Secretary, Federal Maritime Board, immediately, in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Federal Maritime Board, petitions for leave to intervene in this proceeding received after the close of business on January 25, 1961 will not be granted.

Written statements, including exhibits, in lieu of oral testimony, shall be furnished to all parties, including the presiding examiner, 24 hours prior to beginning of the hearing.

Dated: January 13, 1961.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-374; Filed, Jan. 13, 1961;
10:05 a.m.]

Office of the Secretary

JAMES V. RICHARDS

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. James V. Richards.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: January 3, 1961.
4. Title of position: Assistant Director for Mobilization Planning, Containers and Packaging Division.

5. Name of private employer: Bemis Brother Bag Co., Brooklyn, N.Y.

CARLTON HAYWARD,
Director of Personnel.

DECEMBER 1, 1960.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Bemis Bro. Bag Co.
Bank deposits.

JAMES V. RICHARDS.

JANUARY 4, 1961.

[F.R. Doc. 61-269; Filed, Jan. 12, 1961;
8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management
ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Alaska Railroad has filed an application, Serial Number A.052480 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws. The applicant desires the land for ammunition loading and unloading reserve.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office, Mailing: Cordova Building, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WHITTIER AREA

Tract No. 1

Beginning at a point from which a point on the center line of the main track of the Portage Canal Connection, Alaska Railroad, at U.S. Army Survey station 104+00.00, ap-

proximately 2 miles West of Whittier Railroad Station, in approximate latitude 60°46' N., longitude 148°44' W., bears West 1,320 feet, S. 18°42' W., 2,136.27 feet.

From the initial point; N. 17°30' E. 795 feet; E. approximately 770 feet to a point on line of mean high tide of Passage Canal; southerly with meanders approximately 1,100 feet; N. 73°00' W. 860 feet to the point of beginning. Containing 16.18 acres.

Tract No. 2

A right of way 20 feet wide for a power and telephone line, the center of which is described as follows:

Beginning at a point on the south boundary of Tract No. 1 from which the beginning point of said tract bears N. 73°00' W. 770 feet.

Thence by metes and bounds; South 855 feet; S. 28°15' W. 90 feet; S. 63°30' W. 740 feet; S. 78°00' W. 950 feet; S. 14°00' W. 600 feet to the north boundary of the Alaska Railroad right of way. Containing approximately 1.49 acres.

HAROLD M. WHEATLEY,
Acting Operations Supervisor.

[F.R. Doc. 61-313; Filed, Jan. 13, 1961;
8:49 a.m.]

Office of the Secretary

CLARENCE W. MAYOTT

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 during the past six months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of December 15, 1960.

Dated: December 15, 1960.

CLARENCE W. MAYOTT.

[F.R. Doc. 61-325; Filed, Jan. 13, 1961;
8:51 a.m.]

L. A. MOLLMAN

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 during the past six months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of December 20, 1960.

Dated: December 20, 1960.

L. A. MOLLMAN.

[F.R. Doc. 61-326; Filed, Jan. 13, 1961;
8:51 a.m.]

RIGGS SHEPPERD

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 during the past six months:

- (1) None.
- (2) Kaweck Chemical Corporation; Polaroid Corporation.
- (3) None.
- (4) None.

This statement is made as of December 19, 1960.

Dated: December 19, 1960.

RIGGS SHEPPERD.

[F.R. Doc. 61-327; Filed, Jan. 13, 1961;
8:51 a.m.]

ALEXANDER H. WADE, JR.

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 during the past six months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of December 15, 1960.

Dated: December 15, 1960.

A. H. WADE, JR.

[F.R. Doc. 61-328; Filed, Jan. 13, 1961;
8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-117]

UNIVERSITY OF MAINE

Notice of Denial of Application for Facility License

Please take notice that the Atomic Energy Commission has denied, without prejudice, the application dated September 12, 1958 submitted by the University of Maine for a license authorizing acquisition and operation of a Model AGN-201 nuclear reactor.

The University has not responded to requests for additional information required to complete its application. In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the denial of the application upon receipt of a request therefor from the applicant or an intervener within thirty days after issuance of the denial. Petitions for leave to inter-

vene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street, Washington, D.C. For further details see Docket No. 50-117 on file at the AEC's Public Document Room.

Dated at Germantown, Md., this 10th day of January 1961.

For the Atomic Energy Commission.

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

[F.R. Doc. 61-282; Filed, Jan. 13, 1961;
8:45 a.m.]

**FEDERAL COMMUNICATIONS
COMMISSION**

[Docket Nos. 13805-13807; FCC 61M-39]

KOMY, INC., ET AL.

Order Continuing Hearing

In re applications of Komy, Inc., Watsonville, California, Docket No. 13805, File No. BPH-2942; G. Stuart Nixon, San Jose, California, Docket No. 13806, File No. BPH-2961; Franklin Mieuli (KHIP), San Francisco, California, Docket No. 13807, File No. BPH-3075; for construction permits (FM).

The Hearing Examiner having under consideration a change of date for commencement of hearing;

It appearing that a further prehearing conference was held on January 9, at which time a new date was established for the commencement of hearing to replace the present date of January 17;

It is ordered, This 9th day of January 1961, that the hearing now scheduled for January 17 will commence on January 26, 1961.

Released: January 10, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-333; Filed, Jan. 13, 1961;
8:52 a.m.]

[Docket No. 13481; FCC 61M-35]

NATHAN FRANK (WNBE-TV)

Order Continuing Hearing

In re proposal of Nathan Frank (WNBE-TV), New Bern, North Carolina, Docket No. 13481; for modification of construction permit.

The Hearing Examiner having under consideration "Notice of Election" filed January 5, 1961, in the above-entitled proceeding by Nathan Frank (WNBE-TV); Memorandum Opinion and Order of the Commission released December 6, 1960 (FCC 60-1413) directing Frank

to elect between the transmitter site under consideration in this proceeding and any new site he may choose and affording him thirty days from the date of release of the said order in which to do so; and the proceedings heretofore had herein including the Memorandum Opinion and Order of the Hearing Examiner released September 19, 1960 (FCC 60M-1564) continuing the further prehearing conference to January 17, 1961 and the hearing to January 24, 1961;

It appearing that the "Notice of Election" filed by Frank pursuant to the Commission's order specifies a transmitter site different from the one on which the instant proceeding is predicated and has the effect of rendering the instant proceeding moot and subject to dismissal; and that no useful purpose would be served, therefore, by holding the scheduled prehearing conference in this case or by commencing the hearing on the present issues;

It is ordered, This 9th day of January 1961, that the prehearing conference scheduled for January 17, 1961, is hereby cancelled and that the hearing is continued until further order.

Released: January 10, 1961.

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

[F.R. Doc. 61-334; Filed, Jan. 13, 1961;
8:52 a.m.]

[Docket Nos. 13579-13587; FCC 61M-36]

CHARLES P. B. PINSON, INC., ET AL.

Order Continuing Hearing

In re applications of Charles P. B. Pinson, Inc., for a construction permit to change location and change antenna at existing licensed two-way station KIG289 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Florida, Docket No. 13579, File No. 683-C2-P-59; for a construction permit to change location and change antenna at existing licensed one-way station KIG843 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Florida, Docket No. 13580, File No. 684-C2-P-59; for a construction permit to establish a new one-way signaling facility in the Domestic Public Land Mobile Radio Service at Clearwater, Florida, Docket No. 13581, File No. 785-C2-P-59; for a modification of construction permit to extend date of required completion of construction and change control point for station KIN652 in the Domestic Public Land Mobile Radio Service at Jacksonville, Florida, Docket No. 13582, File No. 263-C2-MP-60; for renewal of the license for station KIB386 in the Domestic Public Land Mobile Radio Service at Tampa, Florida, Docket No. 13583, File No. 207-C2-R-60; for renewal of the license for station KIG289 in the Domestic Public Land Mobile Service at St. Petersburg, Florida, Docket No. 13584, File No. 1069-C2-R-60; for renewal of the license for station KIG843 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Florida, Docket No. 13585,

File No. 1380-C2-R-60; James C. Fields, Tampa, Florida, for a renewal of the license for station KIK578 in the Domestic Public Land Mobile Radio Service at Tampa, Florida, Docket No. 13586, File No. 1964-C2-R-60; Alan H. Rosenson, d/b as All-Florida Communications Company, Tampa, Florida, Docket No. 13587, File No. 2335-C2-MP-60; for a modification of the construction permit for station KIQ516 in the Domestic Public Land Mobile Radio Service at Tampa, Florida.

The Hearing Examiner having under consideration the informal request filed on behalf of Charles P. B. Pinson, Inc., for continuance of the presently scheduled hearing date herein;

It appearing that a conflict has arisen between the date scheduled herein and the date of further hearing in Dockets No. G-20509 and RP 60-15 before the Federal Power Commission in which proceedings petitioner's counsel must appear;

It further appearing that no opposition to the said request has been filed and that a grant thereof would tend toward more orderly disposition of the instant proceeding as denial would require the appearance on behalf of petitioner of other counsel necessarily unfamiliar with the proceeding;

It further appearing that the parties should be and are advised, however, that only exceptional circumstances will be found to merit a continuance beyond the date subsequently specified herein for commencement of hearing;

It is ordered, This 9th day of January 1961 that the said request is granted and the hearing herein presently scheduled to commence on February 6, 1961, is continued to February 20, 1961, commencing at 10:00 a.m. in Tampa, Florida.

Released: January 10, 1961.

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

[F.R. Doc. 61-335; Filed, Jan. 13, 1961;
8:52 a.m.]

[Docket Nos. 13747-13748; FCC 61M-38]

**OREGON TELEVISION, INC., AND
WILLAMETTE-LAND TELEVISION,
INC.**

Order Continuing Hearing

In re applications of Oregon Television, Inc., Salem, Oregon, Docket No. 13747, File No. BPCT-2611; Willamette-Land Television, Inc., Salem, Oregon, Docket No. 13748, File No. BPCT-2651; for construction permits for new television broadcast stations (Channel 3).

The Hearing Examiner having under consideration a "Joint Petition for Extension of Procedural Hearing Dates" filed December 29, 1960, by the applicants herein; and

It appearing that the Broadcast Bureau has no objection to the granting of the petition;

It is ordered, This 9th day of January 1961 that the petition is granted, and that according thereto the dates of this proceeding are changed as follows:

(a) Exchange of exhibits—from January 5 to February 2, 1961.

(b) Notification of witnesses for cross-examination—from January 12 to February 9, 1961.

(c) Hearing—from January 19 to February 14, 1961.

Released: January 10, 1961.

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

[F.R. Doc. 61-336; Filed, Jan. 13, 1961;
8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI61-316]

COLUMBIAN FUEL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

JANUARY 6, 1961.

On December 8, 1960, Columbian Fuel Corporation (Columbian) tendered for filing a Notice of Change dated December 12, 1960, and a Supplemental Agreement dated November 30, 1960, proposing increased rates and changes in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Description: Supplemental Agreement dated November 30, 1960. Notice of Change dated December 6, 1960.

Purchaser: Cities Service Gas Company. Rate schedule designation: Supplement No. 8 to Columbian's FPC Gas Rate Schedule No. 7. Supplement No. 9 to Columbian's FPC Gas Rate Schedule No. 7. Effective date: January 8, 1961.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased sales and charges contained in the above-designated supplements.

(B) Pending hearing and decision thereon, the above-designated supplements are hereby suspended and the use thereof deferred until June 8, 1961, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought

NOTICES

to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension expired, unless otherwise ordered by the Commission.

(D) Notices of intervention 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 and 1.37(f)) on or before February 20, 1961.

By the Commission (Commissioner Kline dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-291; Filed, Jan. 13, 1961;
8:46 a.m.]

[Docket No. G-12221]

EL PASO NATURAL GAS CO.

Notice of Application for Amendment of Order

JANUARY 10, 1961.

Take notice that on November 28, 1960, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas, filed a petition to amend the Commission's order issued July 19, 1957, in Docket No. G-12221, which order issued a certificate of public convenience and necessity to Pacific Northwest Pipeline Corporation (now El Paso Natural Gas Company) authorizing, inter alia, the delivery of natural gas on a direct, interruptible basis to the Northwestern Portland Cement Company near Grotto, King County, Washington.

Said petition to amend seeks authorization to make the aforesaid delivery and sale to Pacific Natural Gas Company (Pacific Natural), an existing customer of Applicant, on a firm basis for resale to Ideal Cement Company, successor to Northwestern Portland Cement Company, for use in the same cement plant near the community of Grotto.

Pacific Natural holds a certificate of public convenience and necessity from the Washington Public Service Commission to operate the aforesaid cement plant.

The purpose of the subject petition to amend is to eliminate Applicant's direct sale to this industrial customer and to substitute Pacific Natural as the purchaser, thereby permitting the locally regulated utility to supply the service to the cement plant.

The facilities authorized to be constructed and operated by Applicant to serve the cement plant in the original certificate order of July 19, 1957, will be used to serve Pacific Natural and service is proposed to be rendered under Applicant's filed DI-1 rate schedule. The volume of natural gas involved was limited by said order of July 19, 1957, to a maximum of 3,350 Mcf per day.

Protests or petitions to intervene in this matter may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure

(18 CFR 1.8 or 1.10) on or before January 27, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-292; Filed, Jan. 13, 1961;
8:46 a.m.]

[Docket No. CP61-59 etc.]

PIONEER GATHERING SYSTEM, INC., ET AL.

Notice of Applications and Date of Hearing

JANUARY 9, 1961.

Pioneer Gathering System, Inc., Docket No. CP61-59; J. Glenn Turner, et al., Docket No. CI61-128; Roanoke Petroleum Corporation (Operator), et al., Docket No. CI61-137.

Take notice that there have been filed applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of natural gas facilities and for the sale of natural gas in interstate commerce, subject to the jurisdiction of the Commission, as hereinafter described, all as more fully described in the respective applications, which are on file with the Commission and open to public inspection.

On August 26, 1960, Pioneer Gathering System, Inc. (Pioneer), filed in Docket No. CP61-59 an application for a certificate of public convenience and necessity for authority to construct approximately 15 miles of 4-inch pipeline extending from the Brooks Field to the existing Mertzon Corporation (Mertzon) plant and to construct and operate 7.6 miles of 3-inch pipeline extending from said Mertzon plant to a point of delivery on Permian Basin Pipeline Company's (Permian's) existing interstate pipeline facilities, all in Irion County, Texas. Such facilities will be utilized to purchase and receive natural gas from Mertzon, pursuant to an amendatory agreement dated July 1, 1960. Pioneer will resell the subject gas to Permian under an existing basic contract. The cost of the facilities is \$204,800, which will be financed from cash on hand and through \$200,000 of 5½ percent notes to Pioneer's parent company, Pioneer Natural Gas Company.

Mertzon will operate the above 15 miles of 4-inch pipeline from the Brooks Field to the Mertzon Plant.

The 7.6 miles of 3-inch pipeline will loop Pioneer's existing line from the Mertzon Plant to Permian's facilities.

On October 20, 1960, Mertzon filed a petition to amend the order issuing certificate in Docket No. G-19534 to include authorization to sell additional gas to Pioneer and to operate the 15 miles of line to be constructed by Pioneer. Mertzon will purchase the gas from various producers in the Brooks Field, Irion County, Texas. The point of delivery to Pioneer will be at the outlet of the Mertzon Plant.

J. Glenn Turner, et al. in Docket No. CI61-128 and Roanoke Petroleum Corporation in Docket No. CI61-137 filed applications for authorization to sell natural gas to Mertzon from the Brooks Field (and vicinity), Irion County, Texas, at a proposed rate of 8.0 cents per Mcf.

Mertzon's proposed rate to Pioneer is 12.25 cents per Mcf.

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 February 14, 1961 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 January 30, 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. 61-294; Filed, Jan. 13, 1961;
8:46 a.m.]

[Docket Nos. RI61-317—RI61-322]

HILL AND MEEKER ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates;¹ and Allowing Rate Changes To Become Effective Subject to Refund

JANUARY 6, 1961.

Hill & Meeker (Operator), et al., Docket No. RI61-317; Westhoma Oil Company, Docket No. RI61-318; J. M. Huber Corporation, Docket No. RI61-319; Skelly Oil Company, Docket No. RI61-320; General American Oil Company of Texas, Docket No. RI61-321; Cities Service Oil Company, Docket No. RI61-322.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each filing, the natural gas is sold at 14.65 psia, with the exception of General American Oil Company of Texas which is sold at 15.025 psia. The proposed changes are designated as follows:

¹ This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date ¹ unless suspended	Date suspended until—	Cents per Mcf ²		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI61-317...	Hill & Meeker (Operator), et al., Midland Savings & Loan Building, Midland, Tex.	1	1	El Paso Natural Gas Co. (Pecos Valley Devonian Field, Pecos County, Tex.), (R.R. District No. 8).	\$1,817	12-8-60	1-8-61	6-8-61	10.6008	15.6488	-----
RI61-318...	Wethoma Oil Co., 1870 Denver Club Building, Denver 2, Colo.	2	5	Panhandle Eastern Pipe Line Co. (Enns Field, Texas County, Okla.).	2,000	12-8-60	2-1-8-61	6-8-61	16.6	16.8	G-20279
RI61-319...	J. M. Huber Corp., 2401 East Second Avenue, Denver 6, Colo.	24	5	Natural Gas Pipeline Co. of America, Chunn Field, Hansford County, Tex.) (R.R. District No. 10).	235	12-8-60	2-1-23-61	6-23-61	16.96128	17.1632	RI60-57
RI61-320...	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla.	166	-----	Colorado Interstate Gas Co., (Hugoton Field, Finney and Kearny Counties, Kans.).	-----	12-8-60	1-1-8-61	6-8-61	10.0	-----	-----
RI61-320...	Skelly Oil Co.	166	1	do.	1,018	12-8-60	1-1-8-61	6-8-61	10.0	12.0	-----
RI61-321...	General American Oil Co. of Texas, Meadows Building, Dallas 6, Tex.	42	7	United Gas Pipe Line Co. (Crescent Farms and Hollywood Fields, Terrebonne Parish, La.) (Southern La.).	89,599	12-13-60	1-1-13-61	6-13-61	20.25	22.25	-----
RI61-322...	Cities Service Oil Co., Cities Service Building, Bartlesville, Okla.	111	5	Phillips Petroleum Co. (W. Panhandle Field, Moore County, Tex.) (R.R. District No. 10).	109	12-13-60	1-1-13-61	1-14-61	11.2518	11.053	G-20558
RI61-322...	Cities Service Oil Co.	113	6	do.	28	12-13-60	1-1-13-61	1-14-61	11.2518	11.053	G-20558
RI61-322...	do.	114	5	Phillips Petroleum Co. (W. Panhandle Field Gray County, Tex.) (R.R. District No. 10).	10	12-13-60	1-1-13-61	1-14-61	11.7518	11.553	G-20558
RI61-322...	do.	115	6	Phillips Petroleum Co. (W. Panhandle Field, Moore County, Tex.) (R.R. District No. 10).	89	12-13-60	1-1-13-61	1-14-61	11.2518	11.053	G-20558
RI61-322...	do.	116	5	do.	44	12-13-60	1-1-13-61	1-14-61	11.7518	11.053	G-20558
RI61-322...	do.	117	7	do.	97	12-13-60	1-1-13-61	1-14-61	11.2518	11.053	G-20558
RI61-322...	do.	118	5	do.	41	12-13-60	1-1-13-61	1-14-61	11.2518	11.053	G-20558
RI61-322...	do.	119	5	do.	89	12-13-60	1-1-13-61	1-14-61	11.2518	11.053	G-20558

¹ The stated effective date is the first day after expiration of the required thirty days' notice.

² The stated effective date is the effective date proposed by respondent.

³ Supersedes Skelly Oil Company's FPC Gas Rate Schedule No. 35, as amended.

⁴ Rate now received by seller. Also contract rate.

⁵ Previously reported as 12.05375 cents per Mcf based on Kansas Minimum Price Order and Kansas Severance Tax, both subsequently invalidated.

⁶ Sour gas.

⁷ Rate decrease due to redetermination of average weighted well head price in the Panhandle Field as determined by the Texas Railroad Commission as of Dec. 1, 1960.

⁸ Sweet gas.

⁹ Decrease.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated rate schedules and supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon the dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated rate schedules and supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearings and decisions thereon, the above-designated rate schedules and supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however*, That Supplements Nos. 5, 6, 5, 6, 5, 7, 5 and 5 to Cities Service Oil Company's FPC Gas Rate Schedule Nos. 111, 113, 114, 115, 116, 117, 118 and

119, respectively, shall become effective on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Cities Service Oil Company shall execute and file under Docket No. RI61-322 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless Cities Service Oil Company is advised to the contrary within 15 days after the filing of such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the rate schedules and supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention 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 and 1.37(f)) on or before February 20, 1961.

By the Commission.

JOSEPH H. GUTRIE,
Secretary.

[F.R. Doc. 61-293; Filed, Jan. 13, 1961; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[Files 7-2130-7-2132]

H. J. HEINZ CO. ET AL.

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

JANUARY 10, 1961.

In the matter of applications of the Philadelphia-Baltimore 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:

H. J. Heinz Company, File 7-2130.

Singer Manufacturing Company, File 7-2131.

Varian Associates, File 7-2132.

Upon receipt of a request, on or before January 27, 1961, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he

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

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-316; Filed, Jan. 13, 1961;
8:49 a.m.]

GENERAL SERVICES ADMINISTRATION

BAUXITE FURNACE RESIDUES HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 24 short tons of bauxite furnace residues, consisting of a mixed pile of fused aluminum oxide material, fused trimmings, granular bauxite, segregated off-color hard calcined lumps, and contaminated scrap bauxite, now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling these bauxite furnace residues. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that the material is obsolescent for use in time of war.

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

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

Dated: January 9, 1961.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 61-297; Filed, Jan. 13, 1961;
8:47 a.m.]

BLOCK AND LUMP STEATITE TALC HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 42 short tons of block and lump steatite talc now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling this quantity of block and lump steatite talc. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that the material is obsolescent for use in time of war.

General Services Administration proposes to transfer this quantity of block and lump steatite talc to other Government agencies, or to offer it for sale on a competitive basis, beginning six months after the date of publication of this notice in the FEDERAL REGISTER.

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

Dated: January 9, 1961.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 61-298; Filed, Jan. 13, 1961;
8:47 a.m.]

NATURAL AND SYNTHETIC SAPPHIRE HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 1,800,000 carats of sapphire material, consisting of approximately 1,478,000 carats of Montana natural sapphires and approximately 322,000 carats of cuttings from synthetic sapphire boules, now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling this quantity of sapphire material. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that the material is obsolescent for use in time of war.

General Services Administration proposes to transfer this quantity of sapphire material to other Government agencies, or to offer it for sale on a competitive basis, beginning six months after the date of publication of this notice in the FEDERAL REGISTER.

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

Dated: January 9, 1961.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 61-299; Filed, Jan. 13, 1961;
8:47 a.m.]

INTERNATIONAL COOPERATION ADMINISTRATION

ICA BOARD OF CONTRACT APPEALS

Establishment and Designation

1. A Board of Contract Appeals (hereinafter called the Board) is hereby created and designated the duly authorized representative of the Director of the International Cooperation Administration (hereinafter called the Director) for the determination of appeals by contractors from decisions on disputes concerning questions of fact by contracting officers or their authorized representatives or other authorities pursuant to the provisions of contracts entered or financed by the International Cooperation Administration requiring the decision of such appeals by the Director or his duly authorized representative. Subject to the approval of the General Counsel, the Board may also be designated as the duly authorized representative of other officials of the International Cooperation Administration for the determination of such appeals pursuant to the provisions of contracts entered or financed by the International Cooperation Administration requiring the decision of final administrative appeals by such officials or their duly authorized representative.

2. The Board will be composed of members appointed by the Director. It will act in each appeal through a panel, or through an individual member, designated for such appeal by the General Counsel, who will designate as chairman of each panel a duly licensed attorney-at-law. No member of the Board will consider an appeal if he has participated in the awarding or administration of the contract in dispute. It will be the duty and obligation of the members of the Board to decide appeals to the best of their knowledge and ability in accordance with applicable contract provisions and in accordance with the law pertinent thereto. The Board will carry out its work and all personnel directly or indirectly involved will cooperate so as to assure that this appellate procedure achieves speedy and just settlements of disputes.

3. The decisions of the panel or individual member designated for an appeal will be considered as the decisions of the Board and will have the finality provided in the pertinent contract provision and permitted by law.

4. The General Counsel will make and promulgate the rules and procedures governing contract appeals. Subject to such rules, the Board will have all powers necessary for the proper performance of its duties. These powers include but are not limited to authority to conduct hearings, dismiss proceedings, order the production of documents and other evidence and decide all questions necessary to resolve the specific disputes before it. The General Counsel will render final decisions, binding on the Board, concerning the extent of its jurisdiction, or authority to act in specific cases, if the question is raised by either party, the Board, or the General Counsel.

5. The General Counsel will appoint an Executive Secretary for the Board who will be its chief administrative officer and perform such functions for it as the General Counsel specifies.

6. The Assistant General Counsel (Contract Staff) will be responsible for representation of the interests of the Government in proceedings before the Board.

7. The references herein to the International Cooperation Administration include predecessor agencies or agencies to whose contracts or financial sponsorship the International Cooperation Administration has succeeded. References to the Director of the International Cooperation Administration include the heads of such agencies.

D. A. FITZGERALD,
Acting Director.

OCTOBER 27, 1960.

[F.R. Doc. 61-319; Filed, Jan. 13, 1961;
8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 10, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of prac-

tice (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. 36833: *Scrap or waste paper from and to Illinois territory.* Filed by Illinois Freight Association Agent (No. 120), for interested rail carriers. Rates on paper, scrap or waste, as described in the application, in carloads, between points in Illinois territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 35 to Illinois Freight Association tariff I.C.C. 938.

FSA No. 36834: *Allyl chloride from Freeport, Tex., to Toms River, N.J.* Filed by Southwestern Freight Bureau, Agent (No. B-7954), for interested rail carriers. Rates on allyl chloride, in tank-car loads, from Freeport, Tex., to Toms River, N.J.

Grounds for relief: Water-truck competition.

Tariff: Supplement 763 to Southwestern Freight Bureau tariff I.C.C. 4139.

FSA No. 36835: *Glassware from Sand Springs, Okla., to southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7955), for interested rail carriers. Rates on Glassware, as described in the application, loaded in trailers and transported on railroad flat cars, from Sand Springs, Okla., to points in Arkansas, Louisiana and Texas, also Memphis, Tenn.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 26 to Southwestern Freight Bureau tariff I.C.C. 4353.

FSA No. 36836: *Class rates—Seatrains Lines, Inc.* Filed by Seatrain Lines, Inc., for itself, and interested carriers. Rates on various commodities moving on class rates loaded in trailers and transported over joint rail-water and water-rail routes of the applicant rail carriers and the Seatrain Lines, Inc., between specified points in Connecticut, Massachusetts, New Jersey, New York and Pennsylvania, on the one hand, and specified points in Arkansas, Louisiana, and Texas, on the other.

Grounds for relief: Motor-water and water-motor competition.

Tariff: Supplement 18 to Seatrain Lines, Inc., tariff I.C.C. 185.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-264; Filed, Jan. 12, 1961;
8:47 a.m.]

[Notice 434]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 11, 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 63726. By order of January 10, 1961, the Transfer Board approved the transfer to Clayton LeRoy Andrews, doing business as Economy Movers, 418 West Front St., North Platte, Nebr., of Certificate No. MC 114868 Sub 1, issued February 21, 1956, to Harry Earl Newlon, Jr., doing business as Newlon's Transfer, 3251 North Washington Boulevard, Arlington, Va., authorizing the transportation of: Household goods, between Herndon, Va., and points in Virginia within 25 miles of Herndon, on the one hand, and, on the other, points in Maryland and the District of Columbia.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-321; Filed, Jan. 13, 1961;
8:50 a.m.]

CUMULATIVE CODIFICATION GUIDE—JANUARY

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