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Rules and Regulations

Title 7—AGRICULTURE

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

PART 722—COTTON

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

The provisions of §§ 722.511 to 722.533 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). These provisions govern the establishment of State, county, and farm allotments for the 1962 crop of upland cotton and the determination of the acreage planted to upland cotton on individual farms in 1962. The latest available statistics of the Federal Government are used in making the determinations required to be made in connection with §§ 722.511 to 722.533. Notice of proposed formulation of acreage allotment regulations for the 1962 crop of upland cotton was published in the *FEDERAL REGISTER* on August 25, 1961 (26 F.R. 7968) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) and the data and recommendations received in response to such notice have been duly considered.

In order that the Agricultural Stabilization and Conservation State and county committees may perform their functions in an orderly manner and establish farm allotments as early as possible prior to the holding of the cotton referendum, it is essential that §§ 722.511 to 722.533 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest and §§ 722.511 to 722.533 shall be effective upon filing this document with the Director, Office of the Federal Register.

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AUTHORITY: §§ 722.511 to 722.533 issued under secs. 301, 361, 362, 365-368, 373, 374, 375, 388, 52 Stat. 38, 62-66, as amended, 68, secs. 342-344, 345-346, 347; 63 Stat. 670, as amended, 674, 675, as amended, sec. 377; 70 Stat. 206, as amended, sec. 378, 72 Stat. 995, as amended; 7 U.S.C. 1301, 1342-1344, 1345-1347, 1361, 1362, 1365-1368, 1373-1375, 1377, 1378, 1388.

GENERAL

§ 722.511 Applicability.

The provisions of §§ 722.511 to 722.533 apply to the 1962 crop of upland cotton.

§ 722.512 Definitions.

As used in §§ 722.511 to 722.533 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number.

(a) *General terms.* (1) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto, heretofore or hereafter made.

(2) The terms "Secretary", "Deputy Administrator", "State committee", "county committee", "community committee", "State executive director", "county office manager", "operator", "person", "cropland", "county", "farm", "farm serial number", and "representative of the State committee", as defined in Part 719 of this chapter, as amended, shall apply to the regulations in §§ 722.511 to 722.533.

(3) "Director" means the Director, or Acting Director, Cotton Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(4) "Review committee" means three farmers appointed by the Secretary as

members of a panel to review quotas under section 363 of the act.

(5) "Upland cotton" (referred to in §§ 722.512 to 722.533 as "cotton") means any cotton other than extra long staple cotton.

(6) "Extra long staple cotton" means American-Egyptian, Sea Island, and Sea-land cotton, and all other varieties of the Barbados species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominates, as provided under section 347(a) of the act.

(7) "Abnormal weather conditions" means weather conditions (including conditions directly resulting therefrom) adversely affecting the planting of cotton which conditions must have been of sufficient duration and intensity to prevent the seeding of land to cotton and must have continued until the end of the planting season for the area.

(8) "State and county code" means the applicable number assigned by the Agricultural Stabilization and Conservation Service to each State and county for the purpose of identification.

(9) "Expiration of time limitations" as set forth in Part 720 of this chapter (24 F.R. 4233) shall apply to the regulations in §§ 722.511 to 722.533.

(b) *Terms relating to farms.* (1) "Owner" or "landlord" means a person who owns farmland and rents or leases such land to another person or one who owns and operates such land.

(2) "Cash tenant", "standing-rent tenant", or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a fixed amount of cotton to be paid as rent.

(3) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the cotton or of the proceeds thereof.

(4) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the cotton or of the proceeds thereof.

(5) "Producer" means a person who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant or sharecropper on a farm, is entitled to all or a share of the 1962 crop of cotton produced thereon or of the proceeds thereof.

(6) "Farm allotment" means the cotton acreage allotment established for a farm under §§ 722.511 to 722.533. Farm allotments are initially established on the basis of the data for farms as constituted at the time such allotments are established. Where a farm is subsequently reconstituted for 1962, the farm allotment will be redetermined in accordance with the regulations pertaining

to reconstitution of farms in Part 719 of this chapter, as amended.

(7) "Old cotton farm" means a farm having an acreage planted to cotton in any one or more of the years 1959, 1960, and 1961 and a cotton allotment other than zero was established for the farm for the year cotton was planted. Released allotments shall not be considered as acreage planted to cotton for purposes of determining eligibility of the farm for allotment as an old cotton farm.

(8) "New cotton farm" means a farm on which cotton is to be planted in 1962 but such farm is not eligible for an allotment as an old cotton farm.

(9) "Small farm" means a farm for which an allotment, exclusive of allocations to the farm from State and county reserves for 1962, is 15 acres or less.

(10) "Normal yield" means the average yield per harvested acre of lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year, actual yield data are not available or there was no actual yield, the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available. In the case of new cotton farms, the county committee may also take into consideration the normal yields of other farms in the locality which are similar with respect to soil and other physical factors affecting the production of cotton. The determination made by the county committee under this subparagraph shall be subject to the approval of a representative of the State committee.

(11) "Normal production" of any number of acres means the normal yield per acre of lint cotton for the farm multiplied by such number of acres.

(12) "Actual production" of cotton on the farm means the total number of pounds of lint cotton determined to have been produced on the farm in 1962.

(13) "Acreage planted to cotton in the State and county" (excluding acreage devoted to production of extra long staple cotton) for use in establishing State and county allotments means:

(i) For 1956. The measured acreages of cotton as determined for purposes of the 1956 cotton marketing quota program (as adjusted under section 344(g)(3), (i) and (m)(2) of the act; and including acreage history required under section 377 of the act and sections 106(a) and 112(2) of the Agricultural Act of 1956 (70 Stat. 191, 195; 7 U.S.C. 1824(a), 1836)).

(ii) For 1957, 1958, and 1959. The sum of the farm allotments for 1957 and 1958 and the 1959 Choice (A) farm allotment excluding any allotment released from the farm or reapportioned to the farm plus acreage history for released allotments which were reapportioned and planted to cotton: *Provided, however*, That the acreage planted to cotton for each year in a State shall not exceed the State's share of the 1957, 1958, and 1959 national allotments, respectively,

as adjusted for transfers of farm allotments between States and counties.

(iii) For 1960. The sum of 1960 Choice (A) farm allotments including any allotment released from such farm allotments, excluding any allotment reapportioned to farms (as adjusted under section 377 of the act): *Provided, however*, That the acreage planted to cotton for 1960 in a State shall not exceed the State's share of the 1960 national allotment as adjusted for transfers of farm allotments between States and counties.

(14) "Acreage planted to cotton on the farm" (excluding acreage devoted to production of extra long staple cotton) for use in determining eligibility of farms for allotments in subsequent years and for establishing acreage planted to cotton in the State and county means:

(i) For 1959. The Choice (A) farm allotment for 1959, including any allotment released from the farm and excluding any allotment reapportioned to the farm and excluding any allotment not entitled to acreage history under section 344(f)(7) of the act.

(ii) For 1960. The Choice (A) farm allotment for 1960, including any allotment released from the farm, excluding any allotment reapportioned to the farm, and also excluding any allotment not entitled to acreage history under section 344(f)(7) of the act: *Provided, however*, That if less than 75 percent of the farm allotment for each of the years 1958, 1959 (Choice (A)) and 1960 (Choice (A)), after release and before reapportionment, was seeded to cotton or devoted to the production of cotton but seeded prior to such year or was regarded as planted to cotton under the Soil Bank Act or the Great Plains program under section 16

(b) of the Soil Conservation and Domestic Allotment Act, as amended, the 1960 farm acreage history shall be the sum of the acreage seeded to cotton on the farm in 1960, and the acreage devoted to the production of cotton on the farm in 1960 but seeded prior to 1960, and acreage regarded as planted under the Soil Bank Act or the Great Plains program, and 1960 released allotment but excluding any allotment not entitled to acreage history under section 344(f)(7) of the act, and subject to the limitation that no history credit results from overplanting the farm allotment. The foregoing proviso does not apply to the 1960 farm allotment on farms owned by the Federal Government with a restrictive lease prohibiting the planting of cotton or to pooled allotment farms.

NOTE: Farm base adjustments under section 344(f)(8) of the act not included in above which is limited to definition of farm acreage history.

(iii) For 1961. The farm allotment for 1961, including any allotment released from the farm, excluding any allotment reapportioned to the farm, and also excluding any allotment not entitled to acreage history under section 344(f)(7) of the act: *Provided, however*, That if less than 75 percent of the farm allotment for each of the years 1959 (Choice (A)), 1960

(Choice (A)) and 1961, after release and before reapportionment, was seeded to cotton or devoted to the production of cotton but seeded prior to such year or was regarded as planted to cotton under the Soil Bank Act or the Great Plains program under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, the 1961 farm acreage history shall be the sum of the acreage seeded to cotton on the farm in 1961, and the acreage devoted to the production of cotton on the farm in 1961 but seeded prior to 1961, and acreage regarded as planted under the Soil Bank Act or the Great Plains program, and 1961 released allotment but excluding any allotment not entitled to acreage history under section 344(f)(7) of the act, and subject to the limitation that no history credit results from overplanting the farm allotment. The foregoing proviso does not apply to the 1961 farm allotment on farms owned by the Federal Government with a restrictive lease prohibiting the planting of cotton or to pooled allotment farms.

NOTE: Farm base adjustments under section 344(f)(8) of the act not included in above which is limited to definition of farm acreage history.

(15) "Acreage planted to cotton on the farm in 1962" for purposes of determining compliance with the farm allotment, shall be the acreage seeded to cotton on the farm in 1962 and the acreage devoted to the production of cotton on the farm for 1962 but seeded prior to 1962, excluding any acreage in excess of the farm allotment which has been destroyed or disposed of in accordance with the regulations for Determination of Acreage and Performance in Part 718 of this chapter, as amended.

(c) *Terms relating to national reserve and State reserve for minimum farms.* (1) "National reserve" means that portion of the 310,000 acres provided in section 344(b) of the act available for apportionment to States.

(2) "State's share of the national reserve" means the part of the national reserve allocated to the State on the basis of State needs for additional allotments to establish minimum farm allotments except for Nevada for which 1,000 acres shall be allocated from the national reserve as provided by the act.

(3) "State reserve for minimum farm allotments" means that part of the State reserve allocated to counties to assist in establishing minimum farm allotments.

(4) "County allocation for minimum farm allotments" means the allocations to the county from the State's share of the national reserve and from the State reserve for minimum farm allotments which become a part of the county allotment for reapportionment of farms.

§ 722.513 Issuance of forms and instructions.

Forms and instructions with respect to internal management necessary for carrying out §§ 722.511 to 722.533 shall be prepared under the direction of the Director and shall be issued by the Deputy Administrator. Copies of such forms

and instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or to the Director.

§ 722.514 Extent of calculations and rule of fractions.

Farm allotments shall be rounded to tenths of acres. Computations shall be carried to two decimal places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1".

For example:

$$\begin{array}{l} 6.732 = 6.7 \\ 6.751 = 6.8 \\ 6.750 = 6.7 \\ 6.782 = 6.8 \end{array}$$

STATE AND COUNTY ALLOTMENTS

§ 722.515 Apportionment of national allotment and national reserve among States.

(a) *National allotment.* The national allotment proclaimed for the 1962 crop of cotton, less the acreage required pursuant to section 344(k) of the act to provide any State an allotment not less than the smaller of 4,000 acres or the highest acreage planted to cotton in any of the years 1959, 1960, and 1961, shall be apportioned among the other States on the basis of the average acreage planted to cotton in each such State for the years 1956, 1957, 1958, 1959, and 1960 with adjustments in such acreage for failure to seed cotton because of abnormal weather conditions. Such adjustments for abnormal weather conditions shall be made in the acreages planted to cotton in the States on the basis of recommendations of the State committees and official statistics and studies of the Department of Agriculture. Any such adjustment in the acreage planted to cotton in a State shall be the amount established by reference to available information and data as the net reduction of planted acreage in the State attributed solely to abnormal weather conditions.

(b) *National reserve.* The estimated needs for additional acreage for establishing minimum farm allotments under section 344(f) (1) of the act for 1962, together with the 1,000-acre allocation to Nevada provided under section 344(b) of the act were determined in § 722.504 to be 100,000 acres. Such national reserve shall be apportioned among States as provided by section 344(b) of the act, on the basis of the needs of each State for additional acreage for establishing minimum farm allotments under section 344(f) (1) of the act for 1961 (except that the amount apportioned to Nevada shall be 1,000 acres). Acreage apportioned to a State from the national reserve shall not be taken into account in establishing future State allotments.

(c) *Total allotment in acres available for distribution in each State.* There are set forth below the State allotment, which is the State's share of the national allotment, the State's share of the national reserve, and the total allotment available for distribution in each State.

State	State allotment	State's share of National Reserve	Total allotment available for distribution in State
	(1)	(2)	(3)
Alabama-----	1,054,070	14,125	1,068,195
Arizona-----	370,367	277	370,644
Arkansas-----	1,478,880	2,497	1,481,377
California-----	825,684	1,014	826,698
Florida-----	37,718	1,598	39,316
Georgia-----	920,786	11,073	931,859
Illinois-----	3,206	10	3,216
Kansas-----	24	1	25
Kentucky-----	7,900	124	8,024
Louisiana-----	625,760	4,562	630,322
Maryland-----	14	-----	14
Mississippi-----	1,709,423	10,577	1,720,000
Missouri-----	395,574	883	396,457
Nevada-----	2,522	1,000	3,522
New Mexico-----	191,025	285	191,310
North Carolina-----	492,722	11,394	504,116
Oklahoma-----	842,342	5,152	847,494
South Carolina-----	753,144	8,964	762,108
Tennessee-----	592,842	7,750	600,592
Texas-----	7,680,239	17,930	7,698,169
Virginia-----	17,476	784	18,260
United States-----	18,001,718	100,000	18,101,718

§ 722.516 Apportionment of State allotment among counties.

(a) *State reserve.*—(1) *State reserve for minimum farm allotments.* It is hereby determined that the additional acreage allocated to a State from the national reserve will meet the requirements for additional acreage for establishing minimum farm allotments for the State under section 344(f) (1) of the act and accordingly, the State committee is not required to establish a State reserve for minimum farm allotments pursuant to section 344(e) of the act.

(2) *State reserve for all other categories.* The State committee shall determine what portion of the State allotment is to be reserved for each of the following categories:

(i) Adjusting computed county allotments for trends in acreage.

(ii) Adjusting computed county allotments for abnormal conditions affecting plantings.

(iii) Establishing allotments for new cotton farms.

(iv) Adjusting farm allotments to correct inequities and to prevent hardships, and

(v) Adjusting allotments determined for small farms.

The State committee may, in its discretion, determine that no acreage shall be established for any one or more of the categories of the State reserve set forth in this subparagraph.

(3) *Limitation of size of State reserve.* The total State reserve established for the several categories under subparagraph (2) of this paragraph shall not exceed 10 percent of the State allotment (15 percent in the case of Oklahoma).

(b) *Computed county allotments.* The State allotment for the 1962 crop of cotton, less the State reserve established pursuant to paragraph (a) of this section, shall be apportioned among counties on the basis of the average acreage planted to cotton in each county in 1956, 1957, 1958, 1959, and 1960 (herein referred to as the "base years"), with

adjustments in such acreage for failure to seed cotton because of abnormal weather conditions. Such adjustments for abnormal weather conditions shall be made in the acreages planted to cotton in the county on the basis of recommendations of the State committee and official statistics and studies of the Department of Agriculture. Any such adjustment in the acreage planted to cotton in a county shall be the amount established by reference to available information and data as the net reduction of planted acreage in the county attributed solely to abnormal weather conditions. The acreage allotted to a county pursuant to the provisions of this paragraph is herein referred to as the "computed county allotment."

(c) *Use of State reserve.* The State reserve, if any, established for each designated purpose under paragraph (a) of this section shall be used by the State committee for such purpose as provided in subparagraphs (1) to (5) of this paragraph.

(1) *To adjust computed county allotments for trends in the acreage of cotton.* Any acreage allocated pursuant to paragraph (a) (2) (i) of this section shall be used by the State committee to adjust the computed county allotments for trends in acreage in the counties during recent years (the period of years may include the year 1961 but shall not include any year prior to 1956). The State committee may determine such adjustments by use of a formula which shall be applied uniformly to each county in the State.

(2) *To adjust computed county allotments for counties adversely affected by abnormal conditions affecting plantings of cotton.* (i) Any acreage allocated pursuant to paragraph (a) (2) (ii) of this section shall be used by the State committee to adjust the computed county allotments for abnormal conditions adversely affecting plantings in the counties during the base years. The State committee shall examine the acreage planted to cotton in the county in each of the base years to determine whether the acreage planted may have been adversely affected by abnormal conditions.

(ii) In determining whether an adjustment should be made for abnormal conditions adversely affecting plantings in a county, the State committee shall take into consideration abnormal weather conditions such as floods and droughts during the planting season which caused plantings during such season to be abnormally low in comparison with normal and any other abnormal conditions which adversely affected plantings in the county to a greater extent than in other counties. In determining any adjustment for abnormal weather conditions, the State committee shall take into consideration any adjustment made for abnormal weather conditions pursuant to paragraph (b) of this section.

(3) *To make adjustments in allotments determined for small farms.* Any acreage allocated pursuant to paragraph

(a) (2) (v) of this section shall be allocated by the State committee to counties to supplement that part of the county reserve established as provided in subparagraphs (1) and (2) of § 722.517 (e) for adjusting indicated farm allotments for old cotton farms established at 15 acres or less under § 722.517(d). Such reserve acreage shall be used by the county committee only for adjustments in small farm allotments.

(4) *To establish 1962 allotments for new cotton farms.* Any acreage allocated pursuant to paragraph (a) (2) (iii) of this section shall be allocated by the State committee to counties to establish allotments for new cotton farms. Where the State committee determines that the needs for acreage to establish allotments for new cotton farms are generally uniform in counties throughout the State, the State committee shall determine whether all the acreage required to establish allotments for new cotton farms shall be provided from the State reserve or the county reserve, or from both such reserves. In determining the source of acreage, if any, for new cotton farms the State committee shall take into consideration the acreage requirements determined for such farms from the county surveys, if available, as provided for in § 722.517(e) (3). Where it is determined by the State committee that the entire county reserve for any county is needed for making adjustments pursuant to subparagraphs (1) and (2) of § 722.517(e), the State committee may consider allocating acreage from the State reserve as provided in paragraph (a) (2) of this section to supplement the acreage, if any, set aside by the county committee from the county reserve for establishing allotments for new cotton farms. In determining the estimated acreage to be set aside for establishing allotments for new cotton farms, on the basis of the factors set forth in § 722.517(e) (3), the State committee shall take into consideration the experience of State and county committees in establishing allotments for new cotton farms under previous acreage allotment programs and any other available information. The acreage made available to any county under this subparagraph shall be used by the county committee only for new cotton farms.

(5) *To correct inequities in farm allotments and to prevent hardship.* Any acreage allocated pursuant to paragraph (a) (2) (iv) of this section shall be allocated by the State committee to counties to correct inequities in farm allotments and to prevent hardships. Such reserve may also be used for establishing and adjusting farm allotments as provided in § 722.517(d).

(d) *Availability of data for inspection.* The following shall be on file and shall be available in the office of the State committee for examination by any interested cotton producer: (1) the amount of the State reserve; (2) the formula, if any, and data developed and used under paragraph (c) (1) and (2) of this section; and (3) the total acreage set aside from the State reserve for the purposes set forth in paragraph (c) (3), (4), and (5) of this section.

(e) *County allotment.* The county allotment shall be the sum of (1) the computed county allotment determined under paragraph (b) of this section, (2) the acreages from the State reserve which are added to the computed county allotment under paragraph (c) (1) and (2) of this section, and (3) the allocation, if any, to the county from the national reserve.

(f) *Apportionment of excess released acreage to counties.* The acreage surrendered to the State committee pursuant to § 722.518 shall be apportioned by the State committee to counties on the basis of trends in acreage, abnormal conditions adversely affecting plantings or for small or new farms or to correct inequities in farm allotments and to prevent hardship.

(g) *Apportionment of State's share of national reserve among counties.* Each State's share of the national reserve shall be apportioned among counties on the basis of the estimated needs for additional allotment to establish minimum farm allotments under section 344(f) (1) of the act for 1962 as determined by the State committee, except that the additional allotment of 1,000 acres for Nevada from such reserve shall be apportioned among counties on the same basis that the State allotment, less the State reserve, is apportioned among counties pursuant to § 722.516(b). In making such determination, the State committee shall take into consideration the needs for such additional allotment for 1961, the size of the 1961 and 1962 county allotments without regard to the State and county reserves, the portion of the 1961 county allotment received from the 1961 national reserve, and adjustments in 1962 farm allotment bases in the county under section 344(f) (8) of the act. The allotment apportioned to each county pursuant to this paragraph shall become a part of the county allotment. Acreage apportioned to a county from the State's share of the national reserve shall not be taken into account in establishing future county allotments.

(h) *County allotments; allocations to counties from State's share of national reserve and from State reserve; remainder of the State reserve; and county reserve—*(1) *County allotment showing components thereof; allocations to counties from State reserve for small farms and to correct inequities and prevent hardships; and remainder of the State reserve.* This subparagraph will be amended at a later date to establish county allotments showing components thereof (computed county allotment, allocation from State's share of national reserve, adjustments from State reserve for trends, abnormal conditions, and minimum farm allotments); allocations to counties from State reserve for small farms and to correct inequities and prevent hardship; and the remainder of the State reserve which is available for allocation to counties for new farms, missed and reconstituted farms and correction of errors.

(2) *County reserve.* This subparagraph will be amended at a later date to establish county reserves.

ESTABLISHMENT OF FARM ALLOTMENTS

§ 722.517 Apportionment of county allotment among farms.

(a) *Determination of method to be used in apportioning county allotment among farms.* Section 344(f) (8) of the act provides that if allotments were in effect in 1961, the method for apportioning the county allotment among farms under section 344(f) (8) of the act shall be used for 1962. Since allotments were in effect in 1961, the method under section 344(f) (8) of the act shall be used in all counties and not the cropland method under section 344(f) (2) of the act or the historical method under section 344(f) (6) of the act.

(b) *Determination of county reserve and adjusted county allotment.* The county committee shall establish a county reserve which may be used to adjust indicated farm allotments for old cotton farms determined under paragraph (d) of this section and to establish allotments for new cotton farms under paragraph (e) (3) of this section: *Provided, however,* That the county reserve for any county shall not exceed 15 percent of the sum of (1) the computed county allotment and (2) the allotment allocated to the county pursuant to § 722.516(c) (1) and (2). The adjusted county allotment shall be the county allotment remaining after deducting the county reserve.

(c) *Determination of farm allotment bases and minimum allotment requirements.* The following terms shall apply in connection with establishment of farm allotment bases and minimum allotment requirements:

(1) "1961 farm allotment" means the allotment established for the farm for 1961 prior to release of allotment from the farm or reapportionment of released allotment to the farm. It is hereby determined that for purposes of establishing 1962 farm allotment bases it will not be necessary under section 344(f) (8) of the act to adjust 1961 farm allotments for any change in the acreage of cropland available for the production of cotton.

(2) "The acreage regarded as planted to cotton on the farm for 1961" means the acreage determined to have been diverted for 1961 from cotton production under the conservation reserve of the Soil Bank Act or Great Plains program plus the acreage released from the farm for 1961 only.

(3) "The maximum farm allotment base for 1962 for each old cotton farm" shall be determined by subtracting from the 1961 farm allotment that part, if any, of such allotment which was added by increasing it to the smaller of 10.0 acres or the 1958 farm allotment under the minimum allotment provisions of the act, except that in the case of a 1961 new cotton farm, the maximum allotment base shall be the smaller of the 1961 farm allotment or the acreage planted to cotton, and except that in the case of a permanent release of allotment from the farm, the maximum base shall be the 1961 farm allotment remaining with the farm after such release.

(4) "A 1962 preliminary allotment base" shall be established for each old cotton farm as follows:

(i) If the total of the acreage planted to cotton for 1961 plus the acreage regarded as planted to cotton is 75 percent or more of the 1961 farm allotment, such 1961 farm allotment shall be the 1962 preliminary allotment base for the farm.

(ii) The 1961 farm allotment shall be the 1962 preliminary allotment base for each farm on federally owned land with a restrictive lease prohibiting the planting of cotton, and for each pooled allotment farm.

(iii) Except as provided in subdivisions (ii) and (iv) of this subparagraph (4), if the total of the acreage planted or regarded as planted to cotton is less than 75 percent of the 1961 farm allotment, the 1962 preliminary allotment base for the farm shall be the average of the 1961 farm allotment and the 1961 acreage planted to cotton (including acreage regarded as planted to cotton).

(iv) Adjustments provided in subdivision (iii) of this subparagraph (4) shall not be made, and the 1961 farm allotment shall be the preliminary allotment base for the farm, if the county committee determines that failure to plant at least 75 percent of the 1961 farm allotment was due to excessive rain, flood, hail, drought, lack of water on irrigated farms resulting from the effect of drought on the water supply, or illness of the farm operator or any other producers on the farm, which are hereby determined to be conditions beyond the control of producers on the farm. The farm operator was required under § 722.419(a)(2) of the 1961 acreage allotment regulations for upland cotton (26 F.R. 9987), as amended, to file an application in writing with the county committee not later than September 15, 1961, showing that failure to plant at least 75 percent of the farm allotment in 1961 was due to one or more of such conditions, if such was the case, except in certain specified cases of general underplanting in an area of a county.

(5) "A 1962 farm allotment base" shall be established as the smaller of the maximum allotment base or the 1962 preliminary allotment base for each applicable farm for apportioning the adjusted county allotment to farms pursuant to paragraph (d) of this section.

(6) "The 1958 farm allotment" means the allotment established for the farm for 1958 prior to release of allotment from the farm or reapportionment of released allotment to the farm.

(7) "The adjusted 1958 farm allotment" for a farm means the smallest of:

(i) The 1958 farm allotment,

(ii) The 1961 preliminary allotment base determined under § 722.417(c)(5) of the 1961 acreage allotment regulations, or

(iii) The 1962 preliminary allotment base.

(8) "The 1962 minimum allotment for each old cotton farm for which a 1958 farm allotment was established" shall be the smaller of:

(i) 10 acres, or

(ii) The adjusted 1958 farm allotment.

(9) "The total minimum farm allotment requirements for a county" shall be the sum of the minimum farm allotments for all old cotton farms in the county.

(d) *Indicated allotments for old cotton farms in all counties.* The adjusted county allotment shall be apportioned among old cotton farms in accordance with applicable subparagraph (1) or (2) of this paragraph.

(1) *Indicated allotments for old cotton farms in counties where the adjusted county allotment is equal to or less than the total minimum farm allotment requirements for the county.* If the adjusted county allotment is equal to or smaller than the total minimum farm allotment requirements for the county, the indicated allotment for each old cotton farm in the county for which a 1958 farm allotment was established shall be the minimum allotment for the farm. The allotment, if any, required in excess of the adjusted county allotment shall be in addition to the county, State, and national allotments and shall not be taken into account in establishing future State, county, or farm allotments. The indicated allotment for each old cotton farm in the county which was a new cotton farm for 1959, 1960, or 1961 shall be zero; however, reserve acreage, to the extent available, shall be used to adjust such allotment to not less than the 1962 preliminary allotment base in accordance with paragraph (e) (1), (2), and (4) of this section.

(2) *Indicated allotments for old cotton farms in counties where the adjusted county allotment is larger than the total minimum farm allotment requirements for the county.* If the adjusted county allotment is larger than the total minimum farm allotment requirements for the county, indicated farm allotments for old cotton farms shall be established as follows:

(i) An allotment base shall be established for each old cotton farm for which the preliminary allotment base is larger than 10 acres; each old cotton farm which was a new cotton farm for 1959, 1960, or 1961, and for each other old cotton farm for which the 1962 allotment base is larger than the minimum allotment for the farm: *Provided, however,* That equity and justice require the allotment of additional acreage to all old cotton farms if the adjusted county allotment is larger than the county total of the preliminary allotment bases for all old cotton farms in the county and, therefore, in such counties an allotment base shall be established for each old cotton farm in the county.

(ii) A county factor shall be determined by dividing the available county allotment by the sum of the farm allotment bases established for old cotton farms in the county. The available county allotment means the adjusted county allotment less the sum of the minimum allotments for old cotton farms for which allotment bases are not established under subparagraph (2)(i) of this paragraph. If required, additional county allotment factors shall be

determined in the same manner until the adjusted county allotment is apportioned to old cotton farms, except that each old cotton farm for which the factored allotment determined by applying the preceding county factor was less than the minimum allotment for the farm shall be excluded in computing each additional factor.

(iii) A factored allotment shall be computed for each old cotton farm for which an allotment base is established by multiplying the allotment base by the county factor.

(iv) The indicated allotment for each old cotton farm shall be the larger of the factored allotment or the minimum allotment for the farm, except that, if a 1958 allotment was not established for the farm, the indicated allotment shall be the factored allotment.

(e) *Use of county reserve.* The county reserve shall be used by the county committee as follows:

(1) *Adjustments in indicated farm allotments of 15 acres or less.* Not less than 20 percent of the county reserve shall, to the extent required, be used by the county committee to adjust indicated farm allotments determined under paragraph (d) of this section to be 15 acres or less, excluding minimum indicated farm allotments established under section 344(f)(1)(B) of the act. Such adjustments shall be made so as to establish allotments which are fair and reasonable in relation to the allotments established for similar farms in the community taking into consideration for the farm the acreages planted to cotton in 1959, 1960, and 1961, the land, labor, and equipment available for the production of cotton; crop-rotation practices; the soil and other physical facilities affecting the production of cotton; and abnormal conditions of production. Farms covered by contracts under the conservation reserve or Great Plains program shall receive the same consideration as other comparable farms in the county in the adjustment of allotments from the county reserve.

(2) *Adjustments in indicated allotments for other farms.* The remainder of the acreage in the county reserve, after meeting or determining the requirements under subparagraphs (1), (3), and (4) of this paragraph, shall be used by the county committee to adjust indicated farm allotments which are more than 15 acres and minimum indicated farm allotments established under section 344(f)(1)(B) of the act. Such adjustments shall be made so as to establish allotments which are fair and reasonable in relation to the allotments established for similar farms in the community, taking into consideration for the farm, the land, labor, and equipment available for the production of cotton; crop-rotation practices; the soil and other physical facilities affecting the production of cotton; and abnormal conditions of production. In the absence of specific data relating to the labor and equipment available for the production of cotton and to the crop-rotation practices followed on a farm, the county committee may consider the acreage planted to cotton on the farm in 1959, 1960, or 1961

as reflecting such factors and use such acreages as the basis for adjusting the indicated farm allotment under this subparagraph. Farms covered by contracts under the conservation reserve or Great Plains program shall receive the same consideration as other comparable farms in the county in the adjustment of allotments from the county reserve.

(3) *Allotments for new cotton farms—*

(i) *Determination of acreage needed for establishing allotments for new cotton farms.* If any part of the State reserve or the county reserve is to be used for establishing allotments for new cotton farms, the county committee, with the assistance of the community committees, may estimate from county office records and other available sources of information the number of new cotton farms in the county and an estimate may be made of the cropland on new cotton farms. Such estimates may be used by the State and county committees as a basis for determining the acreage, if any, that will be allocated for establishing allotments for new cotton farms. In determining the acreage, if any, from the county reserve which is to be used for establishing allotments for new cotton farms, the county committee shall take into consideration the acreage, if any, to be made available from the State reserve pursuant to § 722.516(c) (4) for establishing allotments for new cotton farms. The total acreage reserved for establishing allotments for new cotton farms in the county, including any acreage allocated to the county for new cotton farms from the State reserve, shall not exceed 75 percent of the total of the farm allotments which the county committee estimates will be determined for the same number of old cotton farms in the county which are similar except for the acreage planted to cotton during the years 1959, 1960, and 1961. The State committee shall establish a closing date for filing an application for a new cotton farm allotment with the county committee which shall be no earlier than February 15, 1962 and no later than the date on which the planting of cotton normally becomes general on farms in the county. Such closing date and the amount of reserve acreage available in the county for new cotton farms shall be posted in the county office and to the extent practicable, such information shall be given general publicity in the county.

(ii) *Eligibility of a new cotton farm for a cotton allotment.* A cotton allotment for a new cotton farm may be established by the county committee if each of the following conditions is met:

(a) An application for a cotton allotment is filed by the farm operator with the county committee by the closing date established by the State committee.

(b) Neither the farm operator nor the farm owner owns or operates any other farm in the United States for which a cotton allotment is established for 1962.

(c) The available land, type of soil and topography of the land is suitable for the production of cotton and such production ordinarily will not result in an undue erosion hazard under continuous production.

(d) The farm operator shall own, or otherwise have readily available, adequate equipment and the other facilities of production (including irrigation water in irrigated areas) necessary to produce cotton on the farm.

(e) The farm operator will obtain during 1962 more than 50 percent of his income from the production of agricultural commodities or products from the farm excluding the estimated income from the production of cotton requested for the farm. Where the farm operator is a partnership, each partner must obtain during 1962 more than 50 percent of his income from the production of agricultural commodities or products from the farm excluding the estimated income from the production of cotton requested for the farm. Where the farm operator is a corporation, it must have no major corporate purpose other than operation, and ownership where applicable, of such farm, and the officers and general manager of the corporation must obtain during 1962 more than 50 percent of their income, whether dividends or salary, from the production of agricultural commodities or products from the farm excluding the estimated income from the production of cotton requested for the farm. In estimating the income of the farm operator from the farm, the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm shall be included.

(iii) *Establishment of allotments for new cotton farms.* If the applicant's farm is eligible for a cotton allotment, such allotment shall be established by the county committee on the basis of land, labor, and equipment available for the production of cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of cotton. The allotment so determined for any such farm shall not exceed the smaller of (a) the indicated allotments established pursuant to paragraph (c) of this section for old cotton farms in the county which are similar except for the acreages planted to cotton during the years 1959, 1960, and 1961, or (b) the allotment requested by the applicant. The sum of the allotments determined by the county committee for new cotton farms shall not exceed the reserves available for such farms in the county under this subparagraph. The allotments for new cotton farms shall be subject to review and approval by a representative of the State committee, as provided in § 722.531. If the acreage planted to cotton on the new cotton farm is less than 75 percent of the cotton allotment established for the farm pursuant to this subparagraph, such allotments shall be automatically reduced to the acreage planted to cotton on the farm.

(4) *Adjustments in farm allotments to correct inequities and to prevent hardship.* The county committee shall determine the acreage required from the county reserve to supplement any acreage allocated to the county from the State reserve to correct inequities in farm allotments and to prevent hardship. Such reserves may also be used for establishing and adjusting farm allotments

as provided in paragraph (i) of this section and to provide fair and reasonable allotments where the county committee had insufficient information to make proper adjustments at the time the original allotment for the farm was established. Any acreage from the county reserve and any allocation to the county from the State reserve which is made pursuant to § 722.516(c) (5) may be used by the county committee for making adjustments in farm allotments to correct inequities and to prevent hardship, taking into consideration for the farm the acreages planted to cotton in 1959, 1960, and 1961, the land, labor, and equipment available for the production of cotton; crop-rotation practices; the soil and other physical facilities affecting the production of cotton; and abnormal conditions of production and any other factors for correcting inequities and preventing hardship.

(f) *Use of acreage allocated to county from State reserve for adjusting allotments for small farms.* The acreage allocated to a county from the State reserve for small farms shall be used by the county committee to adjust indicated farm allotments of 15 acres and less for old cotton farms on the basis of the factors set forth in paragraph (e) (1) and (2) of this section for adjusting small farm allotments.

(g) *Allocation of reserve acreage by use of mathematical formula or rule.* Any mathematical formula or rule adopted by the county committee for use in calculating the amount of acreage to be allocated to an individual farm from the reserves provided for in paragraphs (e) (1), (2), and (4) and (f) of this section shall be subject to approval of a representative of the State committee on the basis of standards approved by the State committee.

(h) *Reconstitution of farms.* The reconstitution of farms under §§ 722.511 to 722.533 shall be governed by the regulations pertaining to reconstitution of farms in Part 719 of this chapter, as amended.

(i) *Allotments for missed and reconstituted farms and correction of errors.* The reserves provided for in paragraph (e) (4) of this section and in § 722.516(c) (5) shall be used by the county committee for the purposes specified therein and also (1) for establishing allotments for old cotton farms for which allotments were not established at the time allotments were originally established for old cotton farms in the county because of oversight on the part of the county committee, (2) for correcting errors in farm allotments, and (3) for use in establishing allotments for farms which are divided or combined for 1962 under paragraph (h) of this section. If the reserves authorized to be used under this paragraph have been exhausted, acreage authorized under section 344(f) (7) (A) of the act may be used for establishing minimum farm allotments.

(j) *Equitable adjustments from State reserve for all old cotton farms.* Under section 112(2) of the Soil Bank Act and the Great Plains program under section 16(b) (4) of the Soil Conservation and Domestic Allotment Act, as amended, acreage diverted from the production of

cotton shall be considered acreage devoted to cotton for purposes of establishing future State, county, and farm allotments. In order to prevent inequitable allotments on farms included in such programs, the State reserve for categories other than new farms shall not be larger than that acreage required to give all old cotton farms equal consideration, whether the farm history resulted from actual seeding of cotton or from acreage history required by law.

§ 722.518 Release and reapportionment of cotton allotments.

(a) *Conditions under which farm allotments cannot be released.* The following farm allotments shall not be released in whole or in part:

- (1) Allotments for new cotton farms.
- (2) The allotment for an old cotton farm which is owned by the Federal Government and which was leased by an agency of the Federal Government as lessor on condition that no land on the farm shall be planted to cotton.
- (3) The allotment for any farm where such release is opposed by the owner or operator.

(b) *Allotments which may be released and reapportioned—*(1) *Release of allotments for 1962 only.* Except as provided otherwise in paragraph (a) of this section, all or any part of any 1962 farm allotment for an old cotton farm, including pooled acreage allotment, which will not be used in 1962 may be voluntarily released in writing to the county committee by the farm owner or operator by the applicable closing date. Released acreage shall be deducted from the farm allotment and a revised notice of farm allotment shall be issued in accordance with § 722.522.

(2) *Permanent release of allotments.* Except as provided otherwise in paragraph (a) of this section and except for pooled acreage allotments, all or any part of any 1962 farm allotment for an old cotton farm may be permanently released in writing to the county committee by the owner and operator by the applicable closing date. Released acreage shall be deducted from the farm allotment and a revised notice of farm allotment shall be issued in accordance with § 722.522.

(3) *Reapportionment of allotments.* Released allotments may be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm allotments in the same county in amounts determined by the county committee to be fair and reasonable on the basis of past acreages of cotton, land, labor and equipment available for the production of cotton; crop-rotation practices; and soil and other physical facilities affecting the production of cotton. The State committee may establish standards and guidelines to the extent necessary to assure uniform application of the foregoing basic factors required to be considered under section 344(m)(2) of the act in the reapportionment of released allotments to farms. *Provided, however,* That any allotment released from a farm which is covered in whole or in part by a Soil Bank Conservation Reserve Contract, or for which an application is

pending for a Conservation Reserve Contract, shall not be reapportioned by the county committee to any other farm or surrendered to the State committee for reapportionment to other counties. An oral or written request by the farm operator or owner shall be made to the county committee by the applicable closing date as a condition of eligibility for consideration by the county committee to have released acreage reapportioned to the farm: *Provided, however,* That the State committee may require a written request as a condition of eligibility.

(4) *Surrender of released acreage to the State committee.* If all of the released acreage in a county is not needed, the county committee may surrender, except for released acreage from pooled acreage allotments, the unused released acreage to the State committee for reapportionment to counties as provided in § 722.516(f).

(5) *Closing dates.* The State committee shall establish closing dates for release of allotments, requests for reapportionment of allotments and reapportionment of allotments for the entire State or for areas consisting of one or more counties in the State taking into consideration the normal planting dates within the State. The closing date for release of allotments shall be no later than the date on which the planting of cotton normally becomes general on farms in the State, area or county. The closing date for reapportionment of allotments to other farms shall be no later than the latest date on which cotton can normally be planted on farms in the State, area or county with reasonable expectation of producing an average crop. The closing date for requests for reapportionment of allotments shall be a date from the closing date for release of allotments to the closing date for reapportionment of allotments, both dates inclusive. Closing dates under this subparagraph may be extended by the State committee to a date by which cotton could be planted with a reasonable expectation of producing a crop. In establishing closing dates, the State committee shall also take into consideration the time required for reapportionment of surrendered acreage to counties and farms.

(6) *Acreage history.* For the purpose of determining future State and county allotments, released allotments will be credited to the State and county in which such allotments were released. In determining future farm allotments, the planting in 1962 of reapportioned allotments shall not be considered. Any farm allotment released for 1962 only, shall, in determining future farm cotton allotments, be regarded as having been planted on the farm from which such allotment was released if cotton was planted or regarded as planted on such farm under section 377 of the act or section 106(a) or 112(2) of the Agricultural Act of 1956 or the Great Plains program under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, in at least one of the years 1960 or 1961.

(7) *Public notice.* The county committee shall post in the county office the

applicable closing dates and the amount of released allotments available in the county for reapportionment and to the extent practicable, such information shall be given general publicity in the county.

(c) *Apportionment of surrendered acreage allocated to county by State committee.* The acreage apportioned to the county under § 722.516(f) may be used by the county committee for establishing and adjusting farm allotments for new cotton farms or small farms or to correct inequities and to prevent hardship in accordance with the provisions of paragraphs (e) and (f) of § 722.517.

(d) *Permanent or successive releases of allotments from farms under the Soil Bank or Great Plains program.* For purposes of determining acreage regarded as planted to cotton on a farm, any allotment permanently released in 1960 from a farm covered in whole or in part by a contract currently in effect under either the conservation reserve of the Soil Bank or the Great Plains program for both 1960 and 1961, or the entire allotment was temporarily released in 1960 for the third successive year for any such farm, shall be treated as if not released in establishing the 1961 history acreage and the 1962 farm allotment. History acreage for the farm shall be based on the allotment for the farm prior to the release until the contract expires or is terminated.

§ 722.519 Adjustment of allotment bases and determination of acreage history.

(a) *Farm base adjustments under section 344(f)(8) of the act applicable to 1962 plantings of cotton.* Section 344(f)(8) of the act provides for adjustment of the farm base if 1962 plantings of cotton are reduced below a specified percentage. The following items are set forth so that farm operators in 1962 may be fully advised and take any necessary action:

(1) Farm base adjustments are required in connection with establishing 1963 farm allotments, if marketing quotas are in effect, and the acreage actually planted (or regarded as planted under the Soil Bank Act, Great Plains program under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended; and the release and reapportionment provisions of section 344(m)(2) of the act) to cotton on the farm in 1962 was less than 75 percent of the 1962 farm allotment, in lieu of using the 1962 farm allotment as the farm base, the base shall be the average of (i) the cotton acreage actually planted or regarded as planted for the farm in 1962 and (ii) the 1962 farm allotment. Similarly, the 1958 farm allotment (as adjusted under section 344(f)(8) of the act for the prior years) used for establishing the minimum farm allotment shall be adjusted to the average acreage so determined. However, the farm acreage history for 1962 shall be limited to the extent required under section 344(f)(7) of the act. Notwithstanding the provisions of this subparagraph, the farm base on federally owned land with a restrictive lease prohibiting the planting of cotton and for each pooled allotment farm shall not be adjusted under section 344(f)(8) of the act.

(2) Adjustments provided in subparagraph (1) of this paragraph shall not be made if the county committee determines that failure to plant at least 75 percent of the farm allotment was due to excessive rain, flood, hail, drought, lack of water on irrigated farms resulting from the effect of drought on the water supply, or illness of the farm operator or any other producers on the farm which are hereby determined to be conditions beyond the control of producers on the farm. The farm operator or owner shall file an application in writing with the county committee not later than September 15, 1962, showing that failure to plant at least 75 percent of the farm allotment in 1962 was due to one or more of such conditions: *Provided, however*, That no written application by the farm operator or owner shall be required if the county committee finds that one or more of such conditions at planting time generally caused underplanting of allotments on a number of farms in an area of the county, and in such cases, the county committee, with the approval of a representative of the State committee, may determine that 75 percent or more of the 1962 farm allotment would have been planted to cotton on any farm in such area if at least 75 percent of the farm allotment minus any acreage history earned under the conservation reserve program for one or more of the years 1960 or 1961 was actually planted to cotton. A written record of the determinations of the county committee on each of the applications filed under this subparagraph or made under the proviso of this subparagraph shall be filed in the records of the county office showing the reason for failure to plant at least 75 percent of the farm allotment, the percent of allotments planted to cotton in 1960 and 1961, where applicable, the county committee's approval or disapproval of an application, and where applicable, its reasons for disapproval.

(b) *Preservation of acreage history under section 377 of the act.* Section 377 of the act provides for preservation of acreage history under certain circumstances. The farm allotment for 1962, excluding any allotment released from the farm or reapportioned to the farm, shall be considered for purposes of future State, county, and farm allotments to have been planted to cotton (acreage history for released allotment shall be determined in accordance with § 722.518 (b)): *Provided, however*, That the farm allotment for 1962, except for such allotment on farms owned by the Federal Government with a restrictive lease prohibiting the planting of cotton and pooled allotment farms, shall not be preserved as history acreage unless an acreage equal to 75 percent or more of the farm allotment, after release and before reapportionment, in one of the years 1960, 1961, or 1962 was seeded to cotton or devoted to the production of cotton but seeded prior to such year or was regarded as planted to cotton under the Soil Bank Act or the Great Plains program under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended;

and in cases where the farm allotment for 1962 shall not be preserved under this proviso, the acreage considered to have been planted to cotton in such cases shall be the sum, subject to the limitation under § 722.529, of (1) acreage seeded to cotton on the farm in 1962, (2) acreage devoted to the production of cotton on the farm in 1962 but seeded prior to 1962, and (3) acreage regarded as planted on the farm in 1962 under the Soil Bank Act or the Great Plains program under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(c) *Farm acreage history.* Farm acreage history for the purpose of establishing future State and county allotments shall be the sum of the acreage considered to have been planted to cotton under paragraph (b) of this section plus the acreage released for 1962 only from the farm: *Provided, however*, That such acreage history for the State, county, and farm shall be limited to the extent required under sections 344(b) and 344(f) (7) of the act.

§ 722.520 Allotments for special farms.

(a) *Where the farm owner is displaced by a Federal, State, or other agency having the right of eminent domain.* Where the farm owner is displaced by a Federal, State, or other agency having the right of eminent domain, farm allotments for such acquired land and determination of other farm allotment for such owner shall be governed by section 378 of the act and the regulations pertaining to reconstruction of farms in Part 719 of this chapter, as amended.

(b) *Publicly owned agricultural experiment stations—*(1) *Allotments for farms operated by publicly owned agricultural experiment station.* A farm allotment shall be established pursuant to the provisions of § 722.517 for a farm operated by a publicly owned agricultural experiment station.

(2) *Conditions under which production is exempted from penalty.* The marketing penalty shall not apply to the marketing of any cotton of the 1962 crop which is grown for experimental purposes only on a farm operated by a publicly owned agricultural experiment station and produced at public expense by employees of the experiment station. Where the acreage planted to cotton on a farm operated by a publicly owned agricultural experiment station is in excess of the farm allotment, the acreage used for determining the marketing excess, if any, for the farm shall be the smaller of (i) the acreage planted to cotton on the farm in excess of the farm allotment, or (ii) the acreage planted to cotton on the farm which is not for experimental purposes. Also, the marketing penalty shall not apply to cotton produced for experimental purposes on other land by a person pursuant to a written agreement with a publicly owned agricultural experiment station whereby the experiment station bears the costs and risks incident to the production of the cotton and the proceeds from the crop inure to the benefit of the experiment station and such agreement is approved by the State committee. Such approval will be given if the State

committee finds that the agreement conforms to the requirements of this subparagraph.

EXTRA LONG STAPLE COTTON

§ 722.521 Conditions of exemption of extra long staple cotton.

(a) *If marketing quotas under section 347 of the act are in effect for 1962 crop.* If marketing quotas for extra long staple cotton are in effect for the 1962 crop, the provisions of this subpart relating to upland cotton shall not apply to those types of extra long staple cotton which are subject to marketing quotas under the provisions of section 347 of the act.

(b) *If marketing quotas under section 347 of the act are not in effect for the 1962 crop.* If marketing quotas for extra long staple cotton are not in effect for the 1962 crop:

(1) All of the 1962 crop of American-Egyptian cotton which is produced from pure strain seed in Cochise, Gila, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Arizona; and Imperial and Riverside Counties, California; and Dona Ana, Eddy, Luna, Otero, and Sierra Counties, New Mexico; and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, and Ward Counties, Texas, shall be exempted from all provisions of the regulations in this subpart with respect to marketing quotas for the 1962 crop of upland cotton; provided the American-Egyptian cotton is ginned on a roller-type gin, or the Deputy Administrator authorizes such cotton to be ginned on another type gin for experimental purposes, or to prevent loss of such cotton due to frost or other adverse conditions, except that such exemption shall not apply to any farm unless the approval of the county committee for the planting of such cotton on the farm is obtained in advance of planting time. Such approval shall be based upon findings by the county committee (i) that pure strain American-Egyptian cottonseed is to be planted, and (ii) that roller-type gin facilities are available in the area for the ginning of such cotton, and that such facilities will be used in the ginning of all cotton produced from such seed. In connection with determining the purity of seed, the county committee may require the farm operator to furnish approved purity test certificates or approved State certification tags covering the American-Egyptian seed to be planted showing that such seed is of pure strain.

(2) All of the 1962 crop of Sea Island and Sealand cotton which is produced from pure strain seed in Alachua, Bradford, Columbia, Hamilton, Jefferson, Lake, Levy, Madison, Marion, Orange, Putnam, Seminole, Sumter, Suwannee, Union, and Volusia Counties, Florida; and Berrien, Cook, and Lanier Counties, Georgia; and all of the 1962 crop of Sea Island cotton which is produced from pure strain seed in Puerto Rico, shall be exempted from all provisions of the regulations in this subpart with respect to marketing quotas for the 1962 crop of upland cotton; provided the Sea Island

and Sealand cotton is ginned on a roller-type gin, or the Deputy Administrator authorizes such cotton to be ginned on another type gin for experimental purposes or to prevent loss of such cotton due to frost or other adverse conditions, except that such exemption shall not apply to any farm unless the approval of the county committee for the planting of such cotton on the farm is obtained in advance of planting time. Such approval shall be based upon findings by the county committee (i) that pure strain Sea Island cottonseed, or pure strain Sealand cottonseed, is to be planted, and (ii) that roller-type gin facilities are available in the area for the ginning of such cotton, and that such facilities will be used in the ginning of all cotton produced from such seed. In connection with determining the purity of seed, the county committee may require the farm operator to furnish approved purity test certificates or approved State certification tags covering the Sea Island seed and the Sealand seed to be planted showing that such seed is of pure strain.

(3) Any cotton produced from the 1962 crop which staples one and one-half inches or more in length and which is ginned on a roller-type gin, or the Deputy Administrator authorizes the cotton to be ginned on another type gin for experimental purposes, or to prevent loss of the cotton due to frost or other adverse conditions, shall be excepted from the provisions of the regulations in this subpart with respect to marketing quotas for the 1962 crop of upland cotton regardless of where the cotton is produced in the United States or the variety of cotton from which such cotton is produced.

FARM MARKETING QUOTAS AND FARM MARKETING EXCESS

§ 722.522 Notices of farm allotment and marketing quota.

Immediately after farm allotments in a county are established and approved pursuant to § 722.531(b), the county committee shall mail to the operator of each such farm a written notice of the farm allotment and marketing quota for the farm. The county committee shall also mail to the operator of each new cotton farm for which application for an allotment is made but for which it is determined that no farm allotment and marketing quota will be established a similar written notice showing "None" as the allotment and marketing quota established for the farm. The notice shall contain at or near the top thereof substantially the following statement: "To all persons who as operator, landlord, tenant, or sharecropper will for the crop year shown above be interested in the cotton produced on the farm for which this allotment and marketing quota are established." Notice so given shall constitute notice to all such persons. Such notice shall also contain a brief statement of the procedure whereby application for review of the marketing quota may be made under section 363 of the act. Such notice shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or an employee

of the county office. A copy of each notice containing a notation thereon of the date of mailing the notice to the operator of the farm shall be kept among the permanent records of the county committee, and upon request a copy thereof, duly certified as a true and correct copy shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper, is interested in the cotton produced in 1962 on the farm for which the notice is given. Insofar as practicable, the notice for each old cotton farm shall be prepared and mailed to the operator so as to be received prior to the referendum to determine whether cotton farmers favor or oppose marketing quotas for the 1962 crop. Farm allotments shall not become effective unless (a) proper approval is obtained as provided under § 722.531 and (b) written notice of farm allotment is issued as provided under §§ 722.511 to 722.533. The farm operator shall immediately notify the county committee of any change in the ownership, operation, or control of the farm, or any part thereof, for which a notice of farm allotment is issued for 1962. Revised notices of allotment shall be issued where an erroneous allotment was established or the farm allotment is adjusted by release and reapportionment.

§ 722.523 Referendum for 1962 crop.

A referendum of the farmers who were engaged in the production of cotton in the calendar year 1961 will be held on December 12, 1961, pursuant to the provisions of section 343 of the act and the Regulations Governing the Holding of Referenda on Marketing Quotas set forth in Part 717 of this chapter, as amended, to determine whether such farmers are in favor of or opposed to the 1962 quota. If two-thirds or more of the cotton farmers voting in the cotton referendum favor the quota, such quota will be in effect for the 1962 crop of cotton. If more than one-third of the cotton farmers voting in such referendum oppose the quota, the quota will not be in effect for the 1962 crop of cotton; however, farm allotments established for such crop pursuant to section 344 of the act will remain in effect and compliance with such farm allotments will be a condition of eligibility of producers for price support at 50 percent of the parity price of cotton.

§ 722.524 Amount of farm marketing quota and farm marketing excess.

The farm marketing quota for any farm for the 1962 crop of cotton shall be the actual production of lint cotton on the farm less the farm marketing excess. The farm marketing excess for the 1962 crop of cotton shall be the normal production of the acreage of cotton on the farm in excess of the farm allotment: *Provided*, That such farm marketing excess shall not be larger than the amount by which the actual production of cotton on the farm exceeds the normal production of the farm allotment if the producer established such actual production in accordance with the regulations pertaining to marketing quotas for upland cotton (§§ 722.1 to 722.51; 26 F.R. 3672), as amended.

§ 722.525 Publication of farm allotments and marketing quotas.

One copy of each notice of the farm allotment and marketing quota for farms in the county mailed under § 722.522 shall be placed in binders or folders, or in lieu thereof a listing of such allotments and quotas shall be prepared, and such notices or listing shall be kept freely available in the office of the county committee for public inspection for a period of not less than thirty calendar days. At the end of such period, the copies of the notices or the listing shall be filed in the office of the county committee and remain readily available for further public inspection. Either the copies of the notices or the listing referred to in this section shall be maintained in the county office by the county office manager for the use of the chairmen of the community committees.

§ 722.526 Successors-in-interest.

Any person who succeeds to the interest of a producer in a farm, or in a cotton crop, or in cotton for which a farm marketing quota and farm marketing excess were established shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of cotton.

§ 722.527 Marketing quotas not transferable.

A farm marketing quota is established for a farm and except as specifically provided for in §§ 722.518 and 722.520(a) may not be assigned or otherwise transferred in whole or in part to any other farm.

MISCELLANEOUS PROVISIONS

§ 722.528 Measurement of farms to determine compliance with allotments.

For purposes of determining compliance with allotments, premeasurement of farms, measurement of farms after planting, notice of measured acreage, disposition of excess acreage, and remeasurement shall be governed by Part 718 of this chapter, as amended.

§ 722.529 No credit for overplanting the farm allotment.

Any acreage planted to cotton in 1962 in excess of the farm allotment for the 1962 crop of cotton shall not be taken into account in establishing State, county, and farm allotments for the 1963 and subsequent crops of cotton.

§ 722.530 Availability of records.

The State and county committees shall make available for inspection by owners or operators of farms receiving cotton allotments, all records pertaining to cotton allotments and marketing quotas, including the allocations to the county from the State reserve and the total amount and the distribution of the county reserve.

§ 722.531 Approval of determinations and additional authority for determination of farm allotments and farm marketing quotas.

(a) Approval of State reserves, county allotments, and county reserves. Deter-

mination of State reserves and county allotments as provided for in § 722.516 (a) and (e), and of county reserves, as provided in § 722.517(b), shall be subject to review and approval by the Secretary and such allotments and reserves as approved by the Secretary shall be published at a later date in an amendment to § 722.516(h).

(b) *Approval of county committee determinations.* A representative of the State committee shall review all farm allotments prior to issuance thereof and may revise or require revisions of any determinations made under §§ 722.517 to 722.528: *Provided, however,* That such prior review shall not be required where revised farm allotments resulting from reconstitution of farms or from release and reapportionment of farm allotments do not require additional acreage for allocation, except in the case of reapportionment of allotments, the State committee may require approval by its representative prior to issuance thereof. Cotton allotments for both old and new cotton farms shall be approved by a representative of the State committee. No official notice of farm allotment and marketing quota shall be mailed to a farm operator until such approval has been obtained.

(c) *Additional authority for determination of farm allotments and farm marketing quotas.* In addition to the authority established in §§ 722.511 to 722.531(b) for determination of farm allotments and farm marketing quotas for both old and new farms, including revised allotments to correct errors, such determinations may be made by the Secretary and Assistant Secretary of Agriculture, or the Administrator of Agricultural Stabilization and Conservation Service. A notice conforming to the requirements of § 722.522 executed by any of the foregoing officials and mailed to the operator of the farm shall be deemed to meet the requirements of § 722.522. A copy of each notice shall be kept among the permanent records of the appropriate county committee and copies thereof shall be made available in accordance with the provisions of § 722.522 to any person who as operator, landlord, tenant, or sharecropper, is interested in the cotton produced in 1962 on the farm for which the notice is given.

§ 722.532 Review of farm allotment.

Any producer who is dissatisfied with the farm allotment established for his farm, or in the case of a new cotton farm with the action of the county committee in refusing to establish a farm allotment for such farm, may, by making application in writing within 15 days after the mailing to him of the notice provided for in § 722.522, have such allotment reviewed by a review committee pursuant to section 363 of the act and the Marketing Quota Review Regulations set forth in Part 711 of this chapter, a copy of which may be obtained from the county committee.

§ 722.533 Erroneous notices.

(a) *Erroneous notice of cotton allotment.* In any case where through error the producer is officially notified in writing of a farm allotment larger

than the final approved farm allotment and it is found by the county committee that such producer, acting solely on the information contained in the erroneous notice, planted an acreage to cotton in excess of the final approved farm allotment, the producer will not be considered to have exceeded the farm allotment unless he planted an acreage in excess of the allotment shown on the erroneous notice. Before a producer can be said to have relied upon the erroneous notice the circumstances must have been such that the producer had no cause to believe that the allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of cotton customarily planted; and all other pertinent facts should be taken into consideration. The determination by the county committee under this section shall be subject to the approval of the State committee or the State executive director. The acreage planted to cotton on the farm in excess of the final approved allotment shall be considered as excess acreage for purposes of § 722.529.

(b) *Erroneous notice of planted acreage.* In any case where it is discovered after all the cotton acreage on the farm has been picked one or more times that the farm operator was officially notified in writing through error of an acreage planted to cotton which is less than the acreage actually planted but the acreage actually planted is in excess of the farm allotment, the county committee shall determine whether or not the following conditions are met:

(1) The lack of compliance was caused by reliance in good faith by the farm operator on an erroneous official notice of measured acreage.

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with § 722.528.

(3) The incorrect notice was the result of an error made by an employee of the county or State office in reporting, computing, or recording the cotton acreage for upland cotton for the farm.

(4) Neither the farm operator nor any producer on the farm was in any way responsible for the error.

(5) The extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

If the county committee determines that all five of the conditions are met, and the State executive director concurs upon review of the county committee determination, the acreage planted to cotton on the farm will be considered as an acreage equal to the farm allotment.

The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

Signed at Washington, D.C., on October 20, 1961.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 61-10167; Filed, Oct. 24, 1961; 8:54 a.m.]

PART 722—COTTON

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

The provisions of §§ 722.561 to 722.582 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). These provisions govern the establishment of State, county, and farm allotments for the 1962 crop of extra long staple cotton and the determination of the acreage planted to extra long staple cotton on individual farms in 1962. The latest available statistics of the Federal Government are used in making the determinations required to be made in connection with §§ 722.561 to 722.582. Notice of proposed formulation of acreage allotment regulations for the 1962 crop of extra long staple cotton was published in the FEDERAL REGISTER on August 25, 1961 (26 F.R. 7967) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) and the data and recommendations received in response to such notice have been duly considered.

In order that the Agricultural Stabilization and Conservation State and county committees may perform their functions in an orderly manner and establish farm allotments as early as possible prior to the holding of the extra long staple cotton referendum, it is essential that §§ 722.561 to 722.582 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest and §§ 722.561 to 722.582 shall be effective upon filing this document with the Director, Office of the Federal Register.

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STATE AND COUNTY ALLOTMENTS

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722.572 Referendum for 1962 crop.
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MISCELLANEOUS PROVISIONS

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722.581 Review of farm allotment.
722.582 Erroneous notices.

AUTHORITY: §§ 722.561 to 722.582 issued under secs. 301, 361, 362, 365-368, 373, 374, 375, 388; 52 Stat. 38, 62-66, as amended, 68; secs. 343-344, 345-346, 347; 63 Stat. 670, as amended, 674, 675, as amended; sec. 377; 70 Stat. 206, as amended; sec. 378, 72 Stat. 995, as amended; 7 U.S.C. 1301, 1343-1347, 1361, 1362, 1365-1368, 1373-5, 1377, 1378, 1388.

GENERAL

§ 722.561 Applicability.

The provisions of §§ 722.561 to 722.582 apply to the 1962 crop of extra long staple cotton.

§ 722.562 Definitions.

As used in §§ 722.561 to 722.582 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number.

(a) *General terms.* (1) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto, heretofore or hereafter made.

(2) The terms "Secretary," "Deputy Administrator," "State committee," "county committee," "community committee," "State executive director," "county office manager," "operator," "person," "cropland," "farm," "farm serial number," and "representative of the State committee" as defined in Part 719 of this chapter, as amended, shall apply to the regulations in §§ 722.561 to 722.582. In Puerto Rico, the Caribbean ASC Area Committee shall, insofar as applicable, perform the functions of the State committee and the county committee.

(3) "Director" means the Director, or Acting Director, Cotton Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(4) "Review committee" means three farmers appointed by the Secretary as members of a panel to review quotas under section 363 of the act.

(5) "Extra long staple cotton" (herein referred to as "ELS cotton") means American-Egyptian, Sea Island, and SeaLand cotton, and all other varieties of the Barbados species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominates, as provided under section 347(a) of the act.

(6) "Abnormal weather conditions" means whether conditions (including conditions directly resulting therefrom) adversely affecting the planting of ELS cotton, which conditions must have been of sufficient duration and intensity to prevent the seeding of land to ELS cotton and must have continued until the end of the planting season for the area.

(7) "County" means county or parish of a State. The Northern Area (ELS cotton producing areas in the northern part of Puerto Rico) and the Southern Area (ELS cotton producing areas in southern Puerto Rico) are considered as separate counties.

(8) "State and county code" means the applicable number assigned by the Agricultural Stabilization and Conservation Service to each State and county for the purpose of identification.

(9) "Expiration of time limitations" as set forth in Part 720 of this chapter (24 F.R. 4233) shall apply to the regulations in §§ 722.561 to 722.582.

(b) *Terms relating to farms.* (1) "Owner" or "landlord" means a person who owns farmland and rents or leases such land to another person or one who owns and operates such land.

(2) "Cash tenant," "standing-rent tenant," or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a fixed amount of cotton to be paid as rent.

(3) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the cotton or of the proceeds thereof.

(4) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the cotton or of the proceeds thereof.

(5) "Producer" means a person who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper on a farm, is entitled to all or a share of the 1962 crop of ELS cotton produced thereon or of the proceeds thereof.

(6) "Farm allotment" means an ELS cotton acreage allotment established for a farm under §§ 722.561 to 722.582. Farm allotments are initially established on the basis of the data for farms as constituted at the time such allotments are established. Where a farm is subsequently reconstituted for 1962, the farm allotment will be redetermined in accordance with the regulations pertaining to reconstitution of farms in Part 719 of this chapter, as amended.

(7) "Old ELS cotton farm" means a farm having an acreage planted to ELS cotton in any one or more of the years 1959, 1960, and 1961, and an ELS cotton allotment other than zero was established for the farm for the year ELS cotton was planted. Released allotments shall not be considered as acreage planted to ELS cotton for purposes of determining eligibility of the farm for allotment as an old ELS cotton farm.

(8) "New ELS cotton farm" means a farm on which ELS cotton is to be

planted in 1962 but such farm is not eligible for an allotment as an old ELS cotton farm.

(9) "Small farm" means a farm for which an allotment, exclusive of allocations to the farm from State and county reserves, for 1962 is 15 acres or less.

(10) "Normal yield" means the average yield per harvested acre of ELS lint cotton for the farm adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year, actual yield data are not available or there was no actual yield, the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available. In the case of new ELS cotton farms, the county committee may also take into consideration the normal yields of other farms in the locality which are similar with respect to soil and other physical factors affecting the production of ELS cotton. The determination made by the county committee under this subparagraph shall be subject to the approval of a representative of the State committee.

(11) "Normal production" of any number of acres means the normal yield per acre of ELS lint cotton for the farm multiplied by such number of acres.

(12) "Actual production" of ELS cotton on the farm means the total number of pounds of ELS lint cotton determined to have been produced on the farm in 1962.

(13) "Acreage planted to ELS cotton in the State and county" for use in establishing State and county allotments means:

(i) *For 1956.* The measured acreages of ELS cotton as determined for purposes of the 1956 ELS cotton marketing quota program (as adjusted under section 344 (g) (3), (i) and (m) (2) of the act; and including acreage history required under section 377 of the act and sections 106(a) and 112(2) of the Agricultural Act of 1956 (70 Stat. 191, 195; 7 U.S.C. 1824(a), 1836)).

(ii) *For 1957, 1958, and 1959.* The sum of the farm allotments excluding any allotment released from the farm or reapportioned to the farm plus acreage history for released allotments which are reapportioned and planted to ELS cotton.

(iii) *For 1960.* The sum of the 1960 farm allotments including any allotment released from such farm allotments, excluding any allotment reapportioned to farms (as adjusted under section 377 of the act); *Provided, however,* That the acreage planted to ELS cotton for 1960 in a State shall not exceed the State's share of the 1960 national allotment as adjusted for transfers of farm allotments between States and counties.

(14) "Acreage planted to ELS cotton on the farm" for use in determining eligibility of farms for allotments in subsequent years and for establishing acreage planted to ELS cotton in the State and county means:

(i) *For 1959.* The farm allotment for 1959, including any allotment released

from the farm and excluding any allotment reappportioned to the farm.

(ii) *For 1960.* The farm allotment for 1960, including any allotment released from the farm and excluding any allotment reappportioned to the farm: *Provided, however,* That if less than 75 percent of the farm allotment for each of the years, 1958, 1959, and 1960, after release and before reappportionment, was seeded to ELS cotton or devoted to the production of ELS cotton but seeded prior to such year or was regarded as planted to ELS cotton under the Soil Bank Act or the Great Plains program under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, the 1960 farm acreage history shall be the sum of the acreage seeded to ELS cotton on the farm in 1960, and the acreage devoted to the production of ELS cotton on the farm in 1960 but seeded prior to 1960, and acreage regarded as planted under the Soil Bank Act or the Great Plains program, and 1960 released allotment, subject to the limitation that no history credit results from overplanting the farm allotment. The foregoing proviso does not apply to the 1960 farm allotment on farms owned by the Federal Government with a restrictive lease prohibiting the planting of ELS cotton or to pooled allotment farms.

NOTE: Farm base adjustments under section 344(f)(8) of the act not included in above which is limited to definition of farm acreage history.

(iii) *For 1961.* The farm allotment for 1961, including any allotment released from the farm, excluding any allotment reappportioned to the farm: *Provided, however,* That if less than 75 percent of the farm allotment for each of the years 1959, 1960, and 1961, after release and before reappportionment, was seeded to ELS cotton or devoted to the production of ELS cotton but seeded prior to such year or was regarded as planted to ELS cotton under the Soil Bank Act or the Great Plains program under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, the 1961 farm acreage history shall be the sum of the acreage seeded to ELS cotton on the farm in 1961, and the acreage devoted to the production of ELS cotton on the farm in 1961 but seeded prior to 1961, and acreage regarded as planted under the Soil Bank Act or the Great Plains program, and 1961 released allotment, subject to the limitation that no history credit results from overplanting the farm allotment. The foregoing proviso does not apply to the 1961 farm allotment on farms owned by the Federal Government with a restrictive lease prohibiting the planting of ELS cotton or to pooled allotment farms.

NOTE: Farm base adjustments under section 344(f)(8) of the act not included in above which is limited to definition of farm acreage history.

(15) "Acreage planted to ELS cotton on the farm in 1962," for purposes of determining compliance with the farm allotment, shall be the acreage seeded to ELS cotton on the farm in 1962, and the acreage devoted to the production of ELS

cotton on the farm for 1962 but seeded prior to 1962, excluding any acreage in excess of the farm allotment which is destroyed or disposed of in accordance with the regulations for Determination of Acreage and Performance in Part 718 of this chapter, as amended.

§ 722.563 Issuance of forms and instructions.

Forms and instructions with respect to internal management necessary for carrying out §§ 722.561 to 722.582 shall be prepared under the direction of the Director and shall be issued by the Deputy Administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or to the Director.

§ 722.564 Extent of calculations and rule of fractions.

Farm allotments shall be rounded to tenths of acres. Computations shall be carried to two decimal places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1".

For example:

6.732=6.7	6.751=6.8
6.750=6.7	6.782=6.8

STATE AND COUNTY ALLOTMENTS

§ 722.565 Apportionment of national allotment among States.

(a) *Statutory basis.* The national allotment proclaimed for the 1962 crop of ELS cotton shall be apportioned among the States (including Puerto Rico) on the basis of the average acreage planted to ELS cotton in each such State for the years 1956, 1957, 1958, 1959, and 1960, with adjustments in such acreages for failure to seed ELS cotton because of abnormal weather conditions. Such adjustments for abnormal weather conditions shall be made in the acreages planted to ELS cotton in the States on the basis of recommendations of the State committees and official statistics and studies of the Department of Agriculture. Any such adjustment in the acreage planted to ELS cotton in a State shall be the amount established by reference to available information and data as the net reduction of planted acreage in the State attributed solely to abnormal weather conditions.

(b) *State allotment.* The acreage allotted to a State pursuant to this section is referred to herein as the "State allotment." The State allotment for each State for the 1962 crop of ELS cotton is as follows:

State:	State allotments
Arizona.....	42,433
California.....	670
Florida.....	705
Georgia.....	157
New Mexico.....	19,681
Puerto Rico.....	2,192
Texas.....	34,455
United States.....	100,293

§ 722.566 Apportionment of State allotment among counties.

(a) *State reserve.* The State committee shall determine what portion of the State allotment is to be reserved for each of the following categories:

(1) Adjusting computed county allotments for trends in acreage.

(2) Adjusting computed county allotments for abnormal conditions affecting plantings.

(3) Establishing allotments for new ELS cotton farms.

(4) Adjusting farm allotments to correct inequities and to prevent hardships.

(5) Adjusting allotments determined for small farms. The State committee may, in its discretion, determine that no acreage shall be established for any one or more of the categories of the State reserve set forth in this paragraph. The total State reserve established for the several categories under this paragraph shall not exceed 10 percent of the State allotment.

(b) *Computed county allotments.* The State allotment for the 1962 crop of ELS cotton, less the State reserve established pursuant to paragraph (a) of this section, shall be apportioned among the following counties designated pursuant to section 347(a) of the Act: Cochise, Gila, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Arizona; Imperial and Riverside Counties, California; Alachua, Bradford, Columbia, Hamilton, Jefferson, Lake, Levy, Madison, Marion, Orange, Putnam, Seminole, Sumter, Suwannee, Union, and Volusia Counties, Florida; Berrien, Cook, and Lanier Counties, Georgia; Dona Ana, Eddy, Luna, Otero, and Sierra Counties, New Mexico; Northern Area (ELS cotton producing areas in northern part of Puerto Rico) and Southern Area (ELS cotton producing areas in southern part of Puerto Rico), Puerto Rico (Northern Area and Southern Area shall be considered as counties); and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, and Ward Counties, Texas. Such apportionment is made on the basis of the average acreage planted to ELS cotton in each such county in 1956, 1957, 1958, 1959, and 1960 (herein referred to as the "base years"), with adjustments in such acreage for failure to seed cotton because of abnormal weather conditions. Such adjustments for abnormal weather conditions shall be made in the acreages planted to ELS cotton in the county on the basis of recommendations of the State committees and official statistics and studies of the Department of Agriculture. Any such adjustment in the acreage planted to ELS cotton in a county shall be the amount established by reference to available information and data as the net reduction of planted acreage in the county attributed solely to abnormal weather conditions. The acreage allotted to a county pursuant to the provisions of this paragraph is herein referred to as the "computed county allotment."

(c) *Use of State reserve.* The State reserve, if any, established for each des-

ignated purpose under paragraph (a) of this section shall be used by the State committee for such purpose as provided in subparagraphs (1) to (5) of this paragraph.

(1) *To adjust computed county allotments for trends in the acreage of ELS cotton.* Any acreage allocated pursuant to paragraph (a) (1) of this section shall be used by the State committee to adjust the computed county allotments for trends in acreage in the counties during recent years (the period of years may include the year 1961 but shall not include any year prior to 1956). The State committee may determine such adjustments by use of a formula which shall be applied uniformly to each county in the State.

(2) *To adjust computed county allotments for counties adversely affected by abnormal conditions affecting plantings of ELS cotton.* Any acreage allocated pursuant to paragraph (a) (2) of this section shall be used by the State committee to adjust the computed county allotments for abnormal conditions adversely affecting plantings in the counties during the base years. The State committee shall examine the acreage planted to ELS cotton in the county in each of the base years to determine whether the acreage planted may have been adversely affected by abnormal conditions. In determining whether an adjustment should be made for abnormal conditions adversely affecting plantings in a county, the State committee shall take into consideration abnormal weather conditions such as floods and droughts during the planting season which caused plantings during such season to be abnormally low in comparison with normal and any other abnormal conditions which adversely affected plantings in the county to a greater extent than in other counties. In determining any adjustment for abnormal weather conditions, the State committee shall take into consideration any adjustment made for abnormal weather conditions pursuant to paragraph (b) of this section.

(3) *To make adjustments in allotments determined for small farms.* Any acreage allocated pursuant to paragraph (a) (5) of this section shall be allocated by the State committee to counties to supplement that part of the county reserve established as provided in subparagraphs (1) and (2) of § 722.567(d) for adjusting indicated farm allotments for old ELS cotton farms established at 15 acres or less under paragraph (e) of § 722.567. Such acreage shall be used by the county committee only for adjustments in small farm allotments.

(4) *To establish 1962 allotments for new ELS cotton farms.* Any acreage allocated pursuant to paragraph (a) (3) of this section shall be allocated by the State committee to counties to establish allotments for new ELS cotton farms. Where the State committee determines that the needs for acreage to establish allotments for new ELS cotton farms are generally uniform in counties throughout the State, the State committee shall determine whether all the acreage required to establish allotments for new ELS cotton farms shall be provided from

the State reserve or the county reserve, or from both such reserves. In determining the source of acreage, if any, for new ELS cotton farms, the State committee shall take into consideration the acreage requirements determined for such farms from the county surveys, if available, as provided for in § 722.567(d) (3). Where it is determined by the State committee that the entire county reserve for any county is needed for making adjustments pursuant to subparagraphs (1) and (2) of § 722.567(d), the State committee may consider allocating acreage from the State reserve as provided in paragraph (a) of this section to supplement the acreage, if any, set aside by the county committee from the county reserve for establishing allotments for new ELS cotton farms. In determining the estimated acreage to be set aside for establishing allotments for new ELS cotton farms on the basis of the factors set forth in § 722.567(d) (3), the State committee shall take into consideration the experience of State and county committees in establishing allotments for new ELS cotton farms under previous acreage allotment programs and any other available information. The acreage made available to any county under this subparagraph shall be used by the county committee only for new ELS cotton farms.

(5) *To correct inequities in farm allotments and to prevent hardship.* Any acreage allocated pursuant to paragraph (a) (4) of this section shall be allocated by the State committee to counties to correct inequities in farm allotments and to prevent hardships. Such reserve may also be used for establishing and adjusting farm allotments as provided in § 722.567(h).

(d) *Availability of data for inspection.* The following shall be on file and shall be available in the office of the State committee for examination by any interested ELS cotton producer: (1) The amount of the State reserve; (2) the formula, if any, and data developed and used under paragraph (c) (1) and (2) of this section; and (3) the total acreage set aside from the State reserve for the purposes set forth in paragraph (c) (3), (4), and (5) of this section.

(e) *County allotment.* The county allotment shall be the sum of (1) the computed county allotment determined under paragraph (b) of this section, and (2) the acreages from the State reserve which are added to the computed county allotment under paragraph (c) (1) and (2) of this section.

(f) *Apportionment of excess released acreage to counties.* The acreage surrendered to the State committee pursuant to § 722.568 shall be apportioned by the State committee to counties on the basis of trends in acreage, abnormal conditions adversely affecting plantings, or for small or new farms or to correct inequities in farm allotments and to prevent hardship.

(g) *County allotment; allocations to counties from State reserve; remainder of the State reserve; and county reserve—(1) County allotment showing components thereof; allocations to counties from State reserve for small farms and to correct inequities and prevent*

hardship; and remainder of the State reserve. This subparagraph will be amended at a later date to establish county allotments showing components thereof (computed county allotment, adjustments from State reserve for trends and abnormal conditions); allocations to counties from State reserve for small farms and to correct inequities and prevent hardship; and the remainder of the State reserve which is available for allocation to counties for new farms, late and reconstituted farms and correction of errors.

(2) *County reserve.* This subparagraph will be amended at a later date to establish county reserves.

ESTABLISHMENT OF FARM ALLOTMENTS

§ 722.567 Apportionment of county allotment among farms.

(a) *Determination of method to be used in apportioning county allotment among farms.* Section 344(f) (8) of the act provides that if allotments were in effect in 1961, the method of apportioning county allotment among farms under section 344(f) (8) of the act shall be used for 1962. Since allotments were in effect in 1961, the method under section 344(f) (8) of the act shall be used in all counties, and not the cropland method under section 344(f) (2) of the act or the historical method under section 344(f) (6) of the act.

(b) *Determination of county reserve.* The county committee shall establish a county reserve of not in excess of 15 percent of the sum of (1) the computed county allotment, and (2) the allotment allocated to the county pursuant to paragraph (c) (1) and (2) of § 722.566, which may be used to adjust indicated farm allotments for old ELS cotton farms determined under paragraph (c) of this section and to establish allotments for new ELS cotton farms under paragraph (d) (3) of this section. Such reserves shall be published in an amendment of § 722.566(g) (2).

(c) *Indicated allotments for old ELS cotton farms in all counties designated in § 722.566(b).* The county allotment, less the acreage reserve pursuant to paragraph (b) of this section, shall be apportioned among old ELS cotton farms in accordance with this paragraph. For purposes of this paragraph, 1961 farm allotment means the allotment established for the farm for 1961 prior to release of allotment from the farm or reapportionment of released allotment to the farm. It is hereby determined that for purposes of establishing 1962 farm allotment bases, it will not be necessary under section 344(f) (8) of the act to adjust 1961 farm allotments for any change in the acreage of cropland available for the production of ELS cotton. A 1962 allotment base shall be established for each old ELS cotton farm as follows:

(1) If the total of the acreage planted to ELS cotton for 1961 plus the acreage regarded as planted to ELS cotton for 1961 (acreage diverted for 1961 from ELS cotton production under the conservation reserve of the Soil Bank or Great Plains program and acreage released for 1961 only) is 75 percent or more of the 1961 farm allotment, such

1961 farm allotment shall be the 1962 allotment base for the farm.

(2) The 1961 farm allotment shall be the 1962 allotment base for each farm on federally owned land with a restrictive lease prohibiting the planting of ELS cotton and for each pooled allotment farm.

(3) Except as provided in subparagraphs (2) and (4) of this paragraph, if the total of the acreage planted or regarded as planted to ELS cotton is less than 75 percent of the 1961 farm allotment, the 1962 allotment base for the farm shall be the average of the 1961 farm allotment and the 1961 acreage planted to ELS cotton (including acreage regarded as planted to ELS cotton).

(4) Adjustments provided in subparagraph (3) of this paragraph shall not be made and the 1961 farm allotment shall be the allotment base for the farm if the county committee determines that failure to plant at least 75 percent of the 1961 farm allotment was due to excessive rain, flood, hail, drought, lack of water on irrigated farms resulting from the effect of drought on the water supply, or illness of the farm operator or any other producers on the farm, which are hereby determined to be conditions beyond the control of producers on the farm. The farm operator was required under § 722.469(a) (2) of the 1961 acreage allotment regulations for ELS cotton (26 F.R. 5364) to file an application in writing with the county committee not later than September 15, 1961 showing that failure to plant at least 75 percent of the farm allotment in 1961 was due to one or more of such conditions, if such was the case, except in certain specified cases of general underplanting in an area of a county.

Indicated allotments for old ELS cotton farms shall be determined by multiplying the 1962 allotment base for the farm by a county allotment factor determined by dividing the total of the 1961 allotments for all such farms into the county allotment less the acreage reserved pursuant to paragraph (b) of this section.

(d) *Use of county reserve.* The county reserve shall be used by the county committee as follows:

(1) *Adjustments in indicated farm allotments of 15 acres or less.* Not less than 20 percent of the county reserve shall, to the extent required, be used by the county committee to adjust indicated farm allotments determined under paragraph (c) of this section to be 15 acres or less. Such adjustments shall be made so as to establish allotments which are fair and reasonable in relation to the allotments established for similar farms in the community, taking into consideration for the farm the acreages planted to ELS cotton in 1959, 1960, and 1961; the land, labor, and equipment available for the production of ELS cotton; crop-rotation practices; the soil and other physical facilities affecting the production of ELS cotton; and abnormal conditions of production.

(2) *Adjustments in indicated allotments for other farms.* The remainder of the acreage in the county reserve, after meeting or determining the requirements under subparagraphs (1), (3), and (4) of this paragraph, shall be

used by the county committee to adjust indicated farm allotments which are more than 15 acres. Such adjustments shall be made so as to establish allotments which are fair and reasonable in relation to the allotments established for similar farms in the community, taking into consideration for the farm, the land, labor, and equipment available for the production of ELS cotton; crop-rotation practices; the soil and other physical facilities affecting the production of ELS cotton; and abnormal conditions of production. In the absence of specific data relating to the labor and equipment available for the production of ELS cotton and to the crop-rotation practices followed on a farm, the county committee may consider the acreage planted to ELS cotton on the farm in 1959, 1960, or 1961, as reflecting such factors and use such acreage as the basis for adjusting the indicated farm allotment under this subparagraph.

(3) *Allotments for new ELS cotton farms—(i) Determination of acreage needed for establishing allotments for new ELS cotton farms.* If any part of the State reserve or the county reserve is to be used for establishing allotments for new ELS cotton farms, the county committee with the assistance of the community committees may estimate from county office records and other available sources of information the number of new ELS cotton farms in the county and an estimate may be made of the cropland on new ELS cotton farms. Such estimates may be used by the State and county committees as a basis for determining the acreage, if any, that will be allocated for establishing allotments for new ELS cotton farms. In determining the acreage, if any, from the county reserve which is to be used for establishing allotments for new ELS cotton farms, the county committee shall take into consideration the acreage, if any, to be made available from the State reserve pursuant to § 722.566(c) (4) for establishing allotments for new ELS cotton farms. The total acreage reserve for establishing allotments for new ELS cotton farms in the county, including any acreage allocated to the county for new ELS cotton farms from the State reserve, shall not exceed 75 percent of the total of the farm allotments which the county committee estimates will be determined for the same number of old ELS cotton farms in the county which are similar except for the acreages planted to ELS cotton during the years 1959, 1960, and 1961. The State committee shall establish a closing date for filing an application for a new ELS cotton farm allotment with the county committee which shall be no earlier than February 15, 1962 (January 15, 1962, in Puerto Rico) and no later than the date on which the planting of ELS cotton normally becomes general on farms in the county. Such closing date and the amount of reserve acreage available in the county for new ELS cotton farms shall be posted in the county office and to the extent practicable, such information shall be given general publicity in the county.

(ii) *Eligibility of a new ELS cotton farm for an ELS cotton allotment.* An

ELS cotton allotment for a new ELS cotton farm may be established by the county committee if each of the following conditions is met:

(a) An application for an ELS cotton allotment is filed by the farm operator with the county committee by the closing date established by the State committee.

(b) Neither the farm operator nor the farm owner owns or operates any other farm in the United States for which an ELS cotton allotment is established for 1962.

(c) The available land, type of soil and topography of the land is suitable for the production of ELS cotton and such production ordinarily will not result in an undue erosion hazard under continuous production.

(d) The farm operator shall own, or otherwise have readily available, adequate equipment and the other facilities of production (including irrigation water in irrigated areas) necessary to produce ELS cotton on the farm.

(e) The farm operator will obtain during 1962 more than 50 percent of his income from the production of agricultural commodities or products from the farm excluding the estimated income from the production of ELS cotton requested for the farm. Where the farm operator is a partnership, each partner must obtain during 1962 more than 50 percent of his income from the production of agricultural commodities or products from the farm excluding the estimated income from the production of ELS cotton requested for the farm. In estimating the income of the farm operator from the farm, the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm shall be included.

(iii) *Establishment of allotments for new ELS cotton farms.* If the applicant's farm is eligible for an ELS cotton allotment such allotment shall be established by the county committee on the basis of land, labor, and equipment available for the production of ELS cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of ELS cotton. The allotment so determined for any such farm shall not exceed the smaller of (a) the indicated allotments established pursuant to paragraph (c) of this section for old ELS cotton farms in the county which are similar except for the acreages planted to ELS cotton during the years 1959, 1960, and 1961, or (b) the allotment requested by the applicant. The sum of the allotments determined by the county committee for new ELS cotton farms shall not exceed the re-

serves available for such farms in the county under this subparagraph. The allotments for new ELS cotton farms shall be subject to review and approval by a representative of the State committee as provided in § 722.580. If the acreage planted to ELS cotton on a new ELS cotton farm is less than 75 percent of the ELS cotton allotment established for the farm pursuant to this subparagraph, such allotment shall be automatically reduced to the acreage planted to ELS cotton on the farm.

(4) *Adjustments in farm allotments to correct inequities and to prevent hardship.* The county committee shall determine the acreage required from the county reserve to supplement any acreage allocated to the county from the State reserve to correct inequities in farm allotments and to prevent hardship. Such reserves may also be used for establishing and adjusting farm allotments as provided in paragraph (h) of this section and to provide fair and reasonable allotments where the county committee had insufficient information to make proper adjustments at the time the original allotment for the farm was established. Any acreage from the county reserve and any allocation to the county from the State reserve which is made pursuant to § 722.566(c)(5) may be used by the county committee for making adjustments in farm allotments to correct inequities and to prevent hardship, taking into consideration for the farm the acreages planted to ELS cotton in 1959, 1960, and 1961; the land, labor, and equipment available for the production of ELS cotton; crop-rotation practices; the soil and other physical facilities affecting the production of ELS cotton and abnormal conditions of production and any other factors for correcting inequities and preventing hardship.

(e) *Use of acreage allocated to county from State reserve for adjusting allotments for small farms.* The acreage allocated to a county from the State reserve for small farms shall be used by the county committee to adjust indicated farm allotments of 15 acres and less for old ELS cotton farms on the basis of the factors set forth in paragraph (d) (1) and (2) of this section for adjusting small farm allotments.

(f) *Allocation of reserve acreage by use of mathematical formula or rule.* Any mathematical formula or rule adopted by the county committee for use in calculating the amount of acreage to be allocated to an individual farm from the reserves provided for in paragraphs (d) (1), (2), and (4) and (e) of this section shall be subject to approval of a representative of the State committee on the basis of standards approved by the State committee.

(g) *Reconstitution of farms.* The reconstitution of farms under §§ 722.561 to 722.582 shall be governed by the regulations pertaining to reconstitution of farms in Part 719 of this chapter, as amended.

(h) *Allotments for missed and reconstituted farms and correction of errors.* The reserves provided for in paragraph (d) (4) of this section and in § 722.566(c)

(5) shall be used by the county committee for the purposes specified therein and also (1) for establishing allotments for old ELS cotton farms for which allotments were not established at the time allotments were originally established for old ELS cotton farms in the county because of oversight on the part of the county committee, (2) for correcting errors in farm allotments, and (3) for use in establishing allotments for farms which are divided or combined for 1962 under paragraph (g) of this section.

(i) *Equitable adjustments from State reserve for all old ELS cotton farms.* Under section 112(2) of the Soil Bank Act and the Great Plains program under section 16(b)(4) of the Soil Conservation and Domestic Allotment Act, as amended, acreage diverted from the production of ELS cotton shall be considered acreage devoted to ELS cotton for purposes of establishing future State, county, and farm allotments. In order to prevent inequitable allotments on farms included in such programs, the State reserve for categories other than new farms shall not be larger than that acreage required to give all old ELS cotton farms equal consideration, whether the farm history resulted from actual seeding of ELS cotton or from acreage history required by law.

§ 722.568 Release and reapportionment of ELS cotton allotments.

(a) *Conditions under which farm allotments cannot be released.* The following farm allotments shall not be released in whole or in part:

(1) Allotments for new ELS cotton farms.

(2) The allotment for an old ELS cotton farm which is owned by the Federal Government and which was leased by an agency of the Federal Government, as lessor on condition that no land on the farm shall be planted to ELS cotton.

(3) The allotment for any farm where such release is opposed by the owner or operator.

(b) *Allotments which may be released and reapportioned.*—(1) *Release of allotments for 1962 only.* Except as provided otherwise in paragraph (a) of this section, all or any part of any 1962 farm allotment for an old ELS cotton farm, including pooled acreage allotment, which will not be used in 1962 may be voluntarily released in writing to the county committee by the farm owner or operator by the applicable closing date. Released acreage shall be deducted from the farm allotment and a revised notice of farm allotment shall be issued in accordance with § 722.571.

(2) *Permanent release of allotments.* Except as provided otherwise in paragraph (a) of this section and except for pooled acreage allotments, all or any part of any 1962 farm allotment for an old ELS cotton farm may be permanently released in writing to the county committee by the owner and operator by the applicable closing date. Released acreage shall be deducted from the farm allotment and a revised notice of farm allotment shall be issued in accordance with § 722.571.

(3) *Reapportionment of allotments.* Released allotments may be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm allotments in the same county in amounts determined by the county committee to be fair and reasonable on the basis of past acreages of ELS cotton, land, labor, and equipment available for the production of ELS cotton; crop rotation practices; and soil and other physical facilities affecting the production of ELS cotton. The State committee may establish standards and guidelines to the extent necessary to assure uniform application of the foregoing basic factors required to be considered under section 344(m)(2) of the act in the reapportionment of released allotments to farms. *Provided, however,* That any allotment released from a farm which is covered in whole or in part by a Soil Bank Conservation Reserve Contract, or for which an application is pending for a Conservation Reserve Contract, shall not be reapportioned by the county committee to any other farm or surrendered to the State committee for reapportionment to other counties. An oral or written request by the farm operator or owner shall be made to the county committee by the applicable closing date as a condition of eligibility for consideration by the county committee to have released acreage reapportioned to the farm: *Provided, however,* That the State committee may require a written request as a condition of eligibility.

(4) *Surrender of released acreage to the State committee.* If all of the released acreage in a county is not needed, the county committee may surrender, except for released acreage from pooled acreage allotments, the unused released acreage to the State committee for reapportionment to counties as provided in § 722.566(f).

(5) *Closing dates.* The State committee shall establish closing dates for release of allotments, requests for reapportionment of allotments and reapportionment of allotments for the entire State or for areas consisting of one or more counties in the State taking into consideration the normal planting dates within the State. The closing date for release of allotments shall be no later than the date on which the planting of ELS cotton normally becomes general on farms in the State, area or county. The closing date for reapportionment of allotments to other farms shall be no later than the latest date on which ELS cotton can normally be planted on farms in the State, area or county with reasonable expectation of producing an average crop. The closing date for requests for reapportionment of allotments shall be a date from the closing date for release of allotments to the closing date for reapportionment of allotments, both dates inclusive. Closing dates under this subparagraph may be extended by the State committee to a date by which ELS cotton could be planted with a reasonable expectation of producing a crop. In establishing closing dates, the State committee shall also take into consideration the time required for reapportionment of

surrendered acreage to counties and farms.

(6) *Acreage history.* For the purpose of determining future State and county allotments, released allotments will be credited to the State and county in which such allotments were released. In determining future farm allotments, the planting in 1962 of reapportioned allotments shall not be considered. Any farm allotment released for 1962 only, shall, in determining future farm ELS cotton allotments, be regarded as having been planted on the farm from which such allotment was released if ELS cotton was planted or regarded as planted on such farm under section 377 of the act or section 106(a) or 112(2) of the Agricultural Act of 1956 or the Great Plains program under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, in at least one of the years 1960 or 1961.

(7) *Public notice.* The county committee shall post in the county office the applicable closing dates and the amount of released allotments available in the county for reapportionment and to the extent practicable, such information shall be given general publicity in the county.

(c) *Apportionment of surrendered acreage allocated to county by State committee.* The acreage apportioned to the county under § 722.566(f) may be used by the county committee for establishing and adjusting farm allotments for new ELS cotton farms or small farms or to correct inequities and to prevent hardship in accordance with the provisions of paragraphs (d) and (e) of § 722.567.

(d) *Permanent or successive releases of allotments from farms under the Soil Bank or Great Plains programs.* For purposes of determining acreage regarded as planted to ELS cotton on a farm, any allotment permanently released in 1960 from a farm covered in whole or in part by a contract currently in effect under either the conservation reserve of the Soil Bank or the Great Plains program for both 1960 and 1961, or the entire allotment was temporarily released in 1960 for the third successive year for any such farm, shall be treated as if not released in establishing the 1961 history acreage and the 1962 farm allotment. History acreage for the farm shall be based on the allotment for the farm prior to the release until the contract expires or is terminated.

§ 722.569 Adjustment of allotment bases and determination of acreage history.

(a) *Farm base adjustments under section 344(f)(8) of the act applicable to 1962 plantings of ELS cotton.* Section 344(f)(8) of the act provides for adjustment of the farm base if 1962 plantings of ELS cotton are reduced below a specified percentage. The following items are set forth so that farm operators in 1962 may be fully advised and take any necessary action:

(1) Farm base adjustments are required in connection with establishing 1963 farm allotments, if marketing quotas are in effect and the acreage actually planted (or regarded as planted under the Soil Bank Act, Great Plains

program under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended; and the release and reapportionment provisions of section 344(m)(2) of the act) to ELS cotton on the farm in 1962 was less than 75 percent of the 1962 farm allotment, in lieu of using the 1962 farm allotment as the farm base, the base shall be the average of (i) the ELS cotton acreage actually planted or regarded as planted for the farm for 1962 and (ii) the 1962 farm allotment. Notwithstanding the provisions of this subparagraph, the farm base on federally owned land with a restrictive lease prohibiting the planting of ELS cotton and for each pooled allotment farm shall not be adjusted under section 344(f)(8) of the act.

(2) Adjustments provided in subparagraph (1) of this paragraph shall not be made if the county committee determines that failure to plant at least 75 percent of the farm allotment was due to excessive rain, flood, hail, drought, lack of water on irrigated farms resulting from the effect of drought on the water supply, or illness of the farm operator or any other producers on the farm, which are hereby determined to be conditions beyond the control of producers on the farm. The farm operator or owner shall file an application in writing with the county committee not later than September 15, 1962, showing that failure to plant at least 75 percent of the farm allotment in 1962 was due to one or more of such conditions: *Provided, however,* That no written application by the farm operator or owner shall be required if the county committee finds that one or more of such conditions at planting time generally caused underplanting of allotments on a number of farms in an area of the county, and in such cases, the county committee, with the approval of a representative of the State committee, may determine that 75 percent or more of the 1962 farm allotment would have been planted to ELS cotton on any farm in such area if at least 75 percent of the farm allotment minus any acreage history earned under the conservation reserve program for one or more of the years 1960 or 1961 was actually planted to ELS cotton. A written record of the determinations of the county committee on each of the applications filed under this subparagraph or made under the proviso of this subparagraph shall be filed in the records of the county office showing the reason for failure to plant at least 75 percent of the farm allotment, the percent of allotments planted to ELS cotton in 1960 and 1961, where applicable, the county committee's approval or disapproval of an application, and where applicable, its reasons for disapproval.

(b) *Preservation of acreage history under section 377 of the act.* Section 377 of the act provides for preservation of acreage history under certain circumstances. The farm allotment for 1962 excluding any allotment released from the farm or reapportioned to the farm, shall be considered for purposes of future State, county, and farm allotments to have been planted to ELS cotton (acreage history for released allotment shall

be determined in accordance with § 722.568(b)): *Provided, however,* That the farm allotment for 1962 except for such allotment on farms owned by the Federal Government with a restrictive lease prohibiting the planting of ELS cotton and pooled allotment farms, shall not be preserved as history acreage unless an acreage equal to 75 percent or more of the farm allotment after release and before reapportionment, in one of the years 1960, 1961, or 1962 was seeded to ELS cotton or devoted to the production of ELS cotton but seeded prior to such year or was regarded as planted to ELS cotton under the Soil Bank Act or the Great Plains program under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended; and in cases where the farm allotment for 1962 shall not be preserved under this proviso, the acreage considered to have been planted to ELS cotton in such cases shall be the sum, subject to the limitation under § 722.478, of (1) acreage seeded to ELS cotton on the farm in 1962, (2) acreage devoted to the production of ELS cotton on the farm in 1962 but seeded prior to 1962, and (3) acreage regarded as planted on the farm in 1962 under the Soil Bank Act or the Great Plains program under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(c) *Farm acreage history.* Farm acreage history for the purpose of establishing future State and county allotments shall be the sum of the acreage considered to have been planted to ELS cotton under paragraph (b) of this section plus the acreage released for 1962 only from the farm.

§ 722.570 Allotments for special farms.

(a) *Where the farm owner is displaced by a Federal, State, or other agency having the right of eminent domain.* Where the farm owner is displaced by a Federal, State, or other agency having the right of eminent domain, farm allotments for such acquired land and determination of other farm allotments for such owner shall be governed by section 378 of the act and the regulations pertaining to reconstitution of farms in Part 719 of this chapter as amended.

(b) *Publicly owned agricultural experiment stations—(1) Allotments for farms operated by publicly owned agricultural experiment station.* A farm allotment shall be established pursuant to the provisions of § 722.567 for a farm operated by a publicly owned agricultural experiment station.

(2) *Conditions under which production is exempted from penalty.* The marketing penalty shall not apply to the marketing of any ELS cotton of the 1962 crop which is grown for experimental purposes only, on a farm operated by a publicly owned agricultural experiment station and produced at public expense by employees of the experiment station. Where the acreage planted to ELS cotton on a farm operated by a publicly owned agricultural experiment station is in excess of the farm allotment, the acreage used for determining the marketing excess, if any, for the farm shall be the smaller of (i) the acreage

planted to ELS cotton on the farm in excess of the farm allotment, or (ii) the acreage planted to ELS cotton on the farm which is not for experimental purposes. Also, the marketing penalty shall not apply to ELS cotton produced for experimental purposes on other land by a person pursuant to a written agreement with a publicly owned agricultural experiment station whereby the experiment station bears the costs and risks incident to the production of the ELS cotton and the proceeds from the crop inure to the benefit of the experiment station and such agreement is approved by the State committee. Such approval will be given if the State committee finds that the agreement conforms to the requirements of this subparagraph.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.571 Notice of farm allotment and marketing quota.

Immediately after farm allotments in a county are established and approved pursuant to § 722.580(b), the county committee shall mail to the operator of each such farm a written notice of the farm allotment and marketing quota for the farm. The county committee shall also mail to the operator of each new ELS cotton farm for which application for an allotment is made but for which it is determined that no farm allotment and marketing quota will be established, a similar written notice showing "None" as the allotment and marketing quota, established for the farm. The notice shall contain at or near the top thereof substantially the following statement: "To all persons who as operator, landlord, tenant, or sharecropper, will for the crop year shown above be interested in the commodity designated above produced on the farm for which this acreage allotment and marketing quota are established." Notice so given shall constitute notice to all such persons. Such notice shall also contain a brief statement of the procedure whereby application for review of the marketing quota may be made under section 363 of the act. Such notice shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or an employee of the county office. A copy of each notice, containing a notation thereon of the date of mailing the notice to the operator of the farm, shall be kept among the permanent records of the county committee, and upon request a copy thereof duly certified as a true and correct copy shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper, is interested in the ELS cotton produced in 1962 on the farm for which the notice is given. Insofar as practicable, the notice for each old ELS cotton farm shall be prepared and mailed to the operator so as to be received prior to the referendum to determine whether ELS cotton farmers favor or oppose marketing quotas for the 1962 crop. Where it is impractical or impossible to use the United States mail to serve the producer in Puerto Rico with the notice provided

for in this section use shall be made of such other method of service as is available; however, when such other method is used, the county committee shall make provision for keeping an accurate record of the date and method of delivery to the producer of any such notice. Farm allotments shall not become effective unless (a) proper approval is obtained as provided under § 722.580 and (b) written notice of farm allotment is issued as provided under §§ 722.561 to 722.582. The farm operator shall immediately notify the county committee of any change in the ownership, operation, or control of the farm, or any part thereof, for which a notice of farm allotment is issued for 1962. Revised notices of allotment shall be issued where an erroneous allotment was established or the farm allotment is adjusted by release and reapportionment.

§ 722.572 Referendum for 1962 crop.

A referendum of the farmers who were engaged in the production of ELS cotton in the calendar year 1961 will be held on December 12, 1961, pursuant to the provisions of section 343 of the act and the Regulations Governing the Holding of Referenda on Marketing Quotas set forth in Part 717 of this chapter, as amended, to determine whether such farmers are in favor of or opposed to the 1962 quota. If two-thirds or more of the ELS cotton farmers voting in the ELS cotton referendum favor the quota, such quota will be in effect for the 1962 crop of ELS cotton. If more than one-third of the ELS cotton farmers voting in such referendum oppose the quota, the quota will not be in effect for the 1962 crop of ELS cotton; however, farm allotments established for such crop pursuant to section 344 of the act will remain in effect and compliance with such farm allotments will be a condition of eligibility of producers for price support under the Agricultural Act of 1949, as amended.

§ 722.573 Amount of farm marketing quota and farm marketing excess.

The farm marketing quota for any farm for the 1962 crop of ELS cotton shall be the actual production of ELS lint cotton on the farm less the farm marketing excess. The farm marketing excess for the 1962 crop of ELS cotton shall be the normal production of the acreage of ELS cotton on the farm in excess of the farm allotment: *Provided*, That such farm marketing excess shall not be larger than the amount by which the actual production of ELS cotton on the farm exceeds the normal production of the farm allotment if the producer establishes such actual production in accordance with the regulations pertaining to marketing quotas for ELS cotton (§§ 722.101 to 722.152; 26 F.R. 5489), as amended.

§ 722.574 Publication of farm allotments and marketing quotas.

One copy of each notice of the farm allotment and marketing quota for farms in a county shall be placed in binders or folders, or in lieu thereof, a listing of such allotments and quotas shall be prepared and such notices or listing shall

be kept freely available in the office of the county committee for public inspection for a period of not less than thirty calendar days. At the end of such period, the copies of the notices or the listing shall be filed in the office of the county committee and remain readily available for further public inspection. Either the copies of notices or the listing referred to in this section shall be maintained in the county office by the county office manager for the use of the chairmen of the community committees.

§ 722.575 Successors-in-interest.

Any person who succeeds to the interest of a producer in a farm, or in an ELS cotton crop or in ELS cotton for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of ELS cotton.

§ 722.576 Marketing quotas not transferable.

A farm marketing quota is established for a farm and except as specifically provided for in §§ 722.568 and 722.570(a) may not be assigned or otherwise transferred in whole or in part to any other farm.

MISCELLANEOUS PROVISIONS

§ 722.577 Measurement of farms to determine compliance with allotments.

For purposes of determining compliance with allotments, premeasurement of farms, measurement of farms after planting, notice of measured acreage, disposition of excess acreage and remeasurement shall be governed by Part 718 of this chapter, as amended.

§ 722.578 No credit for overplanting the farm allotment.

Any acreage planted to ELS cotton in 1962 in excess of the farm allotment for the 1962 crop of ELS cotton shall not be taken into account in establishing State, county, and farm allotments for the 1963 and subsequent crops of ELS cotton.

§ 722.579 Availability of records.

The State and county committees shall make available for inspection by owners or operators of farms receiving ELS cotton allotments, all records pertaining to ELS cotton allotments and marketing quotas, including the allocations to the county from the State reserve and the total amount and the distribution of the county reserve.

§ 722.580 Approval of determinations and additional authority for determination of farm allotments and farm marketing quotas.

(a) *Approval of State reserves, county allotments and county reserves.* Determinations of State reserves and county allotments as provided for in § 722.566 (a) and (e) and for county reserves, as provided in § 722.567(b), shall be subject to review and approval by the Secretary and such allotments and

reserves as approved by the Secretary shall be published at a later date in an amendment to § 722.566(g).

(b) *Approval of county committee determinations.* A representative of the State committee shall review all farm allotments prior to issuance thereof and may revise or require revision of any determinations made under §§ 722.567 to 722.577: *Provided, however,* That such prior review shall not be required where revised farm allotments resulting from reconstitution of farms or from release and reappointment of farm allotments do not require additional acreage for allocation except in the case of reappointment of allotments the State committee may require approval by its representative prior to issuance thereof. ELS cotton allotments for both old and new ELS cotton farms shall be approved by a representative of the State committee. No official notice of farm allotment and marketing quota shall be mailed to a farm operator until such approval has been obtained.

(c) *Additional authority for determination of farm allotments and farm marketing quotas.* In addition to the authority established in §§ 722.561 to 722.580(b) for determination of farm allotments and farm marketing quotas for both old and new ELS cotton farms, including revised allotments to correct errors, such determinations may be made by the Secretary, an Assistant Secretary of Agriculture, or the Administrator of Agricultural Stabilization and Conservation Service. A notice conforming to the requirements of § 722.571 executed by any of the foregoing officials and mailed to the operator of the farm shall be deemed to meet the requirements of § 722.571. A copy of each notice shall be kept among the permanent records of the appropriate county committee and copies thereof shall be made available in accordance with the provisions of § 722.571 to any person who as operator, landlord, tenant, or sharecropper, is interested in the ELS cotton produced in 1962 on the farm for which the notice is given.

§ 722.581 Review of farm allotment.

Any producer who is dissatisfied with the farm allotment established for his farm, or in the case of a new ELS cotton farm with the action of the county committee in refusing to establish a farm allotment for such farm, may, by making application in writing within 15 days after the mailing to him of the notice provided for in § 722.571, have such allotment reviewed by a review committee pursuant to section 363 of the act and the Marketing Quota Review Regulations set forth in Part 711 of this chapter, a copy of which may be obtained from the county committee.

§ 722.582 Erroneous notices.

(a) *Erroneous notice of ELS cotton allotment.* In any case where through error the producer is officially notified in writing of a farm allotment larger than the final approved farm allotment and it is found by the county committee that such producer, acting solely on the

information contained in the erroneous notice, planted an acreage to ELS cotton in excess of the final approved farm allotment, the producer will not be considered to have exceeded the farm allotment unless he planted an acreage in excess of the allotment shown on the erroneous notice. Before a producer can be said to have relied upon the erroneous notice the circumstances must have been such that the producer had no cause to believe that the allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of ELS cotton customarily planted; and all other pertinent facts should be taken into consideration. The determination by the county committee under this section shall be subject to the approval of the State committee or the State executive director. The acreage planted to ELS cotton on the farm in excess of the final approved allotment shall be considered as excess acreage for purposes of § 722.578.

(b) *Erroneous notice of planted acreage.* In any case where it is discovered after all the ELS cotton acreage on the farm has been picked one or more times that the farm operator was officially notified in writing through error of an acreage planted to ELS cotton which is less than the acreage actually planted but the acreage actually planted is in excess of the farm allotment, the county committee shall determine whether or not the following conditions are met:

(1) The lack of compliance was caused by reliance in good faith by the farm operator on an erroneous official notice of measured acreage.

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with § 722.577.

(3) The incorrect notice was the result of an error made by an employee of the county or State office in reporting, computing or recording the ELS cotton acreage for the farm.

(4) Neither the farm operator nor any producer on the farm was in any way responsible for the error.

(5) The extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

If the county committee determines that all five of the conditions are met, and the State executive director concurs upon review of the county committee determination, the acreage planted to ELS cotton on the farm will be considered as an acreage equal to the farm allotment.

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

Signed at Washington, D.C., on October 20, 1961.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 61-10166; Filed, Oct. 24, 1961; 8:54 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF ANIMAL DISEASES

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE), TUBERCULOSIS, OR PARATUBERCULOSIS

Payment of Indemnities

On September 7, 1961, there was published in the FEDERAL REGISTER (26 F.R. 8419), a notice with respect to a proposal to amend § 51.2 of Part 51, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, relating to payment of indemnity for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis. After due consideration of all relevant material submitted in connection with such notice and pursuant to the provisions of sections 3 and 11 of the Act of May 29, 1884, as amended (21 U.S.C. 114, 114a), and section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), § 51.2 is amended in accordance with such notice to read:

§ 51.2 Payment to owners for cattle destroyed.

Owners of cattle which are destroyed because of brucellosis, tuberculosis, or paratuberculosis may be paid an indemnity by the Department for each animal so destroyed not to exceed one-third of the difference between the appraised value of the animal and the salvage value thereof, ascertained in accordance with the provisions of §§ 51.4 and 51.7: *Provided, however,* That no such payment for cattle destroyed shall exceed \$25 for any grade animal or \$50 for any purebred animal except in Alaska, Hawaii, Puerto Rico and the Virgin Islands where no payment for any animal destroyed shall exceed \$50: *And provided further,* That in the case of tuberculosis or paratuberculosis reactors no such payment shall exceed the amount paid or to be paid by the State where the animal was condemned.

(Secs. 3-5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 111, 112, 113, 114, 114a, 120, 125)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The purpose of the amendment is to increase the maximum indemnity which may be paid on any cattle destroyed because of brucellosis, tuberculosis or paratuberculosis to \$50 per head in Alaska,

Hawaii, Puerto Rico, and the Virgin Islands. The amendment is considered necessary in order to relieve the existing inequities in indemnity payments resulting from the higher cost of replacing animals in Alaska, Hawaii, Puerto Rico, and the Virgin Islands as compared with the remaining areas of the United States. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that further notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of October 1961.

M. R. CLARKSON,
*Acting Administrator,
Agricultural Research Service.*

[F.R. Doc. 61-10165, Filed, Oct. 24, 1961;
8:54 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-55]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Motions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of October 1961.

From time to time, parties to economic proceedings have incorporated written motions in other filed documents such as briefs, petitions and answers. However, § 302.18(b) of the Procedural Regulations, in conjunction with §§ 302.3 and 302.4 to which it refers, and with § 302.8(a)(2), obviously contemplates that in the absence of a specific provision to the contrary, written motions shall be filed as separate documents. A clarifying amendment to § 302.18(b) prohibiting incorporation of motions in other documents therefore is required.

In this amendment, paragraph (b) of § 302.18 is amended to require the filing of written motions as separate documents and to prohibit their incorporation in any other documents. Provision is made in this amendment for exceptions (1) where incorporation of a motion in another document is specifically authorized by a rule or order of the Board, or (2) where a document is filed which requests alternative forms of relief and one of these alternative requests is to be made by motion. In such cases, this amendment does not require that the motion be filed as a separate document, but provides that the document in which it is incorporated shall be appropriately entitled and identified to indicate that it incorporates a motion.

Since this amendment is not a substantive rule, notice and public procedure hereon are not required and the

amendment may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends paragraph (b) of § 302.18 of Part 302 of the Procedural Regulations (14 CFR Part 302), effective October 25, 1961, by adding the following sentences at the end thereof: "Written motions shall be filed as separate documents, and shall not be incorporated in any other documents, except (1) where incorporation of a motion in another document is specifically authorized by a rule or order of the Board, or (2) where a document is filed which requests alternative forms of relief and one of these alternative requests is properly to be made by motion. In these instances the document filed shall be appropriately entitled and identified to indicate that it incorporates a motion, otherwise the motion will be disregarded."

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 1001, 72 Stat. 788; 49 U.S.C. 1481)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-10164; Filed, Oct. 24, 1961;
8:54 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-KC-20]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Designation of Federal Airway

On June 16, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5406) stating that the Federal Aviation Agency proposed to designate a segment of intermediate altitude VOR Federal airway No. 1702 from the United States/Canadian border northwest of Buffalo, N.Y., as a 10-mile wide airway via the intersection of the Buffalo VOR 312° and the Toronto, Canada, VOR 141° True radials; Toronto VOR; Wiarton, Canada, VOR; Sault Ste. Marie, Mich., VOR; and the Whitefish, Mich., VOR to the Lakehead, Canada, VOR, excluding the portions which lie over Canada.

No adverse comments were received regarding the proposed amendments. The Air Transport Association of America (ATA) suggested that the proposed segment between the Whitefish VOR and the Lakehead VOR be designated as a full width airway. The Federal Aviation Agency has evaluated the comments received and it has determined that the Segment of Victor 1702 from the intersection of the Lakehead VOR 116° and the Houghton, Mich., VOR 348° True radials to the Whitefish VOR should be designated as a full width airway. In addition the segment of Victor 1702 from the United States/Canadian border northwest of Buffalo to Buffalo will be designated as a 10-mile wide airway to conform with the Canadian airway system in the vicinity of the United States/Canadian border.

The ATA also suggested that the proposed airway segment between the United States/Canadian border northwest of Buffalo and Lakehead be designated with a common airway number.

The airway structures of Canada and the United States are such that compatible numbering of all airways is not possible. The Canadian Department of Transportation advises, however, that Canadian aeronautical charts will show Victor 1702 identification on the airway segment between Buffalo and Toronto and on the segment between Sault Ste. Marie and Lakehead.

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

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

In § 600.1702 (26 F.R. 1079) the following changes are made:

(a) In the caption "(Buffalo, N.Y., to Paterson, N.J.)" is deleted and "(Lakehead, Ontario, to Paterson, N.J.)" is substituted, therefor.

(b) In the text "From the United States/Canadian border via the Buffalo, N.Y., VOR 312° radial; Buffalo VOR; INT of the Buffalo VOR 124°" is deleted and "That airspace over United States territory from the Lakehead, Ont., VOR; 10 mile wide airway to the intersection of the Lakehead VOR 116° and the Houghton, Mich., VOR 348° radials; thence to the Whitefish, Mich., VOR; thence 10 mile wide airway via the Sault Ste. Marie, Mich., VOR; Wiarton, Canada, VOR; Toronto, Canada, VOR; INT of the Toronto VOR 141° and the Buffalo, N.Y., VOR 312° radials to the Buffalo VOR; thence via the INT of the Buffalo VOR 124°" is substituted therefor.

This amendment shall become effective 0001 e.s.t. December 14, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1349)

Issued in Washington, D.C., on October 18, 1961.

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

[F.R. Doc. 61-10110; Filed, Oct. 24, 1961;
8:45 a.m.]

[Airspace Docket No. 60-WA-212]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Alteration of Federal Airway, Associated Control Area, Reporting Points and Control Area Extension

On September 17, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 8961) stating that the Federal Aviation Agency

(FAA) proposed to revoke the segment of Green Federal airway No. 2 and its associated control areas between Seattle, Wash., and Miles City, Mont., substitute VOR Federal airway No. 2 for Green 2 in the description of the Moses Lake, Wash., control area extension (§ 601.1001) and revoke the designated reporting points associated with this segment of Green 2 from the Seattle radio range to, but not including the Miles City radio range. Subsequent to publication of the notice, an alteration of proposal was published in the *FEDERAL REGISTER* on March 17, 1961 (26 F.R. 2252), stating that the FAA proposed to revoke Green 2 and associated control areas from Seattle to Minneapolis, Minn., and all designated reporting points associated with Green 2 between these two terminals, including the Minneapolis radio range station. In addition, because of the comments received to the published notice, the FAA proposed to conduct a public hearing to be held in two parts. The first part to be held April 13, 1961, in Seattle and the second part to be held April 17, 1961, in Minneapolis. After publication of the alteration of proposal, the FAA was made aware of considerable public interest in the State of North Dakota in the subject matter of the hearing. Accordingly, a Supplemental Notice of Public Hearing was published in the *FEDERAL REGISTER* on March 29, 1961, (26 F.R. 2649) stating that a hearing would be conducted on April 19, 1961, at Bismarck, N. Dak., for the purpose of affording interested persons an opportunity to present views, data or arguments relevant to the proposal contained in the notice as altered.

As a result of the hearings and in response to the Notice, voluminous objections were received to this proposed action. Comments were received from private pilots, fixed base operators, corporation pilots, members of the Aircraft Owners and Pilots Association (AOPA), West Coast Airlines, and the Directors of the Aeronautics Commissions for the States of North Dakota and Montana. The comments offered at the three public hearings and submitted in written form are summarized as follows:

1. Even though the notice stated that only the revocation of Green 2 was proposed, many individuals were of the opinion that this was a prelude to the decommissioning of the low frequency aids on which the airway is based.

2. Great concern was expressed as to the effect the discontinuance of this segment of Green 2 would have on VFR flying in the mountainous areas.

3. This low frequency airway should be continued to serve as a backup for the Victor airway system because of the unreliability of VORs.

As to the first point, this Agency has analyzed the views and opinions expressed by various individuals at the three public hearings as well as other information received and is of the opinion that the low frequency navigational aids supporting the airway are utilized primarily for random flying and that the airway is seldom used. As stated previously, the notice did not propose the decommissioning of the facilities; therefore, action in this regard would not be

taken until a specific proposal to do so is widely publicized and interested persons are given an opportunity to express their views on the subject. However, the information received indicates sufficient use of the facilities to warrant their retention as low frequency ranges or converted low frequency radio beacons with transcribed weather broadcast service. Such facilities will be equipped with an automatic identification feature to provide both IFR and VFR air navigation capability.

With regard to the second point, both VOR and colored airways are primarily for the control of IFR traffic. Therefore, the retention or revocation of Green 2 is not related to VFR traffic. The low frequency air navigation facilities will still be available to aid both VFR and IFR pilots operating in the mountainous areas.

As to the third point, it was never planned and it is not intended that low frequency airways serve as a backup for VOR airways. All Agency VOR stations are dual equipped. Should the equipment in a station fail, an automatic change-over feature switches to the stand-by equipment. As a matter of interest, a facility reliability survey was conducted from August 1959 through August 1960 on VOR and low frequency NAVAIDS in the northwest and these aids were out of service because of failure less than one percent of the time.

VOR Federal airway No. 2 is adequate for IFR traffic over the route in question since, for all practical purposes, Victor 2 coincides with Green 2 between Seattle and Minneapolis. Accordingly, the revocation as proposed will be effected.

The Department of the Air Force and the Air Transport Association of America concurred in the proposal. No other adverse comments were received.

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

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

1. Section 600.12 (14 CFR 600.12, 25 F.R. 9242, 26 F.R. 715, 1348) is amended to read:

§ 600.12 Green Federal airway No. 2 (Detroit, Mich., to Dunkirk, N.Y.).

From the Detroit, Mich., RR via the Windsor, Ontario, Canada, RR; Clear Creek, Ontario, Canada, RBN to the Dunkirk, N.Y., RBN, excluding the portion that lies outside the United States.

§ 601.12 [Amendment]

2. In the caption of § 601.12 (26 F.R. 1348) "Seattle, Wash., to Minneapolis, Minn., and" is deleted.

§ 601.4012 [Revocation]

3. In Part 601 (14 CFR Part 601) § 601.4012 Green Federal airway No. 2 (Seattle, Wash., to Minneapolis, Minn., and Detroit, Mich., to Dunkirk, N.Y.) is revoked.

§ 601.1001 [Amendment]

4. In the text of § 601.1001 (14 CFR 601.1001) "Green Federal airway No. 2" is deleted and "VOR Federal airway No. 2" is substituted therefor.

These amendments shall become effective 0001 e.s.t., December 14, 1961.

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

Issued in Washington, D.C., on October 18, 1961.

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

[F.R. Doc. 61-10114; Filed, Oct. 24, 1961; 8:46 a.m.]

[Airspace Docket No. 61-WA-113]

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

Revocation of Jet Route

On July 7, 1961, a notice of proposed rule making was published in the *FEDERAL REGISTER* (26 F.R. 6109) stating that the Federal Aviation Agency (FAA) proposed to revoke Jet Route No. 18, in its entirety, from Seattle, Wash., to Duluth, Minn.

The Air Transport Association (ATA) objected to the proposal and recommended that J-18 be extended from Duluth to Sault Ste. Marie, Mich., and that radar advisory be provided on this route from Seattle to Sault Ste. Marie. The ATA stated that commercial air carriers are now authorized to operate Electra turboprop and DC-7 equipment above 23,000 feet MSL and that extending J-18 from Duluth to Sault Ste. Marie would provide another trans-continental route from Seattle to New York. Additionally, the ATA stated that at some time in the future civil jet aircraft would be operating into Fargo N. Dak., and a jet route should be provided for such traffic.

At the present time, Jet Routes Nos. 70 and 90 are available for trans-continental civil jet flights between Seattle and New York and for intermediate stops. FAA records show that the volume of traffic using these routes has not created any undue traffic control problems and that both routes would be able to accommodate an increase in traffic. When jet service is inaugurated at Fargo, past experience indicates that it would most likely be provided by aircraft that also serve Minneapolis, Minn. Jet Route No. 36 presently exists between Minneapolis and Fargo and would be extended from Fargo to Dickinson to join with J-70 to serve traffic between Fargo and the west coast. In view of the above, action is taken herein as proposed.

The Department of the Air Force concurred in the proposal. No other comments were received regarding the proposed amendment.

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

The substance of the proposed amendment having been published, therefore,

pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following action is taken:

In the text of § 602.100 *Jet routes* (26 F.R. 7079), Jet Route No. 18 (Seattle, Wash., to Duluth, Minn.) is revoked.

This amendment shall become effective 0001 e.s.t. December 14, 1961.

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

Issued in Washington, D.C., on October 18, 1961.

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

[F.R. Doc. 61-10113; Filed, Oct. 24, 1961;
8:46 a.m.]

[Airspace Docket No. 61-LA-86]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of this amendment to § 608.25 of the regulations of the Administrator is to change the using agency of Restricted Areas R-2505 China Lake, Calif., R-2506 China Lake South, Calif., R-2508 Complex, Calif., and R-2524 Trona, Calif., from "Commander, Naval Ordnance Test Center, China Lake, Calif." to "Commander, Naval Ordnance Test Station, China Lake, Calif."

The Department of the Navy has advised the Federal Aviation Agency that the correct name of the Naval Ordnance Test Base at China Lake is the Naval Ordnance Test Station, China Lake, Calif. Therefore, action is taken herein to reflect this change.

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

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

In the text of § 608.25 *California*, the following changes are made: In R-2505 China Lake, Calif. (26 F.R. 7190, 26 F.R. 7330), R-2506 China Lake South, Calif. (26 F.R. 7190, 26 F.R. 7330), R-2508 Complex, Calif. (26 F.R. 5389) and R-2524 Trona, Calif. (26 F.R. 7191), under "Using agency," "Center" is deleted and "Station" is substituted therefor.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

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

Issued in Washington, D.C., on October 18, 1961.

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

[F.R. Doc. 61-10111; Filed, Oct. 24, 1961;
8:45 a.m.]

[Airspace Docket No. 61-LA-92]

PART 608—SPECIAL USE AIRSPACE

Modification of Restricted Area

The purpose of this amendment to § 608.32 of the regulations of the Ad-

ministrator is to change the controlling agency of Restricted Area R-3202 Sailor Creek, Idaho, from "Federal Aviation Agency, Seattle ARTC Center." to "Federal Aviation Agency, Salt Lake City ARTC Center."

On January 4, 1961, the Salt Lake City ARTC Center and the Seattle ARTC Center boundaries will be adjusted. R-3202 will then be under the jurisdiction of the Salt Lake City ARTC Center. Therefore action is taken herein to reflect this change.

Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary.

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

In § 608.32 *Idaho*, the following change is made: In R-3202 Sailor Creek, Idaho (26 F.R. 7194), "Seattle" is deleted and "Salt Lake City" is substituted therefor.

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

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

Issued in Washington, D.C., on October 18, 1961.

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

[F.R. Doc. 61-10112; Filed, Oct. 24, 1961;
8:45 a.m.]

[Airspace Docket No. 61-LA-8]

PART 608—SPECIAL USE AIRSPACE

Revocation of Restricted Area

The purpose of this amendment to § 608.48 of the Regulations of the Administrator is to revoke the Black Rock Desert, Nevada, Restricted Area R-4801.

The Department of the Navy concurs with the Federal Aviation Agency that activities conducted within R-4801 do not require designation of special use airspace. Therefore, this area is unjustified as an assignment of airspace and revocation thereof will be in the public interest. Such action is taken herein.

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

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

ALPHA, BETA, GAMMA STANDARDS

Sample No.	Radiation	Nuclide	Nominal activity	Volume	Price per sample
4930-C, D	γ-ray	Zinc-65	10 ⁶ dps/ml	5.0 ml	\$20.00

POINT SOURCE STANDARDS

4997-B	γ	Manganese-54	5 x 10 ⁴ γps	(°)	\$38.00
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(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 15 U.S.C. 275a)

R. D. HUNTOON,
Deputy Director.

[F.R. Doc. 61-10171; Filed, Oct. 24, 1961; 8:55 a.m.]

In § 608.45 *Nevada* (26 F.R. 7197), R-4801 Black Rock Desert, Nev. is revoked.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

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

Issued in Washington, D.C. on October 18, 1961.

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

[F.R. Doc. 61-10115; Filed, Oct. 24, 1961;
8:46 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY NATIONAL BUREAU OF STANDARDS

Subpart B—Standard Samples and Reference Standards With Schedule of Weights and Fees

DESCRIPTIVE LIST

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These schedules are effective from the date of publication in the FEDERAL REGISTER.

In § 230.11 *Descriptive list*:

1. Paragraph (e) *Ores* is amended by the addition of sample number 120a (Florida Phosphate Rock) to read as follows:

Sample No.	Description	Approximate weight of sample in Grams	Price per sample
120a	Florida Phosphate Rock	45	\$6.00

2. Paragraph (r) *Radioactivity standards* is amended by the addition of new sample 4930-C, D and to revise sample 4997 to read as follows:

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY NATIONAL BUREAU OF STANDARDS

Subpart B—Standard Samples and Reference Standards With Schedule of Weights and Fees

DESCRIPTIVE LIST

In accordance with the provisions of section 4 (a) and (c) of the Adminis-

POINT SOURCE STANDARDS

Sample No.	Radiation	Nuclide	Nominal activity	Volume	Price per sample
4998	γ	Yttrium-88	5×10^4 dps	(e)	\$42.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 15 U.S.C. 275a)

R. D. HUNTOON,
Deputy Director.

[F.R. Doc. 61-10172; Filed, Oct. 24, 1961; 8:55 a.m.]

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY NATIONAL BUREAU OF STANDARDS

Subpart B—Standard Samples and Reference Standards With Schedule of Weights and Fees

DESCRIPTIVE LIST

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This amendment is effective from the date of publication in the FEDERAL REGISTER.

In § 230.11 *Descriptive list*, a new paragraph (ff) *Unalloyed titanium standards* for hydrogen is added to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
352	Unalloyed titanium standard for hydrogen, 0.003%	25	\$10.00
353	Unalloyed titanium standard for hydrogen, 0.01%	25	10.00
354	Unalloyed titanium standard for hydrogen, 0.02%	25	10.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

R. D. HUNTOON,
Deputy Director.

[F.R. Doc. 61-10170; Filed, Oct. 24, 1961; 8:54 a.m.]

trative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This amendment is effective from the date of publication in the FEDERAL REGISTER.

In § 230.11 *Descriptive List*, paragraph (r) *Radioactivity standards* is amended by the addition of a new point source standard (4998) to read as follows:

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 615—TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION, 1961

Weekly Benefit Amount

Pursuant to section 12 of the Temporary Extended Unemployment Compensation Act of 1961 (Public Law 87-6), paragraphs (a) and (b) of 20 CFR 615.6, published in the FEDERAL REGISTER on April 20, 1961 (26 F.R. 3693), are hereby amended in order to accomplish the following: (1) To make provision in paragraph (a) for situations where the established weekly benefit amount of unemployment compensation payable to any individual is changed by legislative action and the individual is receiving the changed amount at the time of exhaustion of his rights to state unemployment compensation; and (2) to indicate in paragraph (b) that the computation methods therein provided are for use where the weekly benefit amount of state unemployment compensation payable to the individual in the compensation period has varied according to wage credits earned from particular employers or changes in the number of dependents.

These amendments shall become effective upon publication in the FEDERAL REGISTER since they are within the public grants exception to section 4 of the Administrative Procedure Act.

As amended, paragraphs (a) and (b) of 20 CFR 615.6 read as follows:

§ 615.6 Weekly benefit amount of temporary extended unemployment compensation.

(a) The weekly amount of temporary extended unemployment compensation payable to any individual for a week of total unemployment shall be established by the State upon his filing of a first claim, and shall be the weekly amount, including dependents' allowances, estab-

lished for such a week with respect to the benefit year in the compensation period in which he last exhausted his rights before making such first claim, except that where the weekly benefit amount with respect to any week in such benefit year is changed by legislative action and the individual is receiving the changed amount at the time of such exhaustion, the weekly amount of temporary extended unemployment compensation payable to him shall be such changed amount; subject, however, to the provisions of paragraph (b) of this section and paragraph (e) of § 615.9. Once such weekly benefit amount has been determined in accordance with the Act, it shall not thereafter be subject to change or adjustment by reason of the individual's having established a new benefit year, or a change in the number of his dependents, or otherwise.

(b) The weekly benefit amount for the purpose of paragraph (a) of this section where the weekly benefit amount of state unemployment compensation payable to the individual in the compensation period varied according to wage credits earned from particular employers or changes in the number of dependents shall be (1) the average weekly benefit amount computed in the manner provided in paragraph (d) of § 615.4, or (2) the modal average; that is, the most representative weekly benefit amount of state unemployment compensation payable in the compensation period.

Signed at Washington, D.C., this 17th day of October 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 61-10132; Filed, Oct. 24, 1961; 8:49 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 611—SWEATER AND KNIT SWIMWEAR INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205) and paragraph (C) of proviso (1) of subsection 6(c) of the aforementioned Act as amended by the Fair Labor Standards Amendments of 1961 (sec. 5(c), Public Law 87-30), the Secretary of Labor by Administrative Order No. 558 (26 F.R. 7706) appointed and convened Review Committee No. 2-A, and referred to it and July noticed a hearing on the question of the minimum rate or rates of wages to be paid under above cited paragraph (C) of proviso (1) of subsection 6(c) of the Act in lieu of those provided under paragraph (A) of proviso (1) to employees in the

Sweater and Knit Swimwear industry in Puerto Rico, as that industry is defined in Administrative Order No. 558.

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

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1064; as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), section 6(c) (3) of the Fair Labor Standards Amendments of 1961 (sec. 5(c), Pub. Law 87-30), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, the recommendations of the Committee are hereby published in this order amending 29 CFR 611.2(a), effective November 3, 1961, to read as follows:

§ 611.2 Wage rates.

(a) Wages at a rate of not less than \$1.04 an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general classification of the sweater and knit swimwear industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as all activities included in the definition of the sweater and knit swimwear industry in Puerto Rico, when performed by employees who would be subject to section 6 of the Act prior to the 1961 Amendments.

Signed at Washington, D.C., this 19th day of October 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-10133; Filed, Oct. 24, 1961;
8:49 a.m.]

PART 694—MINIMUM WAGE RATES IN INDUSTRIES IN THE VIRGIN ISLANDS

Wage Order

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and proviso (2) of subsection 6(c) of the aforementioned Act as amended by the Fair Labor Standards Amendments of 1961 (sec. 5(c), Public Law 87-30), and by means of Administrative Order No. 552 (26 F.R. 6128), the Secretary of Labor appointed and convened Special Industry Committee No. 7 for the Virgin Islands, and referred to it the following: (1) the question of the minimum rate or rates of wages to be fixed for all industry wherein employees are engaged in commerce or in the production of goods for commerce, and (2) the question of the minimum rate or rates of wages to be fixed for employees covered by the Act for the first time by reason of the 1961 Amendments (i.e., those employed in any enterprise engaged in commerce or in the production of goods for commerce or who are covered by virtue of amendments

made to section 13(a) of the Act). Administrative Order No. 552 also gave due notice of the hearing of the Committee.

Pursuant to section 5 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and paragraph (C) of proviso (1) of subsection 6(c) of the aforementioned Act as amended by the Fair Labor Standards Amendments of 1961 (sec. 5(c), Pub. Law 87-30), and by means of Administrative Order No. 557 (26 F.R. 7740) the Secretary of Labor appointed a Review Committee to recommend the minimum rate or rates to be paid under paragraph (C) of proviso (1) of subsection 6(c) of the aforementioned Act, as amended by the Fair Labor Standards Amendments of 1961, to employees in the miscellaneous industry in the Virgin Islands who are engaged in commerce or in the production of goods for commerce and who are engaged in that industry as defined in Administrative Order No. 557. Due notice of the hearing of the committee was also given in Administrative Order No. 557. The Review Committee was appointed pursuant to paragraph (C) of proviso (1) of subsection 6(c) of the Act, as amended by the 1961 Amendments, and pursuant to 29 CFR 512.10. Notice of the appointment was published in the FEDERAL REGISTER (26 F.R. 7304).

Subsequent to investigations and hearings conducted pursuant to their respective notices, Special Committee No. 7 of the Virgin Islands and the Review Committee for the miscellaneous industry in the Virgin Islands filed their respective reports containing findings of fact and recommendations with respect to the matters referred to each of them.

Accordingly, pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the recommendations of Special Industry Committee No. 7 for the Virgin Islands and the Review Committee for the miscellaneous industry in the Virgin Islands are hereinafter published in this order revising 29 CFR Part 694.

The recommendations of the Review Committee are found in those provisions of this revision relating to the miscellaneous industry except relating to the jewelry classification. The jewelry classification, consisting of the assembling and manufacturing of clocks and watches, is incorporated in the jewelry, pen, thermometer, industrial belting, and miscellaneous metal products industry, as the Committee has recommended. The recommendations of the Review Committee shall become effective on November 3, 1961.

The recommendations of Special Industry Committee No. 7 relate to the remainder of the industries except the banking, real estate, accounting, and insurance industry; the air transportation industry; and the shipping, marine transportation, and ship and boat building industry (except the seamen's classification in that industry). The recommendations of Special Industry Com-

mittee No. 7 shall become effective on November 10, 1961.

The minimum rates of wages provided for the banking, real estate, accounting, and insurance industry; the air transportation industry; and the shipping, marine transportation, and ship and boat building industry (except the seamen's classification in that industry) have been increased by 15 percent pursuant to paragraph (a) of proviso (1) of subsection 6(c) of the Act and now equal the minimum wage prescribed under subsection 6(a) of the Act. These minimum rates of wages shall become effective on November 3, 1961.

Between November 3, 1961, and November 10, 1961, the effective date of the recommendations of Special Industry Committee No. 7, the minimum rates of wages payable to employees in the Virgin Islands, except employees who but for the enactment of the Fair Labor Standards Amendments of 1961 would not be within the purview of section 6 of the Act, shall be those presently provided in 29 CFR 694.2 increased by 15 percent.

As revised, 29 CFR Part 694 reads as follows:

- Sec.
694.1 Definitions of industries; classifications.
694.2 Wage rates.
694.3 Notices.

AUTHORITY: §§ 694.1 to 694.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply secs. 5, 6, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206.

§ 694.1 Definitions of industries; classifications.

(a) *Alcoholic beverage and industrial alcohol industry.* The alcoholic beverage and industrial alcohol industry includes the manufacture of alcoholic beverages, including, but not by way of limitation, the distilling, rectifying, blending, or bottling of rum, gin, whiskey, brandy, liqueurs, cordials, wine and beer, and the manufacture of industrial and other types of alcohol.

(b) *Banking, real estate, accounting, and insurance industry.* The banking, real estate, accounting, and insurance industry in the Virgin Islands includes the business carried on by any banking, insurance, financial, real estate, or accounting firm, institution, agency, or enterprise.

(c) *Bay rum and other toilet preparations industry.* The bay rum and other toilet preparations industry in the Virgin Islands includes the manufacture, including bottling and packaging, of bay oil, bay rum, perfumes, colognes, toilet waters, and other toilet preparations.

(d) *Communications and public utilities industry.*—(i) *The industry.* The communications and public utilities industry in the Virgin Islands includes the activities carried on by any radio or television system of communication or by any messenger service; and the activities carried on by any public utility enterprise engaged in the furnishing of such services as the transmission of messages, the operation of a telephone system, the generation or distribution of electric power, the manufacture or distribution

of gas, the storage or distribution of water, or any similar service.

(2) *Custodial workers and brush cutters classification in the industry.* The custodial workers and brush cutters classification in the communications and public utilities industry in the Virgin Islands includes the activities of workers engaged in trimming trees and cutting brush along rights-of-way, janitors, and watchmen.

(3) *General classification in the industry.* The general classification of the communications and public utilities industry in the Virgin Islands includes all activities in that industry except those included in the custodial workers and brush cutters classification defined in subparagraph (2) of this paragraph.

(e) *Distribution, trucking, and construction industry—(1) The industry.* The distribution, trucking, and construction industry in the Virgin Islands includes: the wholesaling, warehousing, and other distribution of commodities, including, but without limitation, the activities of importers, exporters, wholesalers, retailers, public warehouses, and brokers and agents (except realty and financial), including manufacturers' selling agencies; the activities carried on by any common or contract carrier engaged in the transportation of property by motor vehicle; and the designing, construction, reconstruction, alteration, repair, and maintenance of buildings, structures, and other improvements, the assembling at the construction site and the installation of machinery and other facilities in or upon such buildings, structures, and improvements, and the dismantling, wrecking or other demolition of such improvements and facilities.

(2) *Retailing classification in the industry.* The retailing classification of the distribution, trucking, and construction industry in the Virgin Islands includes the activities performed by employees of retail enterprises who are subject to section 6 of the Fair Labor Standards Act of 1938 by reason of the Fair Labor Standards Amendments of 1961.

(3) *General classification in the industry.* The general classification of the distribution, trucking, and construction industry in the Virgin Islands includes all activities of employees of that industry except those included in the retailing classification of that industry as defined in subparagraph (2) of this paragraph.

(f) *Jewelry, pen, thermometer, industrial belting, and miscellaneous metal products industry—(1) The industry.* The jewelry, pen, thermometer, industrial belting, and miscellaneous metal products industry in the Virgin Islands includes the manufacture of precious and costume jewelry, watchbands, cigarette lighters, scissors, fishing rods and reels, binoculars, ball point pens, thermometers, metal floor dividers, industrial belting, and parts therefor, and the assembling and manufacture of clocks and watches.

(g) *Shipping, marine transportation, and ship and boat building industry—(1) The industry.* The shipping, marine transportation, and ship and boat build-

ing industry includes: the transportation of passengers and cargo by water, and all activities in connection therewith, including, but without limitation, the operation of terminals, piers, wharves, and docks, including bunkering, stevedoring, storage, and lighterage operations, and the operations of tourist bureaus, and travel and ticket agencies; and the building, repairing, and maintenance of ships and boats, and the manufacture and repairing of sails, rope, fenders, and other marine equipment.

(2) *Seamen classification in the industry.* The seamen classification of the shipping, marine transportation, and ship and boat building industry in the Virgin Islands includes the activities of seamen in this industry as defined in subparagraph (1) of this paragraph, and who are no longer exempt from section 6 of the Fair Labor Standards Act of 1938 by reason of the Fair Labor Standards Amendments of 1961.

(h) *Air transportation industry.* The air transportation industry in the Virgin Islands includes the transportation of passengers and cargo by air, and all activities in connection therewith.

(i) *Miscellaneous industry—(1) The industry.* The miscellaneous industry in the Virgin Islands includes the manufacture of all products and other activities except those included in the definitions of the alcoholic beverage and industrial alcohol industry; the banking, real estate, accounting, and insurance industry; the bay rum and other toilet preparations industry; the communications and public utilities industry; the distribution, trucking, and construction industry; the jewelry, pen, thermometer, industrial belting, and miscellaneous metal products industry; the air transportation industry; and the shipping, marine transportation, and ship and boat building industry; as those industries are defined in paragraphs (a) through (h) of this section.

(2) *Textile classification in the industry.* The textile classification in the miscellaneous industry includes the manufacture of textiles and textile products from natural and synthetic fibers, including but without limitation, the spinning of yarn, the weaving of broad and narrow fabrics, and the making of shoe laces, but not including the making of garments or other articles from purchased fabrics.

(3) *General classification in the industry.* The general classification in the miscellaneous industry includes activities in the industry not included in the textile classification defined in subparagraph (2) of this paragraph.

§ 694.2 Minimum wage rates.

(a) *General requirement.* Every employer shall pay to each of his employees, who in any workweek is engaged in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce, wages at a rate not less than the minimum rate or rates of wages prescribed in paragraph (b) for the industries and classifications in which such employee is engaged.

(b) Minimum wage rates.

Industry; classification	Minimum wage rate
Alcoholic beverage and industrial alcohol industry-----	\$0.80
Banking, real estate, accounting, and insurance industry-----	1.15
Bay rum and other toilet preparations industry-----	1.00
Communications and public utilities industry:	
(1) Custodial workers and brush cutters classification-----	.90
(2) General classification-----	1.00
Distribution, trucking, and construction industry:	
(1) Retailing classification-----	.72
(2) General classification-----	.90
Jewelry, pen, thermometer, industrial belting and miscellaneous metal products industry-----	.75
Shipping, marine transportation, and ship and boat building industry:	
(1) Seamen classification-----	1.00
(2) Remainder of industry-----	1.15
Air transportation industry-----	1.15
Miscellaneous industry:	
(1) Textile classification-----	.65
(2) General classification-----	.70

¹For employees who except for the enactment of the Fair Labor Standards Amendments of 1961 would not be within the purview of section 6 of the Act the minimum rate of wage shall be \$1.00.

§ 694.3 Notices.

Every employer subject to the provisions of § 694.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 694.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 20th day of October, 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-10173; Filed, Oct. 24, 1961; 8:55 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 534—MILITARY COURT FEES

Revision of Part

Part 534 is revised to read as follows:

Sec.	
534.1	General.
534.2	Allowable expenses for reporters.
534.3	Allowable expenses for witnesses.
534.4	Other fees.

AUTHORITY: §§ 534.1 to 534.4 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Statutory provisions interpreted or applied are cited to text in parentheses.

SOURCE: Chap. 13, AR 37-106, 9 May 1958.

§ 534.1 General.

(a) *Applicability.* This part applies to court reporters and interpreters appointed under the Uniform Code of Military Justice, Article 28 (10 U.S.C. 828), and witnesses both in Government em-

ploy and those not in Government employ when subpoenaed to appear before a court.

(b) *Use of term "Court".* The term "court" as used in this part will be construed to include court-martial, court of inquiry, military commission, or retiring board. "Military commission" includes any United States tribunal, by whatever name described, convened in the exercise of military government, martial law, or the laws of war.

§ 534.2 Allowable expenses for reporters.

(a) *General.* Reporters appointed under the Uniform Code of Military Justice, Article 28, are entitled to payment for their services in such capacity at the rates specified in paragraphs (b) through (i) of this section, or at such lower rates as may be stated in the appointing instrument.

(b) *Per diem pay.* A reporter is entitled to a per diem payment of not to exceed \$5 for each day or fraction thereof in attendance at court. Only one such payment is authorized for any 1 day even if the reporter attends two or more courts. For the purpose of this payment, the day ends at midnight and any fraction will be considered a whole day.

(c) *Hourly pay.* A reporter is entitled to an hourly payment of not to exceed 50 cents for each hour, or fractional part equal to or greater than one-half hour, actually spent in court during the trial or hearing. A fractional part of an hour, less than one-half hour, will be disregarded, except that if the total time in attendance in one day or at one court in one day is less than 1 hour, such time will be considered as 1 hour. Time will be computed separately for each day if only one court is attended in such day. If more than one court is attended in 1 day, time in attendance at each court will be computed separately. The hourly pay is in addition to the per diem prescribed in paragraph (b) of this section.

(d) *Piece-work pay—(1) Rates.* In addition to per diem and hourly pay prescribed in paragraphs (b) and (c) of this section, a reporter will be paid on a piece-work basis for transcribing notes and copy work based on the following rates:

(i) Transcribing notes and making that portion of the original record which is required to be typewritten—25 cents for each 100 words.

(ii) Each carbon copy of the record when authorized by the convening authority—10 cents for each 100 words.

(iii) Copying papers material to the inquiry—15 cents for each 100 words.

(iv) Each carbon copy of the papers referred to in subdivision (iii) of this subparagraph when ordered by the court for its use—2 cents for each 100 words.

(2) *Counting number of words.* The certifying officer may determine the total number of words by counting the words on a sufficient number of pages to arrive at a fair average of words per page and multiplying such average by the total number of pages. Abbreviations "Q" and "A" for "Questions" and "Answer"

and all dates such as "25th" and "1957" will each be counted as one word. Punctuation marks will not be counted as words.

(e) *Mileage.* A reporter is entitled to 8 cents a mile for travel from his home or usual place of employment to the court and for his return journey, computed on the basis of the Rand McNally Standard Highway Mileage Guide. Mileage is not authorized for return trips each night unless the sessions of the court are held on nonconsecutive days. The fact that a reporter may serve two or more courts in the same day does not warrant a duplication of his mileage allowance.

(f) *Allowance in lieu of subsistence—*

(1) *General.* When the official of the court having control in such matters keeps the reporter at his own expense away from his usual place of employment for 24 hours or more on public business referred to the court, a per diem allowance of not to exceed \$4 in lieu of subsistence will be paid to the reporter for himself. A like allowance when ordered by the court will be paid to the reporter for each necessary assistant. The fact that a reporter returns each night to his home does not preclude the view that he is kept away from his usual place of employment for 24 hours. Service as reporter before two or more courts in the same day does not warrant duplication of the per diem allowance in lieu of subsistence.

(2) *Computation.* The time for which the per diem allowance for expenses is to be paid will be computed in the manner prescribed in § 534.3(a)(3) for a civilian witness not in Government employ.

(g) *Allowance for constructive attendance.* A reporter duly employed but who after arrival at court performs no service because of adjournment is entitled to mileage; to a day's pay as prescribed in paragraph (c) of this section; and also to the per diem allowance prescribed in paragraph (f) of this section if kept away from his usual place of employment for 24 hours.

(h) *Detail of enlisted members.* Enlisted members may be detailed to serve as stenographic reporters for military courts, boards, and commissions, but will receive no extra pay for such service.

(Sec. 531(b) (15) and (26), act 12 October 1949 (63 Stat. 838))

(i) *Persons receiving pay from government.* Compensation for clerical duties performed for a court will not be paid to a person who is in the pay of the Government, except retired military members to the extent permitted under the dual compensation laws.

§ 534.3 Allowable expenses for witnesses.

(a) *Military members—(1) On active duty.* Members in the military service, on active duty, when required to appear as witnesses before courts will receive the appropriate travel and transportation allowances prescribed in chapter 4, Joint Travel Regulations.

(2) *Retired members.* Retired military members, not on active duty, when called as witnesses (other than expert witnesses), are entitled for their services

as such to the mileage and other fees prescribed in paragraph (b)(3) of this section, for civilian witnesses not in Government employ.

(b) *Civilians—(1) General.* (i) Persons not subject to military law when called as witnesses are entitled to the fees and mileage allowed to witnesses attending courts of the United States.

(Article 47, Uniform Code of Military Justice (10 U.S.C. 847; 1 Comp. Gen. 347))

(ii) When the court is sitting in a foreign country, the oversea commander within whose command the court is convened will fix fees and allowances to be paid to witnesses, not in excess of maximum rates permitted to witnesses attending the courts of the United States or the courts of the foreign country, whichever rates may be higher.

(2) *In Government employ.* Any officer or employee of the United States or any agency thereof, summoned as a witness on behalf of the United States, shall be paid his necessary expenses incident to travel by common carrier, or, if travel is made by privately owned automobile, mileage at a rate not to exceed 10 cents per mile, together with a per diem allowance not to exceed the rate of \$12 a day.

(Act of June 25, 1948 (62 Stat. 950); act of May 24, 1949 (63 Stat. 103); act of October 5, 1949 (63 Stat. 704) and act of July 28, 1955 (69 Stat. 394, 28 U.S.C. 1823(a)))

(3) *Not in Government employ—(i) Excluding Alaska and Canal Zone.* A witness attending in any court of the United States or before a United States commissioner or person taking his deposition pursuant to any order of the court of the United States, will receive \$4 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 8 cents per mile for going from and returning to his place of residence. Witnesses who are not salaried employees of the Government and who are not in custody and who attend at point so far removed from their respective residences as to prohibit return thereto from day to day will be entitled to an additional allowance of \$8 per day for expenses of subsistence including the time necessarily occupied in going to and returning from the place of attendance. In lieu of the mileage allowance provided for herein, witnesses who are required to travel between the Territories, possessions, or to and from the continental United States, will be entitled to the actual expenses of travel at the lowest first-class rate available at the time of reservation for passage, by means of transportation employed. When a witness is detained in prison for want of security for his appearance, he will be entitled, in addition to his subsistence, to a compensation of \$1 a day.

(28 U.S.C. 1821 as amended by the act of August 1, 1956 (70 Stat. 798) and UCMJ, Article 47 (10 U.S.C. 847))

(ii) *In Alaska and Canal Zone.* (a) In Alaska such witnesses are entitled to the witness fees and mileage prescribed for witnesses before the United States district court in the judicial division in which the trial or hearing is held. Fees vary in the different judicial divisions.

(b) In the Canal Zone such witnesses are entitled to the witness fees and mileage as are prescribed for witnesses before the United States court in the Canal Zone.

(c) Responsible officers in Alaska and in the Panama Canal Zone will keep informed as to the fees payable in United States courts in those places.

(c) *Mileage*—(1) *General*. A civilian witness not in Government employ, when furnished transportation in kind by the Government, is entitled to 8 cents per mile less the cost of transportation furnished. A civilian witness residing within the jurisdiction of the court, who is subpoenaed and attends the trial in obedience to such subpoena, is entitled to mileage between his residence and the place of trial, regardless of whether both are in the same city.

(2) *Computation*. Mileage at the rate of 8 cents per mile will be computed on the basis of the Rand McNally Standard Highway Mileage Guide regardless of the mode of transportation used.

(d) *Subsistence per diem allowance*—(1) *When payable*. The subsistence per diem allowance is payable only when the place of trial is so far removed from the place of residence as to prohibit return of the witness thereto from day to day and such fact is properly certified. (See 6 Comp. Gen. 835.)

(2) *Computation*. In computing the subsistence per diem allowance prescribed in paragraph (b) (3) (i) of this section, the calendar day beginning at midnight is the unit, and the subsistence per diem allowance accrues from the time it is necessary for the witness to leave his home in order to arrive at the place of trial at the appointed time until the time he could arrive at his home by first available transportation after his discharge from attendance, any fractional part of a day under such transportation to be regarded as a day for per diem purposes. (See 5 Comp. Gen. 1028, as modified by 6 Comp. Gen. 480 and 6 id. 835.)

(e) *Attendance fees*—(1) *Attendance at more than one case on same day*. A person attending as a witness in more than one case on the same day under a general subpoena to appear and testify is entitled to only one per diem for each day's attendance. If separate subpoenas are issued in each case, the defendants being different, the witness is entitled to separate per diem for actual attendance in each case. The duplication of fees on account of attendance as witness in more than one case on the same day does not apply to the 8-cent mileage allowance and does not apply to the per diem on \$8 in lieu of subsistence.

(2) *Attendance before officer taking deposition*. A witness who is required to appear before an officer (civil or military) empowered to take depositions and there to give testimony under oath to be used before a court is entitled for such service and for the necessary travel incident thereto, including return travel, to the allowances prescribed in paragraphs (a) and (b) of this section, the same as though his appearance were before a court. (See 8 Comp. Gen. 18.)

(3) *Attendance before military courts or boards of limited jurisdiction*. A sub-

poena or other compulsory process addressed to a civilian by a military court or board which has not express statutory authority to issue such process, such as a board of officers convened to investigate and report upon the facts connected with the death of an enlisted member while on temporary duty, is void. Civilian witnesses who appear before such a board in response to such void process must be regarded as having done so voluntarily and are not entitled to witness fees, in the absence of a specific appropriation therefor. (See 8 Comp. Gen. 64.)

(4) *Computation*. The provisions of paragraph (d) (2) of this section are equally applicable for computation of the attendance fee.

(f) *Expert*—(1) *Fees paid*. An expert witness employed in accordance with Manual for Courts-Martial, 1951, paragraph 116, may be paid compensation at the rate prescribed in advance by the official empowered to authorize his employment. (See 11 Comp. Gen. 504.) In the absence of such advance authorization no fees, other than ordinary witness fees, may be paid for the employment of an individual as an expert witness. (See paragraph 116, Manual for Courts-Martial (Executive Order 10214).)

(2) *Limitations*. (i) An expert while employed on behalf of the Government is an officer or employee of the United States within the laws affecting traveling and subsistence expenses of officers and employees of the Government generally. His traveling allowances are therefore subject to the limitations prescribed in the Travel Expense Act of 1949 (63 Stat. 166; 5 U.S.C. 835-842) and the Standardized Government Travel Regulations. (See 6 Comp. Gen. 712.)

(ii) There is no authority for payment by the Government of fees to an expert, who was employed by an officer or employee of the Government to aid in the performance of his duties, other than an expert witness who actually appears as such (paragraph (b) (2) of this section).

(iii) A retired officer, not on active duty, employed as an expert witness is not entitled to any compensation in addition to his retired pay for such service. The traveling allowances of such a retired officer, so employed, are subject to the limitations prescribed in the Travel Expense Act of 1949 and the Standardized Government Travel Regulations. (See 6 Comp. Gen. 712.)

(g) *Witness not subpoenaed*—(1) *Compelled to testify*. A person who, although not subpoenaed, is present at a trial or hearing before a court or other body authorized to compel the attendance of witnesses by compulsory process, and who is compelled or required to testify at such hearing, is entitled to fees and mileage allowances payable to witnesses.

(2) *Voluntarily testifies*. A person who was neither subpoenaed nor requested to appear as a witness, but who voluntarily requested and was granted permission to testify to certain matters considered pertinent to an inquiry being conducted, is not entitled to mileage and witness fees. (See 9 Comp. Gen. 255.)

§ 534.4 Other fees.

(a) *Service of subpoena*. Fees or compensation for the service of a subpoena by a civilian are not prescribed by the laws of the United States. Fees and mileage allowed by the local law for similar services may be paid. If no specific fee or mileage is fixed by local law, reasonable allowances may be paid. (See Dig. Op. JAG, 1912-40, sec. 379.)

(b) *Taking of depositions*—(1) *Fees of civil officers*. A civil officer before whom a deposition is taken may be paid the fees allowed by law of the place where the deposition is taken (or a reasonable fee if no specific fee is fixed by local laws), but no mileage or other allowance for travel of the civil officer to the witness is provided for or authorized by law. (See 2 Comp. Gen. 65.)

(2) *Travel of witnesses*. If the witness and the civil officer before whom the deposition is to be taken do not reside at the same place, the witness should be required to perform the necessary travel, and he is entitled to mileage or other travel allowance therefor as prescribed in § 534.3 (e) (2).

(3) *Oaths in matters of military administration*. Where the service of one of the officers designated in the Uniform Code of Military Justice, Article 136, is not available, fees may be paid to civil officers for administering oaths in matters relating to military administration, subject to the conditions indicated in subparagraph (1) of this paragraph.

(c) *Interpreters*. An interpreter appointed under the Uniform Code of Military Justice, Article 28 (10 U.S.C. 828), is entitled for his services as such to the allowances prescribed for witnesses (§ 534.3).

(d) *Furnishing copies of official records or documents*. The fees provided by the local laws may be paid to the proper officials for furnishing such certified copies of public records or documents and expenses in connection with the procurement of photostatic copies, photographs, and negatives as are required by the court.

(e) *Attendance upon civil courts*—(1) *Cases involving performance of official duties*. A military member on active duty or a civilian in Government employ appearing on behalf of the United States in cases arising out of the performance of their official duties is entitled to transportation and per diem as prescribed in § 534.3 (a) (1) and (b) (1). Payment may be made by Department of the Army finance and accounting officers and will be charged to Department of the Army appropriations available for travel expenses of military personnel and civilian employees.

(2) *Cases involving other than performance of official duties*. A military member on active duty or a civilian in Government employ appearing on behalf of the United States in cases involving other than the performance of their official duties is entitled to transportation or transportation allowances and per diem as may be prescribed by The Attorney General. The subpoena or letter requesting attendance will specify the rates payable and will cite the appropriation chargeable. Payment may be made by

a Department of the Army finance and accounting officer and reimbursement obtained from the Department of Justice.

(3) *Cases in which civilians not in Government employ are called as witnesses.* Payments to civilians out of Government employ will not be made by Department of the Army finance and accounting officers. Such payments will be made by the Department of Justice.

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-10109; Filed, Oct. 24, 1961;
8:45 a.m.]

SUBCHAPTER C—MILITARY EDUCATION

PART 542—SCHOOLS AND COLLEGES

National Defense Cadet Corps

MISCELLANEOUS AMENDMENTS

1. So much of this part as reads "Professor of Military Science and Tactics" is changed to read "Professor of Military Science". The abbreviation "PMST" is changed to "PMS".

2. Revise §§ 542.10(c) and 542.21(b) to read as follows:

§ 542.10 Application.

(c) After approval of the application by Headquarters, Department of the Army, establishment of the NDCC program at the school will be announced in General Orders by the Commanding General of the Army area in which the school is located. The date on which the NDCC training will be commenced at the school will be shown in the orders. Copy of the orders will be furnished The Adjutant General, Atten: AGPB-O, Department of the Army, Washington 25, D.C., immediately upon publication.

§ 542.21 Credit for training.

(b) Students who successfully complete the entire prescribed course of military training are entitled to a certificate of completion (DA Form 254 (Military Training Certificate)). This certificate will carry a statement as to whether or not the student is eligible for credit in the senior division, Reserve Officers' Training Corps, in accordance with paragraph (a) of this section. Students who do not complete the prescribed course of training may be presented a certificate, in letter form, stating the amount of military training received.

3. Add new paragraph (d) to § 542.22, to read as follows:

§ 542.22 Awards and insignia.

(d) *Honor NDCC School streamer.* A streamer provided at Government expense is authorized for display by the NDCC Honor Schools. Expenses incurred by the addition of dates subsequent to initial issue of the streamer will be without expense to the Government.

(1) *General.* The streamer is swallow-tailed and distinctive in color. It is authorized in the following sizes:

(i) 2¾ inches in width and 3 feet in length (for display with school colors if honor unit is entirely Army).

(ii) 1¾ inches in width and 2 feet in length (for display with unit guidon if honor unit is not entirely Army).

(2) *Description.* The streamer is medium blue, dark yellow 2 inches, and medium blue ¾ inch; the yellow stripe is embroidered in medium blue with the inscription "Honor School" followed by a star, both 1¼ inches in height, and numerals ¾ inch in height denoting the award years. These dimensions will be reduced by one-half when the streamer is for display with unit guidon.

(3) *Display.* The streamer will be attached to the pike or lance of the school colors or unit guidon immediately below the spearhead. It is a component part of the school colors or unit guidon.

[C 6, AR 350-250, October 4, 1961] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 3540, 4651, 70A Stat. 202, 260; 10 U.S.C. 3540, 4651)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-10108; Filed, Oct. 24, 1961;
8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Mount Rainier National Park, Washington; Vehicle Weights, Preservation of Certain Lakes, and Unsafe Winter Activities

On page 7966 of the FEDERAL REGISTER of August 25, 1961, there was published a notice and text of proposed amendments to Special Regulations, Part 7, § 7.5 of Title 36, Code of Federal Regulations. The purpose of these amendments is to protect Park roads from heavy vehicles, preserve scenic values of certain lakes, and to safeguard lives in connection with unsafe winter activities.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received, and the proposed amendments are hereby adopted without change and are set forth below. These amendments shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(60 Stat. 238; 5 U.S.C. 1003; 39 Stat. 535; 16 U.S.C. 3)

PRESTON P. MACY,
Superintendent,
Mount Rainier National Park.

Paragraph (b) of § 7.5 is amended to add a new subdivision (viii) to subpara-

graph (2) and new paragraphs (f), (g), and (h) are added to read as follows:

§ 7.5 Mount Rainier National Park.

* * * * *

(b) *Fishing.* * * *

(2) The following waters are closed to fishing:

* * * * *

(viii) Reflection Lakes.

* * * * *

(f) *Limitation on load and weight of vehicles.* Vehicles operated or moved on U.S. Highway No. 410 between the north park boundary and Chinook Pass and on the East Side Road between Cayuse Pass and the south park boundary shall comply with the following weight or load limitation:

(1) Any vehicle having a gross weight in excess of 5,000 pounds is prohibited except when such use is in connection with the operation of the Park or with the operations of park concessioners holding contracts from the Secretary of the Interior. For the purposes of this limitation, the use of Washington State Department of Highways road equipment shall be considered as being used in the operation of the Park.

(2) Any trailer having a gross weight in excess of 5,000 pounds is prohibited except when such use is in connection with the operation of the Park or authorized park concessioner.

(3) Special exemptions. The Superintendent may, in his discretion, issue a special exemption waiver to the load and weight limitation in the following cases:

(i) Buses having a gross weight in excess of 5,000 pounds when making regular or special runs on the above roads.

(ii) Trucks and/or trailers having a gross weight in excess of 5,000 pounds per vehicle unit when hauling pack or saddle stock or recreational supplies or equipment for use within the Park.

(iii) Trucks and/or trailers having a gross weight in excess of 5,000 pounds per vehicle unit when used in hauling materials to or from a mine situated in the Park.

(iv) Trucks and/or trailers having a gross weight in excess of 5,000 pounds per vehicle unit when the purpose of the trip is to carry stock used or grazed in the immediate vicinity of the Park in the areas served by said roads.

(g) *Skiing, sledding, tobogganing, and snowshoeing.* The following activities are prohibited in the Park:

(1) Skiing, sledding, tobogganing, or snowshoeing upon park roads and parking areas when open to vehicle traffic, and other places designated by the Superintendent.

(2) The towing of persons on skis, sleds, or other sliding devices behind motor driven vehicles.

(h) *Swimming and wading.* The following lakes are closed to swimming and wading:

- (1) Tipsoo Lake.
- (2) Shadow Lake.
- (3) Reflection Lakes.

[F.R. Doc. 61-10129; Filed, Oct. 24, 1961;
8:48 a.m.]

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Yosemite National Park, California; Camping

On page 7966 of the FEDERAL REGISTER of August 25, 1961, there was published a notice and text of a proposed amendment to § 7.16 of Title 36, Code of Federal Regulations. The purpose of this amendment is to establish camping limitations and to prescribe conduct for campers in Yosemite National Park.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Paragraph (e) § 7.16 is amended to read as follows:

§ 7.16 Yosemite National Park.

(e) *Camping.* (1) No person, party or organization may camp in Yosemite National Park for more than a total of 14 days in any calendar year, except that within the camping areas of Yosemite Valley the limit is 10 days during the period of June 1 to Labor Day inclusive.

(2) Quiet shall be maintained at all camps between 10:00 p.m. and 6:00 a.m.

(60 U.S.C. 238; 5 U.S.C. 1003; 39 Stat. 535; 16 U.S.C. 3)

JOHN C. PRESTON,
Superintendent,
Yosemite National Park.

[F.R. Doc. 61-10128; Filed, Oct. 24, 1961; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 8—NATIONAL SERVICE LIFE INSURANCE

Provisional Regulations

The center title "Provisional Regulations" is added and § 8.185 is added to Part 8 to read as follows:

§ 8.185 Title 38, United States Code, section 723, as amended by Public Law 87-223, effective September 13, 1961, provides for payment of a special dividend on insurance heretofore issued under section 621 of the National Service Life Insurance Act of 1940 which has been converted or exchanged for new insurance under section 723(b), and in certain death cases.

(a) *Provisions of the law.* Section 1 of the law adds the following new subsections (d) and (e) to section 723 of Title 38, United States Code:

(d) The Administrator shall determine the amount in the revolving fund referred to in subsection (a) of this section which is in excess of the actuarial liabilities of such fund including contingency reserves. Such excess shall be paid in cash as a special dividend, without interest, subject to the conditions provided in this subsection. The Administrator shall determine the administrative cost to the Veterans' Administration of paying such dividend, which cost shall be deducted from the excess and transferred to the appropriations "General operating expenses—Veterans' Administration". Insurance issued under section 621 of the National Service Life Insurance Act of 1940 or converted or exchanged under subsection (b) of this section, which was in force by waiver or timely payment of premiums or as paid-up or extended term insurance during one of the premium months beginning with the month of November 1960 and ending with the month of January 1961, may be eligible for the special dividend, subject to such conditions, other than specified in this subsection, as the Administrator shall determine to be reasonable and practicable. The dividend shall be paid as soon as practicable after whichever of the following dates is the latest:

(1) the date of enactment of this subsection in case of insurance heretofore converted or exchanged under subsection (b) of this section;

(2) the date insurance issued under section 621 is converted or exchanged under subsection (b) of this section if such conversion or exchange is made within two years after the date of enactment of this subsection; or

(3) the date of death of the policyholder where insurance issued under section 621 is not converted or exchanged and such death occurs on or after the premium due date in November 1960 and before the expiration of two years after the date of enactment of this subsection.

(e) After March 1, 1961, the Administrator shall from time to time transfer from the revolving fund referred to in subsection (a) of this section to general fund receipts in the Treasury such amounts as he determines are in excess of the actuarial liabilities of the fund including contingency reserves.

(b) *Eligibility.*—(1) *National Service life insurance which had been converted or exchanged under 38 U.S.C. 723(b) prior to the premium due date in December 1960.* (i) Such insurance which was in force by waiver or timely payment of premiums or as paid-up or extended term insurance during one of the premium months of November 1960, December 1960, or January 1961, is eligible for the special dividend.

(ii) Such insurance which was surrendered for reduced paidup insurance or which was on extended term insurance on or before the premium due date in November 1960, is eligible for the special dividend provided the insurance was in force on the November 1960 premium due date of the parent policy.

(iii) The dividend will be based on the largest amount of such insurance in force during the premium months of November 1960, December 1960, or January 1961.

(iv) The dividend will be paid as soon as practicable after September 13, 1961.

(2) *National Service life insurance issued under section 621 of the National Service Life Insurance Act which had not been converted or exchanged under 38 U.S.C. 723(b) prior to premium due date in December 1960.* (i) Such insurance which was in force by waiver or

timely payment of premiums during one of the premium months of November 1960, December 1960 or January 1961 is eligible for the special dividend, if—

(a) Such insurance or a part thereof is converted or exchanged under the provisions of 38 U.S.C. 723(b) on or after the premium due date in December 1960 and before September 14, 1963, or

(b) The policyholder of such insurance dies on or after the premium due date in November 1960 and before September 14, 1963, without having converted or exchanged such insurance under 38 U.S.C. 723(b) and the insurance is in force at time of death.

(ii) The dividend payable on insurance which is converted or exchanged within the time limitation provided in subdivision (i) (a) of this subparagraph will be based on the amount of insurance which is so converted or exchanged under 38 U.S.C. 723(b) but not greater than the largest amount of insurance in force during any of the premium months of November 1960, December 1960 or January 1961. The dividend payable on such insurance which has not been so converted or exchanged and which matures within the time limitation provided in subdivision (i) (b) of this subparagraph will be based on the amount of insurance which is in force at death or the largest amount of insurance which was in force during any of the premium months of November 1960, December 1960 or January 1961, whichever is the lesser.

(iii) A dividend payable under the provisions of this subparagraph (2) will be paid as soon as practicable after whichever of the following dates is the earlier:

(a) The date any portion of the insurance is converted or exchanged under section 723(b) within the period stated in subdivision (i) (a) of this subparagraph;

(b) The date of death of the policyholder within the period stated in subdivision (i) (b) of this subparagraph.

(c) *General.* (1) The term "timely payment of premiums" as used in Public Law 87-223 will include section 621 and section 723(b) insurance where the effective date of reinstatement is during one of the premium months of November 1960, December 1960, or January 1961.

(2) Among other factors, the dividend will be based on the period insurance was in force under section 621 prior to the premium due date in February 1961, except that the period during which premiums were waived under section 622 of the National Service Life Insurance Act or 38 U.S.C. 724 will be excluded.

(3) Dividends payable under the provisions of Public Law 87-223 shall be paid, without interest, in cash to the policyholder, if living. If the policyholder is dead and the insurance matured such dividends shall be paid to the person currently entitled to receive payment under this policy. If the policy is not in force at death any such unpaid dividends shall be paid to the insured's estate. (Instruction 1, Public Law 87-223)

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective October 25, 1961.

[SEAL]

W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 61-10152; Filed, Oct. 24, 1961;
8:52 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2517]

[Fairbanks 027575]

ALASKA

Partly Revoking Air Navigation Site Withdrawal No. 153

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The Departmental order of January 28, 1941, which established Air Navigation Site Withdrawal No. 153, Alaska, as modified and redefined by order of the Area Administrator, Bureau of Land Management, dated June 14, 1955, is hereby revoked so far as it affects Tract 1 of 2.25 acres and Tract 2 of 14.45 acres, together designated "Manley Hot Springs Field," now described as:

U.S. SURVEY 3441

Tract A, lot 16;
Tract B, lot 18;
Tract C, lot 40.

Containing 12.64 acres.

2. Until 10:00 a.m. on January 18, 1962, the State of Alaska shall have a preferred right to select the lands in accordance with and subject to the limitations and requirements of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

3. Beginning at 10:00 a.m. on January 18, 1962, the lands shall be subject to operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights and equitable claims, the provisions of any existing withdrawals, and the requirements of applicable law, rules, and regulations.

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

JOHN M. KELLY,
Assistant Secretary of the Interior.

OCTOBER 18, 1961.

[F.R. Doc. 61-10122; Filed, Oct. 24, 1961;
8:47 a.m.]

[Public Land Order 2518]

[Nevada 046043]

[2043583]

NEVADA

Revoking Public Land Order No. 515 of August 13, 1948

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 515 of August 13, 1948, which withdrew a tract of land containing 11.847 acres, described by metes and bounds, in the $W\frac{1}{2}NW\frac{1}{4}$ of section 1, and in the $E\frac{1}{2}NE\frac{1}{4}$ of section 2, T. 2 N., R. 42 E., Mount Diablo Meridian, for use of the Department of the Army in connection with the Tonopah Army Air Field, is hereby revoked.

2. The lands are hereby restored to the operation of the public land laws, including the mining and mineral leasing laws, beginning at 10:00 a.m., on November 23, 1961, subject to valid existing rights and equitable claims, the provisions of any existing withdrawals, and the requirements of applicable law, rules, and regulations.

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

JOHN M. KELLY,
Assistant Secretary of the Interior.

OCTOBER 18, 1961.

[F.R. Doc. 61-10123; Filed, Oct. 24, 1961;
8:47 a.m.]

[Public Land Order 2519]

[New Mexico 010092]

[1815432]

NEW MEXICO

Revoking Public Land Order No. 277 of May 14, 1945

By virtue of the authority vested in the President by section 1 of the act of May 13, 1924 (43 Stat. 118), as amended, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 277 of May 14, 1945 which reserved the following-described lands for the use of the Department of State in connection with the Rio Grande Canalization project, is hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 24 S., R. 2 E.,
Sec. 29, lot 1;
Sec. 30, lots 5, 6, 7 and 8;
Sec. 31, all.

T. 25 S., R. 2 E.,
Sec. 4, lot 5;
Sec. 5, lots 4, 10, 11 and 12;
Sec. 6, lot 1, $N\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$.

The areas described aggregate 1145.33 acres.

2. The lands are located seven miles south of Las Cruces, New Mexico. Lot 1 sec. 29, lot 5 sec. 4, and lot 10 sec. 5, are occupied by sharp, breaking rim rock descending to the Rio Grande Valley. The remainder of the lands are situated on a high mesa and are smooth to rough and hilly. The soils are of volcanic origin overlaid with blow sand. Pronounced sand dunes lie along the rim. Vegetation consists chiefly of mesquite, creosotebush, sand dropseed, and other native grasses.

3. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, including the mining and mineral leasing laws, beginning at 10:00 a.m. on November 23, 1961, subject to valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals.

4. The State of New Mexico has waived the preference right of application granted to certain states by the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

JOHN M. KELLY,
Assistant Secretary of the Interior.

OCTOBER 18, 1961.

[F.R. Doc. 61-10124; Filed, Oct. 24, 1961;
8:47 a.m.]

[Public Land Order 2520]

[New Mexico 035496]

[New Mexico 070474]

NEW MEXICO

Restoration Under Section 24, Federal Power Act; Power Site Reserve No. 740; Water Power Designation No. 1; Power Site Reserve No. 59 (Power Site Restoration No. 546)

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the determinations of the Federal Power Commission (DA-52 and DA-59-New Mexico) it is ordered as follows:

1. The Departmental Order of November 18, 1909, creating Power Site Reserve No. 59 and the Executive Order of July 2, 1910, confirmatory thereof are hereby revoked so far as they affect the following-described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 29 N., R. 14 W.,
Sec. 16, lots 1, 2, 3, 7, and $NE\frac{1}{4}SE\frac{1}{4}$.

Containing 161.14 acres of nonpublic land.

2. Subject to the provisions of section 24 of the Federal Power Act, the following-described lands are hereby re-

stored to operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable laws, rules and regulations, and the provisions of any existing withdrawals, provided that until 10:00 a.m. on April 18, 1962, the State of New Mexico shall have a preferred right to apply to select the lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). During this period, the State may also apply for the reservation to it or to any of its political subdivisions of any of the lands required for rights-of-way or materials sites in accordance with the provisions of section 24 of the Federal Power Act:

NEW MEXICO PRINCIPAL MERIDIAN

- T. 28 N., R. 13 E.,
Sec. 5, lot 5.
T. 29 N., R. 13 W.,
Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 23, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$.
T. 29 N., R. 14 W.,
Sec. 12, lot 2;
Sec. 14, lots 2, 3, and 4;
Sec. 17, lot 8.

The areas described aggregate 531.65 acres of public land.

3. The lands in T. 28 N., R. 13 E., are located approximately one-half mile south of the village of Questa, New Mexico, on the east bank of the Red River. They are gently rolling to flat, affording productive meadow forage. A beaver dam has been recently built across the river causing water to back up over some of the land. Cottonwood and willow trees occupy about 25 percent of the land surface. The lands in T. 29 N., R. 13 W., are located approximately one mile southeast of the town of Farmington, New Mexico. They are, for the most part, river bottom lands, occupied by willow, cottonwood, and brush with scattered clover meadows. Approximately 60 percent of the lands are subject to overflow by the San Juan River. The lands in T. 29 N., R. 14 W., are located two miles west of the town of Farmington, New Mexico. They lie along the banks of the San Juan River. The area is rolling to broken and undulating. Soils are coarse textured, sandy loam with some gravel outcroppings. Grama grasses sparsely occupy the lands.

4. The lands have been open to applications and offers under the mineral leasing laws, and to locations under the United States mining laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Post Office Box 1251, Santa Fe, New Mexico.

JOHN M. KELLY,
Assistant Secretary of the Interior.

OCTOBER 18, 1961.

[F.R. Doc. 61-10125; Filed, Oct. 24, 1961; 8:47 a.m.]

[Public Land Order 2521]

[DA-1000]

[87484]

CALIFORNIA

**Power Site Cancellation No. 163;
Power Site Restoration No. 576;
Partly Vacating Power Site Reserve
No. 706 and Power Site Classification No. 288**

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), it is ordered as follows:

1. The departmental order of June 20, 1925 and the Executive Order of February 25, 1919, creating Power Site classification No. 288 and Power Site Reserve No. 706 respectively, are hereby revoked so far as they affect the following-described lands:

MOUNT DIABLO MERIDIAN

- T. 1 N., R. 15 E.,
Sec. 1, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 1 N., R. 16 E.,
Sec. 5, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 9, lot 10;
Sec. 16, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$,
S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and
SW $\frac{1}{4}$;
Sec. 17, S $\frac{1}{2}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 2 N., R. 16 E.,
Sec. 9, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 10, lots 3, 5, and 8;
Sec. 28, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 32, lots 2, 3, 5, 9, 10 and 11.

2. The withdrawals were for transmission line purposes. The lands, aggregating 29 acres in withdrawal, have been subject to the general determination of the Federal Power Commission issued April 17, 1922.

JOHN M. KELLY,
Assistant Secretary of the Interior.

OCTOBER 18, 1961.

[F.R. Doc. 61-10126; Filed, Oct. 24, 1961; 8:47 a.m.]

[Public Land Order 2522]

[Oregon O11328]

OREGON

**Reservoir Site Restoration No. 34;
Partly Revoking Executive Order
No. 6205 of July 14, 1933 (Reservoir
Site Reserve No. 19)**

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

1. Executive Order No. 6205 of July 14, 1933, reserving lands for reservoir sites, is hereby revoked so far as it affects the following-described lands:

WILLAMETTE MERIDIAN

- T. 21 S., R. 10 E.,
Sec. 12, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 13, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 24, NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, and
W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 25, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 35, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 21 S., R. 11 E.,
Sec. 7, lots 3, 4, and E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 18, lots 1 and 2, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 22 S., R. 10 E.,
Sec. 2, E $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 11, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$.

The areas described aggregate 1,150.49 acres.

2. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, provided, that until 10:00 a.m. on April 18, 1962, the State of Oregon shall have a preferred right to apply to select the lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

3. The lands have been open to mineral leasing and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals beginning 10:00 a.m. on April 18, 1962.

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

JOHN M. KELLY,
Assistant Secretary of the Interior.

OCTOBER 18, 1961.

[F.R. Doc. 61-10127; Filed, Oct. 24, 1961; 8:48 a.m.]

Title 45—PUBLIC WELFARE

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

PART 146—NATIONAL DEFENSE FOREIGN LANGUAGE FELLOWSHIPS

Other Service of a Public Nature

The following amendments are hereby made to § 146.1 of Part 146, Chapter I, 45 CFR (25 F.R. 3258, April 15, 1960, as redesignating at 25 F.R. 13230, December 22, 1960) pertaining to the "other service of a public nature" provision of section 601(b) of title VI of the National Defense Education Act of 1958, P.L. 85-864, as amended, 72 Stat. 1593, 20 U.S.C. 511:

1. For the purpose of facilitating reference to the separate criteria of the general definition of "other service of a public nature" the last sentence of paragraph (a) of § 146.1 is amended by adding the subparagraph designation

"(1)" between the words "non-Governmental," and "which" and by adding the subparagraph designation "(2)" between the words "and" and "in".

2. It having been determined that it is not at present necessary to limit the awarding of fellowships on the basis of the "other service of a public nature" authorization to those activities formerly designated, paragraph (b) of § 146.1, dealing with such limitations, is hereby amended (1) to permit fellowships to be awarded also to individuals who will be available for employment in certain activities of voluntary nonprofit, non-sectarian organizations or multilateral international organizations in which the United States participates, and (2) to make other revisions of a technical nature.

In order to clarify the application of the criteria of the general definition of "other service of a public nature" as set forth in § 146.1(a) to the particular activities described in § 146.1(b), § 146.1 is hereby amended by adding a new paragraph (c), which paragraph states explicitly that the activities described in subparagraphs (1) and (3) of § 146.1 (b) have been determined to meet, prima facie, the criterion of contributing significantly to the conduct of the Nation's economic, cultural, educational, scientific, and political relations with other peoples. Section 146.1 as so amended reads as follows:

§ 146.1 Other service of a public nature.

(a) Section 601(b) of title VI of the National Defense Education Act of 1958, Public Law 85-864, as amended, 72 Stat. 1593, 20 U.S.C. 511, authorizes the United States Commissioner of Education to award stipends (National Defense Foreign Language Fellowships) to individuals undergoing advanced training in certain modern foreign languages, but only upon reasonable assurance that the recipients of such fellowships "will, on completion of their training, be available for teaching a modern foreign language in an institution of higher education or for such other service of a public nature as may be permitted in regulations of the Commissioner." "Other service of a public nature" is in general defined to mean participation in a professional or technical activity, either Governmental or non-Governmental, (1) which contributes significantly to the conduct of the Nation's economic, cultural, educational, scientific, or political relations with other peoples, and (2) in which competency in the language for which the fellowship is awarded is highly desirable.

(b) Fellowships awarded on the basis of the "other service of a public nature" authorization are presently limited to individuals who will be available for such of the following services as meet the criteria of the last sentence of paragraph (a) of this section: (1) Teaching in an institution of higher education, (2) employment in a professional or technical activity of the United States Government or an instrumentality or other agency thereof, or of a voluntary nonprofit, non-sectarian organization, or (3) employment in a professional or technical activity of a multilateral international

organization in which the United States Government participates.

(c) The activities described in subparagraphs (1) and (3) of paragraph (b) of this section have been determined to meet, prima facie, the criterion of subparagraph (1) of paragraph (a) of this section.

(Secs. 601, 1001; 72 Stat. 1593, 1602; 20 U.S.C. 511, 581)

Dated: October 6, 1961.

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

Approved: October 18, 1961.

ABRAHAM RIBICOFF,
Secretary of Health, Education,
and Welfare.

[F.R. Doc. 61-10141; Filed, Oct. 24, 1961;
8:50 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

[CGFR 61-45]

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Subpart 10.13—Licensing of Radio Officers

APPLICANTS FOR RADIOTELEGRAPH OPERATOR LICENSES FURNISHING ADDITIONAL INFORMATION

The regulation designated 46 CFR § 10.13-19 in this document is intended to show that an applicant for a license as a radiotelegraph operator on merchant vessels may have to furnish additional information to the Coast Guard as the Commandant deems pertinent and necessary for a determination as to whether or not the applicant is a suitable and safe person to be entrusted with the powers and duties of a radiotelegraph operator on any vessel as contemplated by the act of May 12, 1948, as amended (46 U.S.C. 229a-229h).

Because the regulation in this document is a statement describing administrative practice and is to advise applicants for radiotelegraph operator licenses that additional information may be required by the Commandant prior to finally determining whether or not the applicant is entitled to receive the license desired, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof), is deemed to be impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521), to promulgate regulations in accordance with the statutes cited below, Subpart 10.13 is amended by adding

after § 10.13-17, a new § 10.13-19, reading as follows, which shall become effective on and after the date of publication in the FEDERAL REGISTER:

§ 10.13-19 Applicants furnishing additional information.

(a) In the course of the investigation into an applicant's qualifications (such as age, physical condition, experience, citizenship, character, and habits of life), the Commandant may require the applicant to furnish such additional information to the Coast Guard as the Commandant deems pertinent and necessary for a determination as to whether or not the applicant is a suitable and safe person to be entrusted with the powers and duties of a radiotelegraph operator on any vessel as contemplated by the act of May 12, 1948, as amended (46 U.S.C. 220a-229h).

(b) The failure or refusal of an applicant to furnish the additional information requested by the Commandant under this section may be grounds for the Commandant's rejection of the application. However, no application will be rejected on the grounds of failure or refusal of the applicant to furnish such information unless and until the applicant shall first be afforded, before an officer of the Coast Guard, a further opportunity to furnish the requested information or to satisfactorily explain his failure or refusal to furnish such information.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply secs. 2, 3, 5, 65 Stat. 233, as amended; 46 U.S.C. 229b, 229c, 229e)

Dated: October 16, 1961.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 61-10159; Filed, Oct. 24, 1961;
8:53 a.m.]

[CGFR 61-33]

PORTABLE CARGO CONTAINERS FOR COMBUSTIBLE LIQUIDS ON DRY CARGO VESSELS

All vessels having on board inflammable or combustible liquid cargo in bulk are subject to the provisions of R.S. 4417a, as amended (46 U.S.C. 391a) (hereinafter referred to as the "Tanker Act"), and the applicable "Tank Vessel Regulations" are in 46 CFR Parts 30 to 39, inclusive (Subchapter D—Tank Vessels). The proviso in subsection (1) of the Tanker Act states this law " * * * shall not apply to * * * vessels carrying liquid cargo only in drums, barrels, or other packages."

The regulation of the carriage of explosives or dangerous articles on board vessels is pursuant to the provisions of R.S. 4472, as amended (46 U.S.C. 170) (hereinafter referred to as the "Dangerous Cargo Act"), and the applicable "Dangerous Cargo Regulations" are in 46 CFR Parts 146 and 147 (Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels). One of the exceptions in subsection (6), regarding transportation, etc., of explosives and

other dangerous articles, of the Dangerous Cargo Act states this subsection shall not apply to " * * (vi) inflammable or combustible liquid cargo in bulk: *Provided, however,* That the handling and stowage of any inflammable or combustible liquid cargo in bulk shall be subject to the provisions of section 4417a of the Revised Statutes, as amended" (Tanker Act). In effect, the Dangerous Cargo Act reaffirms that vessels carrying inflammable or combustible liquids in bulk are subject to the Tanker Act.

For the Tanker Act or the Dangerous Cargo Act to apply to vessels it is necessary that vessels carry cargo or hold themselves available to the public for the purpose of carrying cargo. This fact may be evidenced by the general construction of the vessel, together with arrangements for loading or discharging cargo carried, as well as having on board cargo or evidence that cargo recently had been on board; or the presence on board of bills of lading or shipping papers consigning the cargo to a definite person or company; or the presence on board of papers consigning the cargo "to order" together with the facilities for delivering cargo to customers.

In order for a vessel to come within the exemption proviso of the Tanker Act stating this law " * * shall not apply to * * vessels carrying liquid cargo only in drums, barrels, or other packages," the burden of proof has been and is placed upon the owner or operator to establish definitely (1) such liquids are carried as cargo; and (2) such " * * drums, barrels or other packages * * " are, (a) of the size commonly found in commercial practice, and (b) are not a part of the permanent fixtures of the vessel, and (c) are actually loaded and discharged with their contents intact. These general requirements have been the criteria followed since the enactment of the Tanker Act in 1936 in determining whether or not specific vessels are subject to this law. In recent years requests have been and are being received in increasing numbers from shippers and carriers with respect to the use of portable containers for hazardous liquid cargo to be transported on dry cargo vessels, and as to what determinations or rulings have been made with respect to " * * other packages * * " as set forth in the Tanker Act and the Dangerous Cargo Act.

Combustible liquids when shipped in "barrels, drums, or other packages" are regulated cargo under the Dangerous Cargo Act and applicable regulations in 46 CFR Part 146 if transported on board passenger vessels, but such liquids in these containers are not subject to the "Dangerous Cargo Regulations" if carried on board cargo vessels. The present problem concerns combustible liquids in portable containers which are larger than the nominal size barrels and drums, which may or may not necessarily be lifted on or off the vessel in a loaded condition or with their contents intact. The Coast Guard regulations in 46 CFR 30.01-5 (Tank Vessels) and 90.05-1 (Cargo and Miscellaneous Vessels), provide in footnote 9 to the Table therein that:

Vessels covered by Subchapter * * * I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of * * * combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the * * * combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter * * * I (Cargo and Miscellaneous Vessels) of this chapter.

The Coast Guard has not prescribed specific regulations governing portable containers, either with respect to the construction thereof or the shipping requirements, including the stowage of portable containers. Large portable containers filled with combustible liquids present a primary hazard with respect to fire (because the ambient temperatures may greatly exceed the minimum 81° F. flashpoint lower limit for combustible liquids) as well as secondary hazards of toxicity and/or corrosiveness. The "Tank Vessel Regulations" are primarily directed toward having the liquid containers made an integral part of the vessel. Therefore, the present operating requirements for portable containers on dry cargo vessels with respect to various aspects of the loading and discharging of cargo therefrom, as well as stowage with other cargo are not now specifically covered. In order to resolve the many technical problems involved, the American Merchant Marine Institute, Inc., established a "Portable Tank Committee" to work with the Coast Guard in developing construction standards for portable containers, as well as standards governing the transportation of portable containers, including loading and discharging, on dry cargo vessels. The proposed standards for portable containers will be included in the next Merchant Marine Council Public Hearing Agenda (CG-249), for the public hearing scheduled to be held in March 1962.

As a guideline in establishing standards for portable containers, it becomes necessary to interpret the meaning of the phrase "drums, barrels, or other packages" as used in the Tanker Act and the Dangerous Cargo Act, as well as the phrase "combustible liquid cargo in bulk" as used in the Tanker Act and the Dangerous Cargo Act. This will also assist in developing regulations to govern the transportation of combustible liquids in portable containers and their stowage and transportation on board cargo and miscellaneous vessels and to be specifically provided for in 46 CFR Subchapter I (Cargo and Miscellaneous Vessels). The following interim interpretations are prescribed:

a. The phrase "drums, barrels, or other packages" as used in the Tanker Act (R.S. 4417a, as amended, 46 U.S.C. 391a), and the Dangerous Cargo Act (R.S. 4472, as amended, 46 U.S.C. 170), is interpreted to include portable containers having a maximum capacity of 110 U.S. gallons, which are actually loaded and discharged from vessels with their contents intact.

b. The phrase "combustible liquid cargo in bulk" as used in the Tanker Act (R.S. 4417a, as amended, 46 U.S.C. 391a) and the Dangerous Cargo Act

(R.S. 4472, as amended, 46 U.S.C. 170), is interpreted to include portable containers of a capacity of more than 110 U.S. gallons, whether or not such containers are actually loaded and discharged from vessels with their contents intact.

Pending the establishment of construction standards for portable containers and specific requirements for the stowage and carriage of portable containers, requests for permission will be handled on an individual vessel basis by the cognizant Officer in Charge, Marine Inspection. The Officer in Charge, Marine Inspection, after determining that a combustible liquid may be carried with safety in a portable container of suitable construction when properly stowed, will permit the transportation of Grade D or E combustible liquids as defined in the "Tank Vessel Regulations," and for a U.S. vessel may so endorse or amend the certificate of inspection. If necessary, the Officer in Charge, Marine Inspection, may prescribe additional fire-fighting equipment to be carried on board vessels while transporting combustible liquids in portable containers. These instructions and interpretations will be applied to any vessel (domestic or foreign) transporting portable containers of combustible liquids within or from United States ports.

Because the rules designated 46 CFR 30.01-20, 90.05-30, and 146.02-30 in this document are interpretations or definitions or phrases used in the vessel inspection laws, it is hereby found that the Coast Guard is exempt from compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof).

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-9 dated August 3, 1954 (19 F.R. 5915), 167-14 dated November 26, 1954 (19 F.R. 8026), 167-20 dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), and 167-38 dated October 26, 1959 (24 F.R. 8857), to promulgate regulations in accordance with the statutes cited with the regulations below, the following regulations are prescribed and shall become effective on and after the date of publication of this document in the FEDERAL REGISTER:

SUBCHAPTER D—TANK VESSELS

PART 30—GENERAL PROVISIONS

Subpart 30.01—Administration

Subpart 30.01 is amended by adding at the end thereof a new § 30.01-20 reading as follows:

§ 30.01-20 Portable containers—interpretive rulings—TB/ALL.

(a) The phrase "drums, barrels, or other packages," as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to include portable containers having a maximum capacity of 110 U.S. gallons, which are actually loaded and discharged from vessels with their con-

tents intact. (b) The phrase "combustible liquid cargo in bulk" as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to include portable containers of a capacity of more than 110 U.S. gallons, whether or not such containers are actually loaded and discharged from vessels with their contents intact.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4472, as amended; 46 U.S.C. 391a, 170.)

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 90—GENERAL PROVISIONS

Subpart 90.05—Application

Subpart 90.05 is amended by adding at the end thereof a new § 90.05-30 reading as follows:

§ 90.05-30 Portable containers—interpretive rulings.

(a) The phrase "drums, barrels, or other packages," as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to include portable containers having a maximum capacity of 110 U.S. gallons, which are actually loaded and discharged from vessels with their contents intact.

(b) The phrase "combustible liquid cargo in bulk" as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to include portable containers of a capacity of more than 110 U.S. gallons, whether or not such containers are actually loaded and discharged from vessels with their contents intact.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4472, as amended; 46 U.S.C. 391a, 170.)

SUBCHAPTER N—EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Subpart—General Provisions

The subpart entitled "General Provisions" is amended by adding at the end thereof a new § 146.02-30 reading as follows:

§ 146.02-30 Portable containers—interpretive rulings.

(a) The phrase "drums, barrels, or other packages," as used in R.S. 4417a,

as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to include portable containers having a maximum capacity of 110 U.S. gallons, which are actually loaded and discharged from vessels with their contents intact.

(b) The phrase "combustible liquid cargo in bulk" as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to include portable containers of a capacity of more than 110 U.S. gallons, whether or not such containers are actually loaded and discharged from vessels with their contents intact.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4472, as amended; 46 U.S.C. 391a, 170.)

Dated: October 18, 1961.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 61-10158; Filed, Oct. 24, 1961;
8:53 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 6—FEES FOR COPYING, CERTIFICATION AND SERVICES IN CONNECTION THEREWITH

Charges

JULY 1, 1961.

Paragraph (h) of § 6.1 *Charges* of the Commission's regulations in the matter of fees for copying, certification and services in connection therewith, is amended to read as follows:

(h) Transcript of testimony and of oral argument, or extracts therefrom, may be purchased by the public from the Commission's official reporter. For the fiscal year beginning July 1, 1961, the official reporter is the CSA Reporting Corporation, 939 D Street NW., Washington 6, D.C., and transcripts will be furnished to the public at the rate of 65 cents per page of approximately 200 words. Application for copies and payment therefor should be made direct to the official reporter.

(Sec. 501, 65 Stat. 290; 5 U.S.C. 140)

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-10156; Filed, Oct. 24, 1961;
8:52 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

HUNTING

Sand Lake National Wildlife Refuge; South Dakota

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended August 1, 1958 (72 Stat. 487; 16 U.S.C. 718b), and the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), it is proposed to amend 50 CFR 32.21 as set forth below. The purpose of this amendment is to provide for the public hunting of a high pheasant population on the Sand Lake National Wildlife Refuge, South Dakota. Hunting of pheasants on the area will not conflict with the waterfowl management objectives of the area and will reduce complaints caused by pheasant crop depredations and the possibility of pheasant losses from severe winter weather conditions.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to the proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 32.21 is amended by the addition of the following area as one where the hunting of upland game is authorized.

§ 32.21 List of open areas; upland game.

* * * * *

SOUTH DAKOTA

Sand Lake National Wildlife Refuge.

JOHN M. KELLY,
Acting Secretary of the Interior.

OCTOBER 18, 1961.

[F.R. Doc. 61-10121; Filed, Oct. 24, 1961;
8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 958]

POTATOES GROWN IN COLORADO

Proposed Safeguards and Exemptions

This is a notice that the Secretary of Agriculture is considering issuing the administrative rules and regulations set forth below which were recommended by

the Colorado area committees established under Marketing Order No. 58 (7 CFR Part 958) regulating the handling of Irish potatoes grown in the State of Colorado. This program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

If approved, §§ 958.130 through 958.132 set forth below will revise and supersede §§ 958.101 through 958.103 (7 CFR §§ 958.101-958.103; 19 F.R. 9374, December 31, 1954) Exemptions, currently in effect.

Consideration will be given to any data, views, or arguments pertaining thereto filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER.

The proposals are as follows:

SAFEGUARDS

Sec.	
958.120	General.
958.121	Qualification.
958.122	Application.
958.123	Approval.
958.124	Reports.
958.125	Disqualification.

EXEMPTIONS

958.130	Application for exemption certificates.
958.131	Federal-State inspection reports.
958.132	Issuance of exemption certificates.

AUTHORITY: §§ 958.120 to 958.125 and §§ 958.130 to 958.132, issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

SAFEGUARDS

§ 958.120 General.

Whenever shipments of potatoes for special purposes under § 958.23 are relieved in whole or in part from grade and size regulations issued under § 958.22 the committee shall require information and evidence as to the manner, methods, and timing of such shipments as safeguards against the entry of any such potatoes into trade channels other than those for which intended. Such information and evidence shall include the requirements set forth below with respect to Certificates of Privilege.

§ 958.121 Qualification.

Before handling potatoes for special purposes which do not meet regulations issued under § 958.22 a handler must qualify with the committee to handle shipments for special purposes. To qualify he must (a) apply for and receive a Certificate of Privilege indicating his intent to so handle potatoes; (b) agree to comply with reporting and other requirements set forth in §§ 958.121 to 958.125, inclusive, with respect to such shipments; and (c) receive approval of the committee to so handle potatoes. Such approval will be based upon evidence furnished in his application for a Certificate of Priv-

ilege, and other information available to the committee.

§ 958.122 Application.

(a) Application for Certificate of Privilege shall be made in person, by telephone, or on forms furnished by the committee. Each application may contain, but need not be limited to, the name and address of the handler; the quantity by grade, size, quality and variety of the potatoes to be shipped; the mode of transportation; the consignee; the destination; the purpose for which the potatoes are to be used; a certification to the United States Department of Agriculture and to the committee as to the truthfulness of the information shown thereon; and any other appropriate information or documents deemed necessary by the committee for the purposes stated in § 958.120.

§ 958.123 Approval.

The committee or its duly authorized agents shall give prompt consideration to each application for a Certificate of Privilege. Approval of an application based upon a determination as to whether the information contained therein and other information available to the committee supports approval, shall be evidenced by the issuance of a Certificate of Privilege to the applicant. Each certificate shall cover a specified period, and specified qualities and quantities of potatoes to be sold or transported to the designated consignee for the purposes declared.

§ 958.124 Reports.

Each handler of potatoes shipping under Certificates of Privilege shall supply the committee with reports as requested by the committee or its duly authorized agents showing the name and address of the shipper; the car or truck identification; the loading point; destination; consignee; the inspection certificate number when inspection is required; and any other information deemed necessary by the committee.

§ 958.125 Disqualification.

The committee from time to time may conduct surveys of handling of potatoes for special purposes requiring Certificates of Privilege to determine whether handlers are complying with the requirements and regulations applicable to such certificates. Whenever the committee finds that a handler or consignee is failing to comply with requirements and regulations applicable to handling of potatoes in special outlets, and requiring such certificates, a Certificate or Certificates of Privilege issued such handler may be rescinded and further certificates denied. Such disqualification shall apply to, and not exceed, a reasonable period of time as determined by the committee but in no event shall it extend beyond the end of the succeeding fiscal period. Any handler who has a certificate rescinded or denied may ap-

peal to the committee in writing for reconsideration of his disqualification.

EXEMPTIONS

§ 958.130 Application for exemption certificates.

Any producer applying for exemption from any grade and size regulation issued under § 958.22 shall make application to the respective area committee for the area in which the applicant's potatoes were grown or are stored, on forms to be furnished by the area committee. The application shall include:

(a) The name and address of the applicant;

(b) The location, or locations, of the potatoes with respect to which exemption is requested;

(c) The total estimated quantity of potatoes (excluding culls) produced by the applicant during the current season, stated in hundredweights, by varieties, grades, and sizes;

(d) The estimated percentage of the applicant's potato crop (excluding culls) which cannot be shipped because of grade and size regulations then in effect and the acts beyond his control or reasonable expectation adversely affecting his potatoes;

(e) The quantity of potatoes of each variety (excluding culls) which has already been sold or otherwise shipped during the current season;

(f) The signature of the applicant and certification that the statements given in the application are true and correct; and

(g) Such additional information as the area committee may find necessary in making a determination regarding the granting of an exemption certificate.

§ 958.131 Federal-State inspection reports.

Each application for exemption shall be accompanied by a written report of a Federal-State Inspector, which shall contain the following:

(a) A statement by the inspector that he personally inspected the potatoes with respect to which exemption is requested, and that he took a representative sample of such potatoes;

(b) A statement of the percentage of the potatoes (excluding culls) which fail to meet the requirements of the grade and size regulations then in effect;

(c) A statement of the defects or damage causing the potatoes to fail to meet grade and size requirements then in effect.

In the event that more than one variety of potatoes is being regulated the above percentage shall be determined separately for each variety of the applicant's potatoes. The cost of Federal-State inspection and report shall be borne by the applicant for exemption.

§ 958.132 Issuance of exemption certificates.

(a) The respective area committee receiving an application for exemption shall give prompt consideration thereto and determine on the basis of the statements and facts therein contained and the factors set forth in § 958.30 whether

the application may be approved. The determination, if favorable, shall be evidenced by the issuance of a certificate of exemption pursuant to §§ 958.28 through 958.32. If the applicant's request for exemption is denied, he shall be so notified in writing.

(b) Each certificate of exemption issued as provided in this subpart, shall contain the name and address of the applicant, the location of his farm or ranch, the location, or locations, of all potatoes remaining to be shipped, the total quantity of potatoes which may be shipped under the certificate of exemption, and such other information as the area committee may deem desirable.

(c) The committee may furnish each applicant receiving a certificate of exemption with appropriate sub-certificates of exemption to identify each lot of exempted potatoes and a sub-certificate shall be transferable with the lot of potatoes to which it applies. Each applicant receiving a certificate of exemption shall report each shipment of potatoes made under such certificate to the respective area committee issuing the certificate. The report shall state the name and address of the person to whom the potatoes were sold, the quantity sold, the date of transfer, and such other information as the committee may request.

Dated: October 19, 1961.

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

[F.R. Doc. 61-10147; Filed, Oct. 24, 1961;
8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 602) has been filed by The Dow Chemical Company, Midland, Michigan, proposing the issuance of a regulation to provide for the safe use of polystyrene containing not more than 0.4 percent styrene monomer content and not more than 7.5 percent styrene-butadiene copolymer in a styrene-butadiene-styrene mixture. Both substances are proposed for use in packaging materials, containers, and equipment intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding foods.

Dated: October 16, 1961.

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

[F.R. Doc. 61-10140; Filed, Oct. 24, 1961;
8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 275]

[Release 120]

BOOKS AND RECORDS MAINTAINED BY INVESTMENT ADVISERS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend its § 275.204-2 under the Investment Advisers Act of 1940 to require investment advisers to maintain records containing specified information concerning securities transactions in which they or their key personnel have any beneficial interest.

Section 204 of the Investment Advisers Act of 1940, as amended, provides that every investment adviser subject to registration shall make, keep and preserve such books and other records, and make such reports, as the Commission by rules and regulations may prescribe as necessary or appropriate in the public interest or for the protection of investors. Section 206(4) of the Act prohibits any investment adviser from engaging in any act, practice or course of business which is fraudulent, deceptive or manipulative, and gives the Commission the power, by rules and regulations, to define and prescribe means reasonably designed to prevent such acts, practices and courses of business. The proposed amendment, which would be designed to prevent fraudulent, deceptive and manipulative acts and practices, would require an investment adviser to maintain records of all transactions in which the adviser, or any "advisory representative" (as that term is defined in § 275.204-2), has any direct or indirect beneficial interest; and an advisory representative would ordinarily have an indirect beneficial interest in the securities transactions of at least his wife and his minor children.

As is generally known, an investment adviser is a fiduciary. As such he owes his clients undivided loyalty, and any activity in conflict with the interest of any client may involve a violation of applicable anti-fraud provisions. It would seem that if an investment adviser is to be able to fulfill his fiduciary obligations to his clients he must not only refrain from effecting, on his own behalf, securities transactions which are inconsistent with his fiduciary obligations, but he must also be certain that those persons associated with him are not improperly utilizing the information which they obtain in the conduct of the investment advisory business in such manner as to adversely affect the interest of clients or limit the adviser's ability to fulfill his fiduciary obligations.

Not only should the proposed amendment to § 275.204-2 have a salutary prophylactic effect, as contemplated by the provisions of section 206(4) mentioned above, in that a person associated with an investment adviser who knows that he will have to report his transactions to the investment adviser may hesitate to effect a transaction inconsistent with the

adviser's fiduciary obligations to clients, but it would also implement the Commission's enforcement activities and responsibilities under the statute.

We understand that many responsible investment advisers already require their key personnel to submit reports of their securities transactions to the investment adviser. The proposal, if adopted, would in effect make it necessary for all other investment advisers to institute similar requirements in order that they may have the records required to be maintained under § 275.204-2.

The proposal contemplates that the following subparagraph (12) would be added to paragraph (a) of § 275.204-2, which specifies certain other books and records which must be maintained by investment advisers:

(12) A record of every securities transaction in which any "advisory represent-

ative" (as hereinafter defined) of such investment adviser has any direct or indirect beneficial interest. Such record shall state the name of the "advisory representative"; the title and amount of the security involved; the date and nature of the transaction (i.e., purchase, sale or other acquisition or disposition); the price at which it was effected; the nature and extent of the advisory representative's interest therein; and the name of any broker or dealer involved in the transaction. The investment adviser shall have such record not later than 10 days after such transaction is effected. For purposes of this paragraph, the term "advisory representative" shall mean the investment adviser; any partner, officer or director of the investment adviser; any employee who makes any recommendation or who participates in the determination of which

recommendation shall be made to any client; any employee who, in connection with his duties, obtains any information concerning securities being recommended to any client; and any employee who places any order to buy or sell any security for the account of any client.

(Sec. 204, 54 Stat. 852, as amended, 15 U.S.C. 80b-4)

All interested persons are invited to submit their views and comments on the proposed amendment on or before November 20, 1961. All such communications will be available for public inspection.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

OCTOBER 16, 1961.

[F.R. Doc. 61-10137; Filed, Oct. 24, 1961;
8:49 a.m.]

Notices

POST OFFICE DEPARTMENT

DIRECTOR, REALTY DIVISION, BUREAU OF FACILITIES

Delegation of Authority With Respect to Real Property Management

The following is the text of Order Number 179 of the Acting Assistant Postmaster General, Bureau of Facilities, dated October 11, 1961:

Pursuant to authority of Postmaster General Order No. 55734 dated September 21, 1954 (19 F.R. 6169) and Postmaster General Order No. 55884, dated April 28, 1955 (20 F.R. 3548) authority is hereby delegated to the Director, Realty Division, Bureau of Facilities, or to any person acting as such officer, to take final action in his own name with respect to postal real property management throughout the United States and its possessions, including Guam, as follows:

A. *Month-to-month rentals.* To make agreements for space on a month-to-month basis when the annual rental will not exceed \$2,000.00.

B. *Temporary space.* To make agreements for space:

1. For holiday or seasonal needs for fixed periods not in excess of two months when the monthly rental does not exceed \$25,000.00.

2. For fixed periods not in excess of six months to meet emergency conditions when the monthly rental does not exceed \$15,000.00.

C. *Land options.* In those cases when the consideration paid for the option does not exceed \$1.00:

1. To determine whether advertisements for postal space will be handled with or without benefit of assignable site option procedures.

2. To take, approve, and use assignable site options for advertising purposes as sites for postal buildings provided the option price does not exceed:

a. \$50,000 and
b. 30 percent of the total estimated cost of land and improvements.

3. To assign approved site options to successful bidder regardless of amount of purchase price.

D. *Bid advertising.* To commit the Government and to authorize payment for advertising for postal space when the cost of advertising does not exceed \$500.00.

E. *Leases.* 1. When the basic lease term covered by the lease or agreement is for 20 years or less and does not exceed \$20,000 annual rental to:

a. Accept agreements to lease space
b. Execute lease documents
c. Exercise or reject options to renew leases.

2. To make lease extension agreements for terms not exceeding three years and \$20,000 annual rental.

3. To make agreements or amend agreements, leases or invitations to bid for:

a. Increases in space, building requirements, services or improvements, or

b. Repairs and replacements which, under the terms of the lease, are the responsibility of the Post Office Department,

when: The amount of each agreement or amendment does not exceed 25 percent of the annual rental or \$5,000, whichever is lesser. The agreement or amendment may provide for payment by a lump sum or by amortization of the cost over the remaining term of the lease.

F. *Repairs and maintenance.* To accept bids for repairs and maintenance to leased facilities and to authorize deduction of the cost of same from lessor's rental payments when leased facilities are improperly maintained.

G. *Site investigation contracts.* 1. To execute contracts for topographical and site survey maps and for test boring and other sub-surface investigation results when the estimated cost does not exceed \$10,000.00.

2. To execute contracts for real property appraisals when the cost does not exceed \$2,000.00.

3. Make changes to contracts specified in G (1) and (2) provided the total amount of changes to any single contract shall not exceed 25 percent of the original contract.

H. *Site preparation and architectural and engineering contracts.* For lease site preparation or improvement contracts, including foundation and demolition contracts, and for architectural and engineering contracts to:

1. Approve progress or partial payments.

2. Make changes to such contracts, provided the total amount of changes to any single contract shall not exceed 25 percent of the original contract regardless of whether the payment is to be made by the Post Office Department or by the lessor.

I. *Cancellation or termination.* To cancel or terminate leases or other agreements or commitments which he is authorized to enter into in the first instance.

J. *Federal building modernization and improvement.* 1. To execute authorizations for the repair, alteration, preservation, renovation, extension and improvement of Federally-owned property used for postal purposes and to make amendments or changes to initial authorizations provided the estimated cost does not exceed \$750,000.00.

2. To make changes to authorizations made by the Assistant Postmaster General or the Acting Assistant Postmaster General for the repair, alteration, preservation, renovation, extension and improvement of Federally-owned property used for postal purposes provided the

cost of the amendment or change will not exceed 10 percent of the initial obligation or \$75,000, whichever is the lesser.

K. *Miscellaneous expenditures.* To commit the Post Office Department for the payment of fees for services not specifically enumerated herein but necessary in the performance of the authority herein delegated where the cost of such services does not exceed \$2,000.00.

This order supersedes Assistant Postmaster General Order No. 174 dated October 15, 1959 (26 F.R. 9959-9960).

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-10150; Filed, Oct. 24, 1961; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

INITIAL PRODUCTION EMERGENCY LOANS IN CERTAIN STATES

Termination of Extensions of Periods

The extensions of periods for making initial Emergency loans in designated counties in the States of Colorado, Kansas, New Mexico, Oklahoma, Texas, and Wyoming as made in 20 F.R. 7054, 22 F.R. 6257, 7408 are hereby terminated. After October 15, 1961, Emergency loans will be made in said counties only to those applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of October 1961.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 61-10169; Filed, Oct. 24, 1961; 8:54 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

BUREAU OF MINES

Special Assignment of Duties and Responsibilities

The following material is a portion of the Departmental Manual Program Series, Mine Health and Safety subseries, and the numbering is that of the Manual. Part 551 of the Departmental Manual has been issued reading as follows:

PART 551—SPECIAL STUDIES

CHAPTER 1—STUDY OF METAL AND NON-METALLIC MINES

551.1.1 *Purpose.* To instruct the Director, Bureau of Mines, under the supervision of the Assistant Secretary—Mineral Resources, to conduct a study

covering the causes and prevention of injuries, health hazards, and other health and safety conditions in metal and nonmetallic mines (excluding coal and lignite mines).

551.1.2 *Conduct of study.* This study is required by the act of September 26, 1961, Public Law 300, 87th Congress, 1st sess., 75 Stat. 649. The Director, Bureau of Mines, under the supervision of the Assistant Secretary—Mineral Resources, will make the study.

551.1.3 *Objective of study.* The study will cover:

A. The causes and injuries and health hazards in metal and nonmetallic mines (excluding coal and lignite mines).

B. The relative effectiveness of voluntary versus mandatory reporting of accident statistics.

C. The relative contribution to safety of inspection programs embodying:

(1) Right-of-entry only.
(2) Right-of-entry plus enforcement authority.

D. The effectiveness of health and safety education and training.

E. The magnitude of effort and costs of each of these possible phases of an effective safety program for metal and nonmetallic mines (excluding coal and lignite mines).

F. The scope and adequacy of State mine-safety laws applicable to such mines and the enforcement of such laws.

551.1.5 *Admission and reports.* The Director, Bureau of Mines, or any duly authorized representative is entitled to admission to, and to require reports from the operator of, any metal and non-metallic mine which is in a State (excluding a coal or lignite mine), the products of which regularly enter commerce, for the purpose of gathering data and information necessary for the study authorized. (The term "State" includes the Commonwealth of Puerto Rico and any possession of the United States; and the term "commerce" means commerce between any State and any place outside thereof; or between points within the same State but through any place outside thereof).

551.1.6 *Recommendations.* The Director, Bureau of Mines, shall prepare a statement of his findings, together with recommendations for an effective safety program for metal and nonmetallic mines (excluding coal and lignite mines) based upon his findings, to the Secretary of the Interior, through the Assistant Secretary—Mineral Resources.

JOHN M. KELLY,
Acting Secretary of the Interior.

OCTOBER 17, 1961.

[F.R. Doc. 61-10130; Filed, Oct. 24, 1961; 8:48 a.m.]

Office of the Solicitor

[Solicitor's Reg. 7]

ASSISTANT SOLICITOR, BRANCH OF LAND APPEALS

Delegation of Authority

OCTOBER 18, 1961.

The Assistant Solicitor, Branch of Land Appeals, may dispose of appeals to

No. 206—6

the Secretary from decisions of the Director of the Bureau of Land Management (or his delegates) and from decisions of the Director of the Geological Survey (or his delegates), in proceedings which relate to lands or interests in lands, in cases in which the appellant withdraws the appeal or withdraws or relinquishes the application or other filing which is the subject matter of the appeal.

(210 DM 2.2A(4) (a), 24 F.R. 1348; 200 DM 3.2, 25 F.R. 325)

FRANK J. BARRY,
Solicitor.

[F.R. Doc. 61-10131; Filed, Oct. 24, 1961; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TRADE ROUTE NO. 14, U.S. ATLANTIC AND GULF/WEST AFRICA

Notice of Conclusions and Determinations Regarding Essentiality and United States Flag Service Requirements

Notice is hereby given that on October 13, 1961, the Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 14 and ordered that the following conclusions and determinations reached by the Maritime Administrator with respect to said trade route be published in the FEDERAL REGISTER:

Trade Route No. 14 as described below is affirmed as an essential foreign trade route of the United States: Between United States Atlantic and Gulf ports (Maine-Texas, inclusive) and ports on the West Coast of Africa from the southern border of Morocco to the southern border of Angola, including Madeira, Canary, Cape Verde and other islands adjacent to the West African Coast.

The following U.S. flag freight services and ship requirements are found and determined to be essential for operation on the route:

1. United States flag sailing requirements for Service 1 of Trade Route No. 14 (between U.S. Atlantic ports and the foreign areas above described) are approximately three freighter sailings per month. C-2 and C-3 type freight ships are suitable for interim operation. New replacement ships should be faster and larger than the C-2 type presently employed thereon.

2. United States flag sailing requirements for Service 2 of Trade Route No. 14 (between U.S. Gulf ports and the foreign areas above described) are approximately two freighter sailings per month. C-1 and C-2 type freight ships are suitable for interim operation and newly constructed C-3 type freight ships are suitable for long-range operation.

Dated: October 20, 1961.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Acting Secretary.

[F.R. Doc. 61-10160; Filed, Oct. 24, 1961; 8:53 a.m.]

Office of the Secretary

WILLIAM M. FIRSHING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: 1. Western Development Co. of Delaware; 2. Textron; 3. Hard Rock Gold Mines, Ltd.

B. Additions: 1. Mid-West Abrasives; 2. H & B American Corp.; 3. Dresser Industries; 4. Gellman Manufacturing.

This statement is made as of October 6, 1961.

WILLIAM M. FIRSHING.

OCTOBER 13, 1961.

[F.R. Doc. 61-10151; Filed, Oct. 24, 1961; 8:51 a.m.]

[Docket No. FC-60; B.I.P. Case No. 294]

HENRY WEINGARTNER & CO., INC.

Appeals Board Decision

In the matter of Henry Weingartner & Co., Inc., Henry Weingartner, President, 217 Broadway, New York 7, New York; Appeals Board Docket No. FC-60, B.I.P. Case No. 294.

The Appeals Board for the Department of Commerce hereby grants for good cause shown a temporary stay to the order denying export privileges dated October 10, 1961 (BIP Case #294) in the matter of Henry Weingartner & Co., Inc., and Henry Weingartner. Such stay is to run 30 days from this date or until the date of the final decision of this Board in the matter, whichever date is later. This stay is without prejudice to the Board's final decision in the appeal from the order filed with the Board and acknowledged this date.

The stay is limited to permit only shipments under present commitments, a list of which will be furnished by the appellant to the Bureau of International Programs by October 23, 1961.

Further, this stay is without prejudice to any denial by the Bureau of International Programs of any shipment on a ground other than suspension under the appealed order.

Administratively, the following time table is announced by the Board in this matter: November 3, 1961, filing of the appeal brief by appellant; November 8, 1961, Hearing in the case; November 17, 1961, Board's decision, or as soon after November 17 as possible. In the event of any requests for extensions of time in this matter on the part of the appellant,

the Board reserves the right to vacate this temporary stay to the order.

JOHN F. LUKENS,
Chairman, Appeals Board.

OCTOBER 18, 1961.

[F.R. Doc. 61-10148; Filed, Oct. 24, 1961;
8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

BHUTAN, REPUBLIC OF MALI, MAURITANIA, NEPAL, NIGERIA, SENEGAL, SOMALI REPUBLIC, AND TOGO

Finding Regarding Foreign Social Insurance and Pension Systems

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence submitted by the governments of Bhutan, Republic of Mali, Mauritania, Nepal, Nigeria, Senegal, Somali Republic, and Togo, and other evidence, from which evidence it appears that none of these countries has a social insurance or pension system of general application which pays periodic benefits on account of old age, retirement, or death.

Accordingly, it is hereby determined and found that Bhutan, Republic of Mali, Mauritania, Nepal, Nigeria, Senegal, Somali Republic and Togo do not have in effect social insurance or pension systems which meet the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

Approved: October 18, 1961.

ABRAHAM RIBICOFF,
Secretary of Health, Education,
and Welfare.

OCTOBER 19, 1961.

[F.R. Doc. 61-10142; Filed, Oct. 24, 1961;
8:50 a.m.]

NORWAY

Finding Regarding Foreign Social Insurance and Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) author-

izes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence relating to the social insurance or pension systems of Norway, from which evidence it appears that Norway has a social insurance or pension system of general application which pays periodic benefits or the actuarial equivalent thereof, on account of old age, retirement, or death, but citizens of the United States, not citizens of Norway, are not permitted to receive such benefits or their actuarial equivalent without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that Norway does not have in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

Approved: October 18, 1961.

ABRAHAM RIBICOFF,
Secretary of Health, Education,
and Welfare.

[F.R. Doc. 61-10143; Filed, Oct. 24, 1961;
8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 12893]

AIR HAITI INTERNATIONAL, S.A.; FOREIGN AIR CARRIER PERMIT

Notice of Hearing

In the matter of the application of Air Haiti International, S.A., for a foreign air carrier permit so as to authorize it to engage in foreign air transportation on regular routes and off-route charter service.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 14, 1961, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William F. Cusick.

Dated at Washington, D.C., October 19, 1961.

[SEAL] WILLIAM F. CUSICK,
Hearing Examiner.

[F.R. Doc. 61-10161; Filed, Oct. 24, 1961;
8:53 a.m.]

[Docket No. 13125 etc.; Order E-17615]

AMERICAN AIRLINES, INC., AND UNITED AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of October 1961.

In the matter of revised freight rate structures proposed by American Airlines, Inc., and United Air Lines, Inc., Dockets 13125, 13080, 13081, 13086, 13088, 13094, 13095, 13096, 13097, and 13112.

By tariffs marked to become effective October 23, November 1 and 4, 1961, American Airlines, Inc. (American) and United Air Lines, Inc. (United) propose revised freight rate structures. American's basic proposals consist of three parts. First, general commodity rates are proposed at six weight-break points from 100 to 10,000 pounds and are to apply to all commodities other than perishables and those now carrying premium rates. The proposed rates are lower eastbound, and are based on a declining yield per mile as distance increases. Volume spreads between the rate for 100 pound shipments and the rate for larger shipments are increased significantly over those now available. For shipments of 100 pounds and over, the proposed rates typically represent reductions below current westbound rates for the medium and longer hauls, but increases for the shorter hauls. The eastbound rates represent increases for the bulk of the traffic movement, but are below some current rates in the medium and longer haul markets. Second, "off-peak" rates are proposed in major markets for shipments tendered to the carrier at the airport between the hours of 9:00 a.m. and 3:00 p.m. of the same day and to be handled on a space-available basis. The off-peak rates are approximately at the level of the current rates for deferred service which is being canceled, are at the same level in both directions, and are typically more than 40 percent below the proposed westbound general commodity rates for 100 pound shipments and 25 percent below such eastbound rates. The volume spreads are fewer and smaller than for the proposed general commodity rates. Third, rates for perishable commodities, flowers and other perishables, are maintained at the current respective levels for 100 pound shipments; however, the rates for larger shipments are reduced, resulting in volume spreads equal to those proposed in the general commodity rate structure.

United's basic proposal consists of establishing two new commodity groups. Group 565 covers generally westbound movements and is in substitution for all specific commodity rates now offered by the carrier in this direction. Group 555 applies generally in the eastbound direction and is in substitution for all commodity rates applying in this direction other than for perishables and for Group 37 which is retained at present rates but expanded to include additional commodities and redesignated Group 35 in most markets.

Rates for Groups 555 and 565 are at the same level in both directions, and are (at the 100- and 5,000-pound weight breaks) equal to the class 5 rates recently adopted by Flying Tiger. Class 5 is Tiger's lowest rated class, covering commodities with the highest density, and yields 13.7 cents per ton-mile for 100-pound shipments. United also proposes to publish rates for these two commodity groups at intermediate weight break points of 1,000, 2,000, and 3,000 pounds. These rates are below Tiger's rates in the 100-4,999-pound range by reason of the fact that Tiger has no weight breaks between 100 and 5,000 pounds.¹

United has also submitted rates meeting American's tariff for off-peak service. United's off-peak rules are identical to American's, except that the traffic is tendered to the carrier at the "point of origin" whereas American refers to "air-port of origin." American has filed rates meeting United's basic proposals. The tariffs of both carriers contain rules which would prevent conflict between their off-peak rates and the rates applicable for standard service.

The Flying Tiger Line Inc., Airborne Freight Corporation, and Western Transportation Company, Inc., d/b/a W.T.C. Air Freight, have filed complaints against proposals of both American and United and request investigation and suspension. Ten members of the Air Freight Forwarders Association² through counsel have supported Airborne's complaints. American has filed a complaint requesting investigation and suspension of United's proposals. Additionally, Slick Airways, Inc. has submitted a statement, although not a formal complaint, criticizing American's proposals and requesting participation in an investigation if the Board should so order. In summary, the complaints against American's proposal alleged that its general commodity rates at the higher weight breaks and for less dense commodities are unreasonably low and that the volume spreads for such rates are excessive; that the proposed off-peak rates, met by United, are unreasonably low and unduly discriminatory and would result in significant diversion from standard service. In addition, the forwarders contend that off-peak service is not suitable to their operation, that the rates provide inadequate volume spreads, and that the proposed off-peak service contravenes the delivery requirements in the minimum rate order which are alleged to be still in effect.

The complaints against United's proposals assert that the rates for commodity Groups 555 and 565 are below the carrier's operating cost, and therefore

economically unsound, that they would not generate a significant volume of new traffic, and would weaken the financial stability of the entire industry. Finally, it is alleged that the volume discounts are inadequate.

Upon consideration of the matters of record, the Board finds that the off-peak tariffs and rates for Groups 555 and 565 proposed by American and United to apply to westbound carriage of the commodities listed in the appendix hereto may be unjust or unreasonable or unjustly discriminatory or unduly preferential or unduly prejudicial, and should be investigated. The margin between the rates proposed for off-peak service and those applicable to standard service appears much greater than warranted by the difference in quality of service. In our opinion, this disparity would present a serious danger of uneconomic diversion of traffic and of unwarranted dissipation in carrier revenues. The off-peak service is analogous to the deferred service in that it is on a space-available basis and the rates are also practically on the same level. However, the off-peak service would not be subject to delivery restrictions as has been the case with deferred freight service, but would be offered on a materially more expedited basis and accordingly lacks the distinguishing characteristics to warrant the discount proposed.

It is our belief that the utilization of off-peak capacity is to be encouraged because such utilization offers the possibility of significant economies. This has been recognized by the carriers for a number of years in the passenger field. It may be, as American alleges, that the artificial postponement of delivery is not desirable because of the cost of warehousing and other operations which such postponement involves. However, we are of the opinion that a reduction of more than 40 percent, as here proposed, is excessive for a service that may be at most 24 hours slower than standard service.

The rates proposed under Groups 555 and 565 will apparently cover the predominant portion of United's westbound traffic, and are substantially below current rates or rates here proposed in this direction for such broad application. We recognize that the same rate level is now in effect westbound for certain of the commodities included within these two Groups. However, United would extend their application to encompass many additional commodities (set forth in the attachment hereto) for which the rates appear uneconomically low. We can find no basis upon which to justify a reduction in westbound cargo rates in the magnitude and scope here proposed. In view of the significant dilution of carrier revenues which might ensue from both the off-peak rates and the westbound application of Group 555 and 565 rates to those commodities set forth in the attachment hereto, the Board has further concluded to suspend those portions of the tariffs and defer their use pending investigation.³

³ For technical reasons, we have chosen to direct our suspension relative to rates proposed for Groups 555 and 565 at the commodity listings rather than at the particular

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

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions described in Appendix A⁴ are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions.

2. Pending hearing and decision by the Board the rates and provisions described in Appendix A⁴ are suspended and their use deferred to and including January 20, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission by the Board.

3. That the complaints in Dockets 13080, 13081, 13086, 13088, 13094, 13095, 13096, 13097, and 13112, to the extent granted, are consolidated herein.

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

5. That copies of this order shall be filed with the tariffs and shall be served upon The Flying Tiger Line, Inc., Airborne Freight Corporation, Western Transportation Company, Inc. d/b/a W.T.C. Air Freight, American Airlines, Inc., United Air Lines, Inc., ABC Air Freight Company, Inc., Acme Air Cargo, Inc., Add Airfreight Corp., Allied Air Freight, Inc., American Express Company, Peter A. Bernacki, Inc., Flying Cargo, Inc., General Air Freight, Inc., New England Air Lift, Inc., H. G. Ollendorff, Inc., and Air Dispatch, Inc., which are made parties herein.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-10162; Filed, Oct. 24, 1961;
8:53 a.m.]

[Docket No. 13065 etc.; Order E-17616]

DELTA AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of October 1961.

In the matter of first-class excursion fares proposed by Delta Air Lines, Inc., Docket Nos. 13065, 13087, 13120.

By tariff filing marked to become effective October 22, 1961, Delta Air Lines, Inc. (Delta) proposes round-trip excursion fares in first-class service between Los Angeles, San Diego, and San Francisco, on the one hand, and major traffic points in the southern and eastern areas

rates themselves. As a result, our action unavoidably encompasses certain eastbound rates as well. As indicated above, however, our concern is with westbound rates only and the Board will permit the refiling on short notice of any such eastbound rates as may be affected.

⁴ Filed as part of the original document.

¹ The proposed spreads between 100 and 5,000 pounds, which United is meeting, are \$2.00 for transcontinental movements, \$1.50 for midwest-west coast hauls, and \$1.00 for midwest-east coast hauls.

² ABC Air Freight Company, Inc., Acme Air Cargo, Inc., Add Airfreight Corp., Allied Air Freight, Inc., American Express Company, Peter A. Bernacki, Inc., Flying Cargo, Inc., General Air Freight, Inc., New England Air Lift, Inc., and H. G. Ollendorff, Inc. In addition, Air Dispatch, Inc. has filed a complaint against certain of American's tariffs.

of the United States, on the other hand.¹ The fares are equal to the round-trip jet coach fares, including jet surcharges, rounded up to even dollar amounts, are to apply on both jet and nonjet aircraft without restriction as to day or hour of departure, and are subject to the requirement that the return portion of travel be undertaken not earlier than 13 days nor later than 30 days from the date of outbound departure. The tariff is marked to expire with April 30, 1962.

American Airlines, Inc. (American) and National Airlines, Inc. (National) have filed complaints requesting investigation and suspension of the tariff, and Delta has filed answers thereto. Essentially, the complaints contend that the proposed excursion fares (1) would effectively eliminate the distinction between first-class and coach service, (2) would not generate new traffic since they are no lower than fares presently applicable in regular coach service in the markets involved, and (3) would only result in diversion from the coach services of both Delta and its competitors and from first-class services in the case of those passengers desiring premium service at reduced fares. Both American and National point to the fact that Delta's services between the points involved are operated predominantly with CV-880 aircraft in all first-class configuration, and alleges that the tariff represents an attempt to compensate for this fact without change in the relative quantity of first-class and coach service offered by the carrier.

In answer to the allegation that the proposed excursion fares are designed to compensate for a disproportionate amount of first-class capacity resulting from the operation of CV-880 aircraft, Delta notes that the fares will apply alike in all types of aircraft and alleges that it is presently in the process of converting its CV-880 aircraft to dual configuration. The carrier states the expectation that this conversion will be completed some time in December of this year and that, accordingly, the circumstances which are alleged to have prompted the tariff filing will exist only for a limited period of some two months. Delta contends that the purpose of the excursion fares is to stimulate first-class travel, and points to the fact that its load factors in first-class service over the routes in question have been materially lower than those realized in corresponding coach service.

Upon consideration of the matters of record, the Board finds that the first-class excursion fares proposed by Delta may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and that the tariff should be investigated. The Board has encouraged the carriers to come forward with experimental fare programs for the purpose of stimulating use of air transportation by the traveling public. However, the offering of excursion fares in first-class service at the same level applicable in regular coach service in these markets would appear to

minimize the likelihood that the promotional aspects of such fares would outweigh the potential diversionary aspects of the proposal. Since we believe there is a substantial question as to the economic validity of the proposed excursion fares when viewed from the standpoint of the industry as a whole, we have further concluded to suspend the operation of the tariff and defer its use pending investigation.

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

It is ordered:

1. That an investigation be instituted to determine whether the fares and provisions in Delta Air Lines, Inc., C.A.B. No. 62 are, or will be, unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions.

2. That pending investigation, hearing and decision by the Board, Delta Air Lines, Inc., C.A.B. No. 62, is hereby suspended and its use deferred to and including January 19, 1962, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. That the complaints of American Airlines, Inc. and National Airlines, Inc. in Dockets 13087 and 13065, respectively, are consolidated herein.

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

5. That copies of this order shall be filed with the tariff and shall be served upon Delta Air Lines, Inc., American Airlines, Inc., and National Airlines, Inc. which are made parties to this proceeding.

This order will be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board,¹

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-10163; Filed, Oct. 24, 1961;
8:54 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-11166 etc.]

CHAMPLIN OIL & REFINING CO. ET AL.

Notice of Applications and Date of Hearing

OCTOBER 18, 1961.

Champlin Oil & Refining Co., Operator, et al., Docket No. G-11166, La Gloria Oil and Gas Company, Docket No. CI61-349, Sibert and Smith #4, Docket No. CI61-740, Eastern Interior Oil Company, et al., Docket No. CI61-869, Murphy Corporation, Docket No. CI61-1375, Continental Oil Company, Docket No. CI61-1484, Texaco, Inc., Docket No. CI61-1566, Tidewater Oil Company, Docket No. CI61-1616, Hunt Oil Company, Docket

No. CI61-1692, Lincoln Oil Company, Docket No. CI61-1750.

Take notice that each of the above Applicants seeks permission and approval pursuant to section 7(b) of the Natural Gas Act to abandon natural gas service subject to the jurisdiction of the Commission, as hereinafter described and as more fully described in the respective applications herein which are on file with the Commission and open to public inspection.

The pertinent facts in each application are as follows:

Docket Nos.; Field and Location; Purchaser; and Docket No. in Which Sale Was Authorized

G-11166; Diaz Lease, Sullivan City Field, Starr County, Tex.; Tennessee Gas Transmission Co.; Application for 7(c) authorization presently pending in Docket No. G-11166.

CI-349; East Mathis Field, San Patricio County, Tex.; Coastal States Gas Producing Co., G-3973.

CI61-740; West Union District, Doddridge County, W. Va.; Hope Natural Gas Co.; CI60-639.

CI61-869; C. B. Smith Lease, Tygart District, Wood County, Va.; Hope Natural Gas Co.; G-18811.

CI61-1375; W. H. Cook Unit No. 1, Lincoln Parish, La.; Arkansas Louisiana Gas Co.; G-10971.

CI61-1484; Mayes-White No. 1 Well, East Mayes Field, Chambers County, Tex.; Texas Gas Corp.; G-8606.

CI61-1566; Happytown Field, St. Martin Parish, La.; E. A. Courtney; G-5665.

CI61-1616; Willie Clement "MG" Sand Unit 1, Southeast Rayne Field, Lafayette Parish, La.; Transcontinental Gas Pipe Line Corp.; G-18188.

CI61-1692; Bethany Field, Panola County, Tex.; Tennessee Gas Transmission Co.; G-8720.

CI61-1750; Grant District, Ritchie County, W. Va.; Hope Natural Gas Co.; G-5430.

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 November 21, 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 November 9, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and con-

¹ Specifically, these points are Dallas/Fort Worth, New Orleans, Atlanta, Birmingham, Charlotte, Washington, Baltimore, Philadelphia, and New York/Newark.

¹ Vice Chairman Murphy concurring and dissenting in opinion.

currence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10116; Filed, Oct. 24, 1961;
8:46 a.m.]

[Docket No. CP62-36]

CITIES SERVICE GAS CO.

Notice of Application and Date of Hearing

OCTOBER 18, 1961.

Take notice that on August 14, 1961, as supplemented on September 28, 1961, Cities Service Gas Company (Applicant), P.O. Box 1995, Oklahoma City, Oklahoma, filed in Docket No. CP62-36 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a meter setting with appurtenant regulator equipment on Applicant's existing 16-inch pipeline in Rice County, Kansas, and the sale through said facilities of natural gas to The Gas Service Company (Gas Service) for resale in and about the City of Alden, Kansas, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Gas Service estimates the gas requirements of the City of Alden to be as follows:

Year	Mcf at 14.73 psia	
	Peak day	Annual
1	148	16,178
2	157	17,253
3	197	20,572

Applicant estimates the cost of the proposed facilities to be \$3,400 which will be financed out of treasury cash.

The proposed service is to be provided under Applicant's currently effective FPC Gas Tariff.

This matter is one that should be 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 November 21, 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 application: *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 Applicant 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 November 9, 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 therefore is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10117; Filed, Oct. 24, 1961;
8:46 a.m.]

[Docket Nos. RI62-19 etc.]

W. L. HARTMAN ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

OCTOBER 18, 1961.

In the order providing for hearings on and suspension of proposed changes in rates, issued August 23, 1961 and published in the FEDERAL REGISTER August 30, 1961 (F.R. Doc. 61-8273; 26 F.R. 8121): Change the last sentence of page 8121 to read "All of the sales are made at a pressure base of 14.65 psia."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10118; Filed, Oct. 24, 1961;
8:46 a.m.]

[Docket No. DA-144-Utah]

UTAH

Lands Withdrawn in Power Site Reserve No. 122

SEPTEMBER 15, 1961.

An application was filed by Bert Palmer, of Blanding, Utah, seeking the restoration to entry of lands withdrawn for power site purposes, requiring a determination under section 24 of the Federal Power Act. Mr. Palmer did not specifically describe the lands in which he is interested, stating only that he wished to acquire a five acre tract in sec. 33, T. 41 S., R. 18 E., on the San Juan River. Land records indicate the following tracts have been withdrawn:

SALT LAKE MERIDIAN, UTAH

T. 41. S., R. 18 E.,
Sec. 33, lots 1, 2, 3, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$.

The Bureau of Land Management, Department of the Interior, has requested the Commission to give consideration to an application (Utah 049481) by the Utah State Park and Recreation Commission for the acquisition of the following-described lands for the purposes of public recreation and park development:

SALT LAKE MERIDIAN, UTAH

T. 41. S., R. 18 E.,
Sec. 33, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Commission action is being extended to cover the following lands having similarity of status and power value:

SALT LAKE MERIDIAN, UTAH

T. 41. S., R. 18 E.,
Sec. 34, lots 1, 2, 3, 4, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.

The above-described lands lie on the right bank of the San Juan River about 19 miles below the town of Mexican Hat, Utah, in the so-called Goosenecks area and are withdrawn in Power Site Reserve No. 122, dated July 2, 1910, based on Temporary Power Site Withdrawal of March 18, 1910, as construed by Interpretation No. 22, dated June 7, 1922. The lands in sec. 33, are further included in the Colorado River Storage Project First Form Reclamation Withdrawal of June 11, 1954.

Some of the lands lie in the immediate vicinity of the dam site for the suggested Goosenecks development in sec. 4, T. 42 S., R. 18 E., while others would be within the flowage area of that project. However, construction of the project will probably be deferred for a considerable time.

The Commission finds: Inasmuch as the lands are valuable for power purposes, the power withdrawal with respect thereto should not be revoked.

The Commission determines: The value of the above-described lands will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, as amended.

The above-described lands remain in a withdrawn status until the Bureau of Land Management, Department of the Interior, issues a formal order of restoration, and no preference right to the lands is acquired by the filing of the above-mentioned applications or by this action taken by the Commission with respect to the lands.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10120; Filed, Oct. 24, 1961;
8:47 a.m.]

[Docket Nos. RI62-95—RI62-99]

SHELL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates¹

OCTOBER 18, 1961.

Shell Oil Company, Docket No. RI62-95; Shell Oil Company (Operator), Docket No. RI62-96; Pan American Petroleum Corporation (Operator), Docket No. RI62-97; Pan American Petroleum Corporation, Docket No. RI62-98; Pan American Petroleum Corporation (Operator), et al. Docket No. RI62-99.

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. 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 tendered	Effective date ¹ unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI62-95	Shell Oil Co., 50 West 50th St., New York 20, N.Y.	1	12	Texas Eastern Transmission Corp. (Carthage Field, Panola County, Tex.) ⁴	\$481	9-19-61	11-1-61	4-1-62	15.0	* 15.2	RI61-116
RI62-95	Shell Oil Co.	26	10	United Fuel Gas Co. (Orange Grove Field, Terrebonne Parish, La.) ⁷	1,305	9-19-61	11-1-61	4-1-62	19.9	* 20.3	RI61-116
RI62-95	do	27	9	United Fuel Gas Co. (Deep Lake Field, Cameron and Vermilion Parish, La.) ⁷	10,330	9-19-61	11-1-61	4-1-62	19.9	* 20.3	RI61-116
RI62-95	do	177	4	United Fuel Gas Co. (East Cameron Block 17 Field, Cameron Parish, La.) ⁷	21,228	9-19-61	11-1-61	4-1-62	19.9	* 20.3	RI61-116
RI62-95	do	227	2	do ⁷	10,192	9-19-61	11-1-61	4-1-62	19.9	* 20.3	RI61-116
RI62-96	Shell Oil Co. (Operator)	10	23	Texas Eastern Transmission Corp. (Provident City Plant, Colorado County, Tex.) ⁴	43,596	9-19-61	11-1-61	4-1-62	15.0	* 15.2	RI61-118
RI62-96	do	13	9	Iroquois Gas Corp. (Sheridan Field, Colorado County, Tex.) ⁴	141,780	9-19-61	11-1-61	4-1-62	17.668	* 18.6776	G-13389
RI62-97	Pan American Petroleum Corp. (Operator), P.O. Box 59, Tulsa, Okla.	8	21	Texas Eastern Transmission Corp. (Hastings, et al. Field, Chambers and Brazoria Counties, Tex.) ⁴	11,760	9-18-61	11-1-61	4-1-62	15.0	* 15.2	RI61-135
RI62-98	Pan American Petroleum Corp.	78	13	United Fuel Gas Co. (Valentine Field, LaFourche Parish, La.) ⁷	589	9-18-61	11-1-61	4-1-62	19.9	20.3	RI61-136
RI62-98	do	198	3	do ⁷	4,836	9-18-61	11-1-61	4-1-62	19.9	* 20.3	RI61-183
RI62-98	do	240	3	United Fuel Gas Co. (Florence Field, Vermilion Parish, La.) ⁷	2,726	9-18-61	11-1-61	4-1-62	19.9	* 20.3	RI61-183
RI62-98	do	241	2	Texas Eastern Transmission Corp. (West Puerto Bay Field, Patricio and Aransas Counties, Tex.) ⁴	756	9-18-61	11-1-61	4-1-62	15.0	* 15.2	RI61-183
RI62-99	Pan American Petroleum Corp. (Operator), et al.	174	15	United Fuel Gas Co. (Church Point Northwest Branch Field, Arcadia Parish, La.) ⁷	12,378	9-18-61	11-1-61	4-1-62	19.9	* 20.3	RI61-137
RI62-99	do	190	11	United Fuel Gas Co. (Thornwell Field, Cameron and Jefferson Davis Parish, La.) ⁷	76,212	9-18-61	11-1-61	4-1-62	19.9	* 20.3	RI61-137

¹ The proposed effective dates are the first days after the required thirty days' notice or, if later, the date requested by respondent.

² The pressure base is 14.65 psia.

³ The pressure base is 15.025 psia.

⁴ Texas R.R. District No. 3.

⁵ Texas R.R. District No. 4.

⁶ Texas R.R. District No. 6.

⁷ Southern Louisiana.

The proposed changes in rates are all periodic rate increases. The proposed increased rates exceed the applicable area price level set forth in the Commission's Statement of General Policy No. 61-1 and the amendments thereto. 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 supplements be suspended and the use thereof deferred as herein-after 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 dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate 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.

(C) Neither the 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) on or before November 30, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10119; Filed, Oct. 24, 1961; 8:46 a.m.]

FEDERAL RESERVE SYSTEM NORTHWEST BANCORPORATION

Order Denying Application

In the matter of the application of Northwest Bancorporation for prior approval of acquisition of Roseville Northwestern National Bank, Roseville, Minnesota.

Whereas, there has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 USC 1842) and § 222.4 (a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application by Northwest Bancorporation, Minneapolis, Minnesota, for the Board's prior approval of the acquisition by the corporation of 950 of 1,000 voting shares of Roseville Northwestern National Bank, a proposed new bank; and a Notice of Application and Order for Hearing, together with related Orders, have been

published on August 31, 1960 (25 F.R. 8339);

Whereas, a public hearing has been held pursuant to § 222.7(a) of Regulation Y (12 CFR 222.7(a)), and the Hearing Officer has filed a Report, Rulings on Requests to Find and Findings of Fact, Conclusions, and Recommendation that the application be approved, all such steps having been taken in accordance with the Board's rules of practice for formal hearings (12 CFR Part 263); and

Whereas, the Board on August 8, 1961, issued an Order denying said application (26 F.R. 7554; 1961 Federal Reserve Bulletin 919), and on August 23, 1961, issued an Order (26 F.R. 8090) granting a petition by Northwest Bancorporation for reconsideration of the Order of August 8 and granting petitioner's request for oral argument, which was held at the Offices of the Board, Washington, D.C., on September 1, 1961:

It is ordered, Upon reconsideration and for the reasons set forth in the Board's Statement¹ of this date, that the application of Northwest Bancorporation to acquire voting shares of the proposed Roseville Northwestern National Bank be and hereby is denied: And it is further ordered, That the Board's Order of August 8, set aside by the Order of August 23 until final determination of the matter on reconsideration, be and hereby is revoked.

¹ Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Minneapolis. Dissenting statement of Governors Shepardson and King also filed as part of the original document and available upon request.

Dated at Washington, D.C., this 19th day of October 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-10139; Filed, Oct. 24, 1961;
8:49 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL ADMINISTRATOR,
REGION V (FORT WORTH)

Designation

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

- (1) Assistant to the Regional Administrator.
- (2) Regional Director of Community Facilities Activities.
- (3) Regional Director of Urban Renewal.
- (4) Regional Counsel.

This designation supersedes the designation effective August 30, 1960 (25 F.R. 8796, September 13, 1960), which is hereby revoked.

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

Effective as of October 19, 1961.

[SEAL] R. A. BETHUNE,
Regional Administrator,
Region V.

[F.R. Doc. 61-10149; Filed, Oct. 24, 1961;
8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-213]

LA SALLE EXTENSION UNIVERSITY

Notice of Application To Strike From
Listing and Registration and of
Opportunity for Hearing

OCTOBER 19, 1961.

In the matter of La Salle Extension University, capital stock, File No. 1-213. American Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section

12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: Crowell-Collier Publishing Company has acquired all but about 30,000 of the outstanding shares and has offered to purchase the remainder. The issuer concurs in the application.

Upon receipt of a request, on or before November 3, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-10134; Filed, Oct. 24, 1961;
8:49 a.m.]

[File No. 1-2959]

OVERLAND CORP.

Notice of Application To Strike From
Listing and Registration and of
Opportunity for Hearing

OCTOBER 19, 1961.

In the matter of the Overland Corporation, common stock, File No. 1-2959.

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

The reasons alleged in the application for striking this security from listing and registration include the following: Less than 54,000 shares remain publicly held and the stock is no longer actively traded on the Exchange.

Upon receipt of a request, on or before November 3, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition,

any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-10135; Filed, Oct. 24, 1961;
8:49 a.m.]

[File No. 1-62]

UNITED STATES RUBBER CO.

Notice of Application To Withdraw
From Listing and Registration and
of Opportunity for Hearing

OCTOBER 19, 1961.

In the matter of United States Rubber Company, common stock, first preferred stock, File No. 1-62.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to withdraw the specified security from listing and registration on the Boston Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following: The stocks are comparatively inactive on the Exchange and the company wishes to save the expenses of continued listing thereon. Annual costs for listing applications to the Exchange over the past ten years alone have averaged in excess of \$400 per year.

Upon receipt of a request, on or before November 3, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-10136; Filed, Oct. 24, 1961;
8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

N.Y.R.A.D. TEAM, INC.

Approval To Operate as a Small Business Research and Development Pool and Request to Certain Companies To Participate in the Operations of Such Pool

OCTOBER 16, 1961.

Pursuant to section 9(d) of the Small Business Act (P.L. 85-536), and section 1 of Executive Order 10493, dated October 14, 1953, the Administrator of the Small Business Administration, after consultation with the Chairman of the Federal Trade Commission and the Attorney General of the United States, has found that the voluntary agreement and proposed joint program of The N.Y.R.A.D. Team, Inc., to operate as a small business research and development pool is in the public interest as contributing to the needs of small business, will maintain and strengthen the free enterprise system and economy of the United States and will further the objectives of the Small Business Act.

Having received the approval of the Attorney General of the United States as required by section 9(d) of the Small Business Act, the Administrator of the Small Business Administration has approved the voluntary agreement and proposed joint program of the N.Y.R.A.D. Team, Inc., as a research and development pool.

In accordance with the requirements of section 9(d) of the Small Business Act, there is set forth herewith a copy of the aforesaid findings and approval.

REQUEST TO THE N.Y.R.A.D. TEAM, INC.
N.Y., N.Y.

Following consultation with the Attorney General of the United States and the Chairman of the Federal Trade Commission, I find that the voluntary agreement and proposed joint program of N.Y.R.A.D. Team, Inc., to operate as a small business research and development pool is in the public interest as contributing to the needs of small business, will maintain and strengthen the free enterprise system and economy of the United States, and further the objectives of the Small Business Act.

Having also received the approval of the Attorney General of the United States as required by section 9(d) of the Small Business Act, I, in accordance with this section, approve the voluntary agreement and the joint program of research and development.

The immunity from the prohibitions of the antitrust laws and the Federal Trade Commission Act of the United States, as granted by section 9(d) of the Small Business Act, will cease upon withdrawal by the Attorney General of the United States or myself of the above findings or approvals.

The approvals by the Attorney General of the United States and myself are limited to activities engaged in between the pool and its members and do not extend to subcontracting with nonmembers. This should not be interpreted, however, as meaning that such subcontracting would necessarily be in violation of the antitrust laws.

Please inform me as to whether the pool will act in accordance with the proposed agreement.

With kind regards, I am
Sincerely,

John E. Horne,
Administrator.

REQUEST TO MEMBERS OF THE
N.Y.R.A.D. TEAM, INC.

Following consultation with the Attorney General of the United States and the Chairman of the Federal Trade Commission, I find that the voluntary agreement and proposed joint program of N.Y.R.A.D. Team, Inc., to operate as a small business research and development pool is in the public interest as contributing to the needs of small business, will maintain and strengthen the free enterprise system and economy of the United States, and further the objectives of the Small Business Act.

Having also received the approval of the Attorney General of the United States as required by section 9(d) of the Small Business Act, I, in accordance with this section, approve the voluntary agreement and the joint program of research and development.

The immunity from the prohibitions of the antitrust laws and the Federal Trade Commission Act of the United States, as granted by section 9(d) of the Small Business Act, will cease upon withdrawal by the Attorney General of the United States or myself of the above findings or approvals.

The approvals by the Attorney General of the United States and myself are limited to activities engaged in between the pool and its members and do not extend to subcontracting with nonmembers. This should not be interpreted, however, as meaning that such subcontracting would necessarily be in violation of the antitrust laws.

Please inform me as to whether you will become a member of and participate in the joint program of the pool.

With kind regards, I am
Sincerely,

JOHN E. HORNE,
Administrator.

The immunity from the prohibitions of the antitrust laws or the Federal Trade Commission Act, as granted by Section 9(d) of the Small Business Act, will cease upon withdrawal by the Attorney General of the United States or the Administrator of the Small Business Administration of the above findings, approval or request.

The above letter was sent to the following companies:

1. Aerolite Electronics Corp., 2207 Summit Ave., Union City, N.J.
2. Computech, Inc., 477 Madison Ave., N.Y. 22, N.Y.
3. Manhattan Physical Research Group, Inc., 150 Broadway, N.Y. 38, N.Y.
4. New York Testing Laboratories, Inc., 47 West St., N.Y. 6, N.Y.
5. Radiation Research Corp., 1150 Shames Drive, Westbury, N.Y.

The pool and four of the above five members will participate in the program. Computech, Inc. decided to withdraw from the pool.

Dated: October 17, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61-10138; Filed, Oct. 24, 1961;
8:49 a.m.]

TARIFF COMMISSION

[TC Publication 37; AA1921-22]

PORTLAND GRAY CEMENT FROM PORTUGAL

Determination of Injury

OCTOBER 20, 1961.

On July 20, 1961, the United States Tariff Commission was advised by the Assistant Secretary of the Treasury that portland gray cement from Portugal is being, or is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted an investigation to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing in connection with the investigation was held on September 14, 1961. Notices of the investigation and hearing were published in the FEDERAL REGISTER (26 F.R. 6792 and 26 F.R. 7026).

In arriving at a determination in this case, due consideration was given by the Tariff Commission to all written submissions from interested parties, all testimony adduced at the hearing, and all factual information obtained by the Commission's staff.

On the basis of the investigation, the Commission has determined (Commissioners Talbot and Overton dissenting)¹ that an industry in the United States is being injured by reason of the importation of portland gray cement from Portugal at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Majority statement of reasons. In this investigation, involving the sale of portland gray cement from Portugal in the United States at less than fair value, we are confronted with one of a series of investigations respecting imports of such cement under similar circumstances from a succession of foreign supplying countries. Three U.S. importers are currently involved. One of them handled transactions in 1958 for an importer of cement from Sweden that had been sold at less than fair value. In that investigation the Commission made a determination of injury and reported as follows: "As a result of the sale of portland cement * * * by Swedish exporters at less than fair value, substantial quantities of such cement have been sold and continue to be sold in the 'competitive market area' at prices which forced the domestic producers to lower their prices of like domestic cement below

¹ Because of a vacancy on the Commission, only five Commissioners participated in this determination. The views of dissenting Commissioners Talbot and Overton follow the statement of reasons of the majority.

those that prevailed prior to the sales of Swedish cement at less than fair value."

All three of these importers of Portuguese cement were responsible in 1959 for entries of portland cement from Belgium that had also been sold in the United States at less than fair value, and one of them sold such cement under circumstances that caused the Commission again—in language similar to that cited above—to make a determination of injury. In both cases the Commission concluded as follows: "The industry concerned has lost a substantial volume of sales of such cement in such areas, which loss is directly attributable to the price of the imported cement made possible by reason of its sale at less than fair value by the exporters." However, with the termination of the two earlier investigations, plus the current one involving imports from Portugal, the end is not yet in sight. In recent months two of the same three importers have imported cement from one or more of the countries Poland, Israel, and Yugoslavia. The Treasury Department has already issued notices that it has "reason to believe or suspect" that sales of portland cement from these three countries have been made in the United States at less than fair value.

Spokesmen for the importers contended that although the imported cement from Portugal was sold at prices below fair value such sales had had no depressive impact on the prices then prevailing in the respective domestic marketing areas and therefore had occasioned no injury to domestic producers. Sellers of Portuguese cement, it was argued, merely "met" the prices already prevailing in the respective areas; they said, "There is no evidence in this case (unlike the Swedish case) that Portuguese cement was specifically responsible for any price break." This reasoning appears to us to be more ingenious than tenable. To embrace this conclusion, one must overlook the fact that the prices thus "met" in the region affected had already been depressed by earlier imports of dumped merchandise from countries other than Portugal. One must also disregard the hammering effect, and threat of additional sales thereafter below fair value of imports from new sources of supply—including those from Portugal—brought into play after avenues of dumping already utilized had been closed by enforcement of the antidumping statute. Depressed prices kept depressed by recourse to new forms of the old depressant constitutes, for the domestic producers, merely a prolongation of the very injury from which it was hoped they had already gained relief.

At the public hearing, representatives of the Portuguese exporter informed the Commission that future shipments to the United States would be made, if at all, at fair value, as determined by the Treasury Department. If, therefore, we were concerned only with one isolated case in which one or a few unsophisticated importers inadvertently brought in merchandise under conditions of sale that chanced to contravene the antidumping legislation, and if, after complaint, the domestic industry were as-

sured that the importers involved did not and would not have recourse to dumped merchandise from successive sources of supply, conceivably a determination at this time of no likelihood of injury might be warranted. The series of transgressions brought to the attention of the Commission, however, suggests the futility of such an approach.

The statement by the importers that if further shipments should be imported from Portugal they would enter at prices which meet the requirements of the act would be commendable if market prices in the respective "competitive market areas" had not already been depressed by the importation of cement at dumping prices and, indeed, if the resultant depressed domestic prices—established and maintained earlier largely by the same importers by virtue of their ability to import cement at less than fair value—did not still prevail to the detriment of the domestic industry. We must conclude, therefore, that with the purpose of dumping already having been accomplished in the U.S. market, the resultant depressed prices leave little consolation to the domestic industry forced to meet such prices and thereby compelled to suffer continued injury if it wishes to compete. A denouement of such character was never the purpose of the Antidumping Act, and such procedure meets neither the letter nor the spirit of the act.

When meeting its obligation under the Antidumping Act, the Commission gives consideration only to the criterion imposed upon it—viz, whether the imports identified by the Treasury Department as having been sold at less than fair value injure "an" industry, or prevent its establishment. In order to do this, the Commission must give cognizance to the spirit of the enactment and to the evil which it was intended to prevent. In the instant investigation, it is noted that the three importers of Portuguese cement also imported cement from other countries wherein the Treasury Department found the sales to have been made at less than fair value. Consequently, it must be obvious even to the most reluctant that such recurring imports at dumping prices were not accidental or technical in nature but on the contrary were designed to make the statute inoperative under the guise of merely "technical violation."

Portland cement is a standardized or fungible product the sale of which in a given market is generally contingent upon its cost not being higher than the cost of like competitive cement. It is a heavy, low-valued product which, by reason of transportation costs, can be sold economically only to users located within a relatively short distance from the cement plants (or port of entry for imported cement). The imports of Portuguese portland cement which are injuring the domestic industry concerned are entering at Bridgeport, Conn., Fall River, Mass., and Trenton, N.J., and are being sold in limited geographical areas that are supplied with domestic portland cement by plants adjacent to the same areas. These areas are referred to herein as the "competitive market areas." The domestic portland cement plants

that have supplied such cement in these areas and have in recent years sold substantial quantities of such cement there are considered to constitute "an industry" for the purposes of the Antidumping Act.

As a result of the sale of portland gray cement by Portuguese exporters at less than fair value, substantial quantities of such cement have been sold and are likely to be sold in the respective "competitive market areas" at prices which compel the domestic producers that historically supplied the pertinent market areas to maintain lower prices of like domestic cement than the prices that would prevail were there no sales of cement at less than fair value. Moreover, the industry concerned has lost a substantial volume of sales of such cement in these areas, a loss directly attributable to the price of the imported cement made possible by reason of its sale by the exporters at less than fair value.

Views of Commissioners Talbot and Overton. On the basis of the facts obtained in this investigation, Commissioners Talbot and Overton have determined that no industry in the United States is being or is likely to be injured or prevented from being established by reason of the importation of portland gray cement from Portugal sold for export to the United States at less than fair value.

The question before the Commission is whether injury or the likelihood thereof to a domestic industry exists by reason of the importation of portland gray cement from Portugal which has been or is likely to be sold for export to the United States at less than fair value. This involves evaluation of facts obtained in the investigation relating to imports of such cement from this source only and their economic impact upon a domestic industry. Previous injury to domestic industry, or the possibility of future injury to domestic industry, by reason of imports of comparable cement from foreign countries other than Portugal is not determinative of the question with regard to imports from Portugal—indeed, such circumstances are not even probative in this case.

As far as the question of actual injury is concerned, the imports from Portugal were sold to the U.S. consumer at no less than the prices for comparable domestic cement. During the same period that the subject cement was being imported from Portugal, imports of cement from Norway, which the Treasury Department had determined were not being sold at less than fair value, were sold in the same market areas at the same prices as the Portuguese cement. The fact that there have been no imports of Portuguese cement for more than one year without any increase in the prices of domestic cement in the pertinent market areas is evidence that the Portuguese cement was not a causative factor in forcing the maintenance of lower prices for domestic cement than would have been the case if the Portuguese cement had not been imported.

With respect to the likelihood of injury by reason of the future importation of portland gray cement from Portugal

sold for export to the United States below fair value, we are satisfied that there is no likelihood of such importation and therefore no likelihood of injury by reason thereof. As indicated above, there have been no imports of portland gray cement from Portugal for more than one year, and the Commission has received assurances from the foreign producer involved, as well as from the importers concerned, that further shipments of this product from Portugal to the United States would be made, if at all, only if they met the "fair value" criteria of the Treasury Department. We perceive no reason to doubt these assurances simply because the importers concerned in this investigation were also importers of cement from certain other countries that have been or are currently the subject of dumping inquiries by the Treasury Department. Notwithstanding the "strong suspicion" expressed by the domestic producers, there was no evidence adduced or obtained in the investigation showing the existence of a foreign international cement cartel, or the equivalent thereof, or any design, plan, or calculated scheme joined in by these importers to appropriate the U.S. cement market or any segment thereof by destructive price cutting in small doses. The Commission, as a factfinding agency, cannot responsibly allow suspicion or conjecture to attain the status of a conclusive presumption in its proceedings.

It should be stressed that our rejection of the "combination of conspiracy" theory which the domestic industry has advanced does not leave domestic producers at the mercy of such collusive depredations if, in fact, they do exist. If there is any legal evidence that such is the case, there is a full and complete remedy in section 72, title 15, of the United States Code, which provides for criminal sanctions and civil damages in the case of combinations or conspiracies for the purpose of commonly and systematically importing products into the United States at a price substantially less than the foreign market value thereof with the intent of injury a domestic industry.

The foregoing determination and statement of reasons are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended.

By the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 61-10157; Filed, Oct. 24, 1961;
8:53 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 182]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 20, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been

filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Deviation No. 17), PACIFIC INTERMOUNTAIN EXPRESS CO., 14th and Clay Streets, P.O. Box 958, Oakland 4, Calif., filed October 10, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Chicago, Ill., and St. Louis, Mo., over Interstate Highway 55, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City, Mo., over U.S. Highway 50 to St. Louis, thence over U.S. Highway 66 via Bloomington, Ill., to Gardner, Ill. thence over alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to Chicago, and return over the same route.

No. MC 29130 (Deviation No. 2), THE ROCK ISLAND MOTOR TRANSIT COMPANY, 919 Walnut Street, Des Moines, Iowa, filed October 12, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Omaha and Lincoln, Nebr., over Nebraska Interstate Highway 80, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Omaha over U.S. Highway 6 to Lincoln and thence over U.S. Highway 77 to Beatrice, Nebr., and return over the same route.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-10154; Filed, Oct. 24, 1961;
8:52 a.m.]

[Notice 403]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 20, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice

including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

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

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 112), filed August 7, 1961. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415 Perry Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vinyl chloride, vinyl acetate, and methanol*, in bulk, in tank vehicles, from Geismar, La., and points within five (5) miles thereof (except from the plant site of the Wyandotte Chemicals Corporation at or near Geismar), to Illiopolis, Ill., Demopolis, Ala., and Fayetteville, N.C., and (2) *synthetic resins and formaldehyde*, in bulk, in tank vehicles, from Geismar, La., and points within five (5) miles thereof (except the plant site of the Wyandotte Chemicals Corporation at or near Geismar), to points in Mississippi, Arkansas and Texas.

NOTE: Applicant states Younger Bros.-J. M. English Truck Lines, Inc., is an affiliated motor carrier engaged in transporting oil field commodities under the *Mercer* case commodity description as authorized in Docket No. MC 106509 and subs thereunder.

HEARING: December 6, 1961, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Charles J. Murphy.

No. MC 531 (Sub-No. 114), filed August 28, 1961. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals* (except petroleum products as described in Ex Parte No. MC-45, Petroleum and Petroleum Products, Appendix XIII), and *natural gas odorants*, in bulk, in tank vehicles; (1) from New Orleans, La., and points within 20 miles thereof, to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Idaho, Indiana, Iowa, Kentucky, Maine, Massachusetts, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming; and (2) from points in California, to New Orleans, La., and points within 20 miles thereof.

NOTE: Applicant states Younger Bros.-J. M. English Truck Lines, Inc., is an affiliated

motor carrier engaged in transporting oil field commodities under the *Mercer* case commodity description as authorized in Docket No. MC 106509 and subs thereunder.

HEARING: December 4, 1961, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Charles J. Murphy.

No. MC 4405 (Sub No. 379), filed May 8, 1961. Applicant: DEALERS TRANSPORT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers and trailer chassis*, except those designed to be drawn by passenger automobiles, and *parts* moving in conjunction with such trailers and chassis, in initial movements, by truckaway and driveaway service; from Tulsa, Okla., to points in the United States including Alaska but excluding Hawaii, (2) *Tractors*, in secondary driveaway movements, only when drawing trailers and trailer chassis moving in initial driveaway service; from Tulsa, Okla., to points in Alaska, Arizona, Nevada, Oregon, and Vermont.

HEARING: November 28, 1961, at the Mayo Hotel, Tulsa, Okla., before Examiner Bernard J. Hasson, Jr.

No. MC 7746 (Sub-No. 115), filed July 21, 1961. Applicant: UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane 2, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467); serving the plant site of the Weyerhaeuser Company at or near Quadlock, Wash., as an off-route point in connection with applicant's authorized regular-route operations.

HEARING: November 29, 1961, at the Federal Office Building, Seattle, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate, before Examiner Armin G. Clement.

No. MC 11220 (Sub-No. 76), filed September 25, 1961. Applicant: GORDONS TRANSPORTS, INC., 185 West McLeMore Avenue, Memphis, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Broken Bow, Okla. and Little Rock, Ark., over U.S. Highway 70, serving the intermediate point of Eagletown, Okla., without restriction; and serving Hot Springs, Ark., restricted to traffic originating at or destined to points in Oklahoma and Texas now served by applicant.

HEARING: January 8, 1962, at the Grim Hotel, Texarkana, Ark., before Joint Board No. 217.

No. MC 15167 (Sub-No. 28), filed August 3, 1961. Applicant: PAUL F.

CULLUM, doing business as CULLUM TRUCKING COMPANY, 1281 West Side Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump vehicles, equipped with automatic hoists, from the plant site of Koppers Company, Inc., at Kearny, N.J., to the plant site of the American Brake Shoe Co., at Baltimore, Md.

HEARING: December 7, 1961, at 346 Broadway, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 16682 (Sub No. 56), filed April 7, 1961. Applicant: MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City 1, N.Y. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Store fixtures*, and *store equipment*, uncrated; between Beatrice, Nebr., on the one hand, and on the other, points in California.

HEARING: November 28, 1961, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner A. Lane Cricher.

No. MC 23939 (Sub-No. 115), filed September 1, 1961. Applicant: ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: E. B. Evans, 718 Symes Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids*, in bulk, (1) between Painesville, Ohio, and points within 50 miles thereof, points in Vermont, Virginia, New York, New Jersey, Colorado, California, Alabama, Georgia, and Massachusetts, and (2) between West Palm Beach, Fla., and points within 50 miles thereof, and points in Alabama, California, Colorado, Georgia, New Mexico, Ohio, and Vermont.

HEARING: December 14, 1961, at the New Customs House, Denver, Colo., before Examiner William A. Royall.

No. MC 28132 (Sub-No. 61), filed October 13, 1961. Applicant: HVIDSTEN TRANSPORT, INC., 2225 West County Road D, St. Paul, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds*, *fertilizer ingredients*, *fertilizer*, *fertilizer ammoniating and phosphatic solutions*, in bulk, from Minneapolis and St. Paul, Minn., and points within ten (10) miles thereof, to points in Wisconsin, Iowa, South Dakota, North Dakota, Nebraska, Illinois, and the Upper Peninsula of Michigan.

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

No. MC 29566 (Sub-No. 68), filed September 20, 1961. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Applicant's representative: Vernon M. Masters, 1400 Kansas Avenue, Kansas City 5, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, trans-

porting: *Brick*, *blocks*, *slabs*, *tile* and *related articles*, including *nails*, *fasteners*, and *accessories*, and *building materials* as described in Appendix VI to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities, in bulk), from Arkadelphia, Ark., to points in Iowa, Kansas and Missouri (except Aurora, Bolivar, Boonville, Buffalo, Camdenton, Cape Girardeau, Caruthersville, Carthage, Chillicothe, Clinton, Columbia, Cuba, Eldon, Jefferson City, Joplin, Kansas City Commercial Zone, Lamar, Lebanon, Marionville, Marshall, Moberly, Monett, Neosho, Osceola, Rolla, St. Joseph, St. Louis Commercial Zone, Sedalia, Sikeston, Springfield, Sullivan, and Warrensburg).

HEARING: December 4, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner William A. Royall.

No. MC 31600 (Sub-No. 514), filed October 9, 1961. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica and silica products*, in bags, on pallets, on flat bed trailers, from North Stonington, Conn., to points in Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

HEARING: November 2, 1961, at the Bond Hotel, Hartford, Conn., before Examiner Frank J. Mahoney.

No. MC 31600 (Sub-No. 515), filed October 9, 1961. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica and silica products*, in bulk, in tank and hopper-type vehicles, from North Stonington, Conn., to points in Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

HEARING: November 2, 1961, at the Bond Hotel, Hartford, Conn., before Examiner Frank J. Mahoney.

No. MC-41255 (Sub No. 34), filed April 14, 1961. Applicant: GRUBB MOTOR LINES, INC., P.O. Drawer 567, Lexington, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, as listed in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 273-274 (1) from Lexington, N.C., to points in Florida; (2) from High Point and Thomasville, N.C., to points in Florida, Georgia, New York (except New York City and points within 15 miles of New York City), and South Carolina; (3) from Hillsboro, Liberty, and Mebane, N.C., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, South Carolina, Vermont,

and the District of Columbia; (4) from Norwood, N.C., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Vermont, and the District of Columbia, and (5) from Ashboro, Kernersville, Mount Airy, Ramseur, Salisbury, and Winston-Salem, N.C., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Vermont, and the District of Columbia, and *rejected, refused and damaged shipments* of the commodity described above, on return.

HEARING: December 11, 1961, at the U.S. Court Rooms, Greensboro, N.C., before Examiner Richard A. White.

No. MC 44605 (Sub-No. 15), filed August 29, 1961. Applicant: **MILNE TRUCK LINES, INC.**, 2200 South Third West, Salt Lake City, Utah. Applicant's representative: Henry A. Dahn, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives and general commodities* (except those of unusual value, household goods, as defined by the Commission, commodities, in bulk and commodities requiring special equipment), between Tucson, Ariz., on the one hand, and, on the other, missile sites in Pinal, Cochise, Pima, and Santa Cruz Counties, Ariz.

HEARING: November 2, 1961, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 240, or, if the Joint Board waives its right to participate before Examiner James O'D Moran.

No. MC 50307 (Sub-No. 26), filed August 10, 1961. Applicant: **INTERSTATE DRESS CARRIERS, INC.**, 247 West 35th Street, New York, N.Y. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies used in the manufacture thereof* (1) between New York, N.Y., on the one hand, and, on the other, Martinsburg, W. Va., Taneytown, Md., and Bristol, Va., and (2) between points in Pennsylvania and Hagerstown, Md., on the one hand, and, on the other, Bristol, Va., Taneytown, Md., and Martinsburg, W. Va.

HEARING: December 8, 1961, at 346 Broadway, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 50544 (Sub-No. 49), filed September 14, 1961. Applicant: **THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY**, a corporation, ninth floor Fidelity Union Tower, Dallas, Tex. Applicant's attorney: Gerry N. Wren, The Texas and Pacific Railway Company, eighth floor, Fidelity Union Tower, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*; serving the plant site of Shell Oil Company near Bryan's Mill, Tex., as an off-route point in connection with applicant's authorized regular-

route operations between Marshall, Tex., and Texarkana, Tex.

Note: Applicant states it is a wholly-owned subsidiary of the Texas and Pacific Railway Company.

HEARING: December 13, 1961, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate before Examiner Charles B. Heinemann.

No. MC 52458 (Sub-No. 160), filed August 14, 1961. Applicant: **T. I. McCORMACK TRUCKING COMPANY, INC.**, U.S. Route 9 at Green Street, Woodbridge, N.J. Applicant's attorney: Paul J. Keeler, P.O. Box 457, Woodbridge, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refined vegetable oils*, in bulk, in tank vehicles, from Port Ivory, Staten Island, N.Y., to Charlotte, N.C.; and (2) *returned, refused, or rejected shipments*, from Charlotte, N.C., to Port Ivory, Staten Island, N.Y.

Note: Common control may be involved.

HEARING: November 28, 1961, at 346 Broadway, New York, N.Y., before Examiner Laurence E. Masoner.

No. MC 52869 (Sub-No. 63), filed July 31, 1961. Applicant: **NORTHERN TANK LINE**, a corporation, 511 Pleasant Street, P.O. Box 990, Miles City, Mont. Applicant's attorney: Robert N. Burchmore, 2106 Field Building, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, (1) from Lignite and McGregor, N. Dak., and points within five (5) miles of each, to points in Montana and South Dakota, and (2) from points in Richland and Roosevelt Counties, Mont., to points in North Dakota, and *contaminated and refused petroleum products* in connection with (1) and (2) above, on return.

HEARING: November 27, 1961, at the Yellowstone County Court House, Billings, Mont., before Examiner Armin G. Clement.

No. MC 55811 (Sub-No. 73), filed October 9, 1961. Applicant: **CRAIG TRUCKING, INC.**, Albany, Ind. Applicant's attorney: Howell Ellis, 1210-12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Ingomar, Ohio, and points within 2.4 miles thereof, on the one hand, and, on the other, points in Indiana and those in Pennsylvania on and west of U.S. Highway 219.

HEARING: November 16, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 308, or, if the Joint Board waives its right to participate, before Examiner Parks M. Low.

No. MC 56082 (Sub-No. 38), filed October 4, 1961. Applicant: **DAVIS AND**

RANDALL, INC., Chautauqua Road, Fredonia, N.Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising materials* from Cumberland, Md., to points in Ohio, Indiana, Illinois, Tennessee, and Kentucky, and *empty containers or other such incidental facilities* (not specified) and *empty malt beverage containers* used in transporting the above-described commodities, on return.

HEARING: December 8, 1961, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Laurence E. Masoner.

No. MC 59117 (Sub-No. 14), filed July 13, 1961. Applicant: **ELLIOTT TRUCK LINE, INC.**, Box 1, Vinita, Okla. Applicant's attorney: J. F. Miller, 500 Board of Trade Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, dry, fertilizer compounds, dry, fertilizer ingredients, dry, and urea*, in bags and containers in mixed truckloads with the above-specified commodities, in bulk, from Pryor, Okla. and points within ten (10) miles thereof, and Tulsa and Muskogee, Okla., to points in Missouri, Tennessee, Texas, Arkansas and Louisiana, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: November 30, 1961, at the Federal Building, Oklahoma City, Okla., before Examiner Bernard J. Hasson, Jr.

No. MC 59117 (Sub-No. 15), filed September 11, 1961. Applicant: **ELLIOTT TRUCK LINE, INC.**, Box 1, Vinita, Okla. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, dry, fertilizer compounds, dry, fertilizer ingredients, dry, and urea*, dry, in bags and containers, from Pryor, Okla., and points within 10 miles thereof, Tulsa and Muskogee, Okla., to points in Missouri, Tennessee, Texas, Arkansas, Louisiana and Mississippi, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: December 1, 1961, at the Federal Building, Oklahoma City, Okla., before Examiner Bernard J. Hasson, Jr.

No. MC 59570 (Sub-No. 13), filed August 28, 1961. Applicant: **HECHT BROTHERS, INC.**, Lakewood Road, Toms River, N.J. Applicant's attorney: Isadore H. Schwartz, 200 Penn Square Building, Juniper and Filbert Streets, Philadelphia 7, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bars, ingots, and scrap metal*, between points in Manchester Township (in Ocean County), N.J., on the one hand, and, on the other, Canaan and Putnam, Conn.; (2) *asphalt mix*, in bags, from points in Dutchess County, N.Y., to De Vault, Pa., and Pinewald, N.J.; and (3)

dry bulk commodities, between points in New Jersey.

HEARING: December 13, 1961, at Room 300, U.S. Custom House and Appraisers' Stores, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Edith H. Cockrill.

No. MC 61506 (Sub-No. 11), filed August 7, 1961. Applicant: RUSSELL TRANSFER COMPANY, INC., Athens-Augusta Highway, Washington, Ga. Applicant's attorney: Theodore M. Forbes, Jr., 825 The Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, as defined in Appendix XIII of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 200, including *naphtha*, but exclusive of all other acids and chemicals also defined in Appendix XV, therein, from Charleston, S.C., to points in Alabama and Tennessee; and (2) *empty containers or other such incidental facilities* (not specified) used in transporting petroleum and petroleum products, from points in Alabama and Tennessee, to Charleston, S.C.

NOTE: Applicant states it proposes to transport the above-specified commodities for the account of Texaco, Inc.

HEARING: December 1, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Richard A. White.

No. MC 65429 (Sub-No. 4), filed October 2, 1961. Applicant: BENJAMIN S. RIZZO, doing business as BAUER MOTOR FREIGHT EXPRESS, Sheppard's Mill Road (R.D. 2), Bridgeton, N.J. Applicant's representative: Charles H. Trayford, 220 East 42nd Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, between Bridgeton, N.J., and Wilmington, Del.

HEARING: December 15, 1961, at Room 300, U.S. Custom House and Appraisers' Stores, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Edith H. Cockrill.

No. MC 71460 (Sub-No. 4), filed September 25, 1961. Applicant: SOUTHERN FORWARDING COMPANY, a corporation, 728 Alston Street, Memphis, Tenn. Applicant's attorney: James N. Clay III, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Bowling Green, Ky., to Memphis, Tenn.; from Bowling Green over U.S. Highway 31W to Nashville, Tenn., thence over U.S. Highway 70 to Huntington, Tenn., thence over Alternate U.S. Highway 70 through Atwood, Tenn., to Brownsville, Tenn., thence over U.S. Highway 70 to Memphis, serving the intermediate point of Franklin, Ky., and points within 10 miles of Bowling Green and Franklin as off-route points.

NOTE: Applicant states it now has two regular routes between Memphis, Tenn., and

Louisville, Ky., in which it serves Bowling Green and Franklin, Ky. The purpose of this application is to clarify applicant's authority insofar as making pickups at Bowling Green and Franklin are concerned when moving in a southbound direction. If it is found applicant does not have authority to effectuate this service, such authority is requested in this application.

HEARING: November 27, 1961, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Charles B. Heinemann.

No. MC 76052 (Sub-No. 22), filed August 4, 1961. Applicant: MONTEZUMA TRUCK LINES, INC., Durango, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Blair, Nebr., Goodland, Kans., and Poncha Springs, Colo., and points within five (5) miles of each, and points west of the Continental Divide in Colorado, (1) to points in Illinois (except Chicago and East St. Louis and their respective Commercial Zones) and (2) to points in Wisconsin on and south of a line beginning at Sheboygan and extending over Wisconsin Highway 23 to Fond du Lac, thence over U.S. Highway 151 to junction Wisconsin Highway 68, thence over Wisconsin Highway 68 to junction Wisconsin Highway 33, thence over Wisconsin Highway 33 to Portage, and thence along the Wisconsin River to the Mississippi River.

HEARING: December 11, 1961, at the New Customs House, Denver, Colo., before Examiner William A. Royall.

No. MC 78712 (Sub-No. 11), filed September 29, 1961. Applicant: MILLER TRANSPORTATION, INC., 1200 Home Avenue, Kokomo, Ind. Applicant's attorney: Howell Ellis, Suite 1210-12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described by the Commission in Ex Parte No. MC-45, *Description in Motor Carrier Certificates*, 61 M.C.C. 276-278, between Kokomo, Ind., and points in Iowa, Wisconsin, Minnesota, and Nebraska, and rejected and returned shipments, on return.

HEARING: November 28, 1961, at the Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., 11:30 a.m., before Examiner Hugh M. Nicholson.

No. MC 93944 (Sub-No. 2) (AMENDMENT), filed September 20, 1961, published issue of October 4, 1961, amended October 12, 1961, republished as amended, this issue. Applicant: CARMEN DANELLA AND NICHOLAS DANELLA, a partnership doing business as DANELLA BROTHERS, 250 Diamond Avenue, Norristown, Pa. Applicant's attorney: V. Baker Smith, Suite 601, 226 South 16th Street, Philadelphia, Pa. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Sand, gravel, slag and such other bulk commodities as are usually transported in dump vehicles*, in bulk, in dump vehicles, from Morrisville, Pa., and points in Falls Township, Pa., to points in New Jersey.

NOTE: Applicant states duplication with present authority is to be eliminated. The purpose of this republication is to add to the commodities proposed to be transported "such other bulk commodities as are usually transported in dump vehicles".

HEARING: Remains assigned November 9, 1961, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Freidson.

No. MC 95045 (Sub-No. 3), filed July 21, 1961. Applicant: DOUGLAS EXPRESS, INC., 36-38 North Third Avenue, Mt. Vernon, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances, sinks, kitchen cabinets, stoves, wall ovens, thermal units, disposals, air conditioners, radios, television sets, record players, combination radio-TV-players*; from points in Bergen, Essex, Union, and Hudson Counties, N.J., to points in Westchester, Rockland, Putnam, and Dutchess Counties, N.Y., and those in Fairfield and New Haven Counties, Conn., and damaged, defective, repossessed or traded-in shipments of the above-specified commodities, on return.

HEARING: December 6, 1961, at 346 Broadway, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 95540 (Sub-No. 382) filed September 18, 1961. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packing houses*, from Miami, Okla., to points in Alabama, Arizona, California, Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, and the District of Columbia.

NOTE: Applicant states common control may be involved.

HEARING: December 6, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner William A. Royall.

No. MC 95926 (Sub-No. 4), filed July 12, 1961. Applicant: THOMAS S. SAN GIACOMO, INC., 70 Collins Street, Orange, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper on rolls*, from Cornwall, N.Y., to points in Massachusetts, Rhode Island, Connecticut; points in Nassau and Suffolk Counties, N.Y., and points in Chester, Philadelphia, Montgomery, Bucks, Lehigh, Northampton, Carbon, Monroe, Lackawanna, Wayne, and Pike Counties, Pa., and waste and scrap paper, on return.

HEARING: December 4, 1961, at 346 Broadway, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 102817 (Sub-No. 5), filed October 2, 1961. Applicant: PERKINS TRUCKING, INC., 419 West Merrill Street, Indianapolis, Ind. Applicant's

attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in containers, when moving with uncrated shipments of the same commodities, and (2) *new furniture and store and office fixtures*, uncrated, from points in Miami County, Ind., and Noblesville, Indianapolis, Jasper, Huntingburg and Munster, Ind., to points in Delaware, Iowa, Kansas, Maryland, Minnesota, Nebraska, New Jersey, New York, North Dakota, South Dakota, Virginia, Wisconsin, and the District of Columbia.

HEARING: November 29, 1961, at the Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., 11:30 a.m., before Examiner Hugh M. Nicholson.

No. MC 103061 (Sub-No. 115), filed September 6, 1961. Applicant: WALKER HAULING CO., INC., P.O. Box 13444, Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424-35 C and S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silicate, potassium silicate, ammonium sulfide, sodium sulfhydrate and orthodichlorobenzene*, in bulk, in tank vehicles from Cartersville, Ga., to points in Florida, Alabama, and Mississippi, and those points in Tennessee on and west of U.S. Highway 27.

NOTE: Applicant states that its president owns all of its outstanding stock, and is president of, and owns 50 percent of the outstanding stock of Gasoline Transport, Inc.

HEARING: November 28, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Richard A. White.

No. MC 103378 (Sub-No. 214), filed September 1, 1961. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silicate, potassium silicate, ammonium sulfide, sodium sulfhydrate, and orthodichlorobenzene*, in bulk, in tank vehicles, from points in Bartow County, Ga., to points in Florida, Alabama, Mississippi, and Tennessee (west of U.S. Highway 27).

HEARING: November 28, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Richard A. White.

No. MC 103378 (Sub-No. 215), filed September 8, 1961. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and dump or hopper-type vehicles, from points in

Richmond County, Ga., to points in Richmond County, Ga., and points in Alabama, Florida, Louisiana, Mississippi, and Tennessee.

HEARING: November 29, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Richard A. White.

No. MC 103993 (Sub-No. 152), filed August 14, 1961. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Washington (except from Veradale, Wash.), to all points in the United States, including Alaska, but excluding Hawaii.

HEARING: November 30, 1961, at the Federal Office Building, Seattle, Wash., before Examiner Armin G. Clement.

No. MC 104128 (Sub-No. 87), filed July 26, 1961. Applicant: CAMPBELL'S SERVICE, a corporation, 2720 River Avenue, South San Gabriel, Calif. Applicant's attorneys: R. Y. Schureman, 1010 Wilshire Building, Los Angeles 17, Calif., and George R. LaBissoniere 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service; and *Campers and camp coaches*, designed for installation on pickup trucks, in truckaway service; from points in Washington (excluding Veradale), to points in California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

HEARING: November 30, 1961, at the Federal Office Building, Seattle, Wash., before Examiner Armin G. Clement.

No. MC 104683 (Sub-No. 26) (CLARIFICATION), filed June 21, 1961, published FEDERAL REGISTER, issue of October 11, 1961, republished this issue. Applicant: L. L. MAJURE TRANSPORT CO., a corporation, 1301 B Street, Meridian, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Meraux, La., to points in Mississippi.

NOTE: Applicant states in a letter dated October 10, 1961, it is its intention "if approval of this application is granted by the Commission, to offer service to all shippers located within the Commercial Zone of Meraux, La., as outlined in Ex Parte MC 37. At the oral hearing, applicant will offer evidence on traffic originating at Chalmette, La., which is within the Commercial Zone of Meraux, La."

HEARING: Remains as assigned December 6, 1961, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 28.

No. MC 105886 (Sub No. 4) (CLARIFICATION), filed June 16, 1961, published FEDERAL REGISTER, issue of August 9, 1961, and republished as cor-

rected, this issue. Applicant: MARTIN TRUCKING, INC., East Poland Avenue, Bessemer, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in packages, from Bessemer, Pa., to points in that part of West Virginia on and north of U.S. Highway 33, and to points in Portage County, Ohio, and *empty containers*, on return.

NOTE: The purpose of this republication is to clarify that the commodity proposed to be transported, cement, will move in bulk, and also in packages.

HEARING: Remains as assigned November 2, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59.

No. MC 106398 (Sub-No. 182), filed July 26, 1961. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. Applicant's attorney: George R. LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service and (2) *campers and camper coaches*, designed for installation on pickup trucks, in truckaway service, from points in Washington (except Veradale), to points in the United States (except Hawaii).

HEARING: November 30, 1961, at the Federal Office Building, Seattle, Wash., before Examiner Armin G. Clement.

No. MC 106398 (Sub-No. 184), filed August 2, 1961. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. Applicant's attorney: Bill R. Privitt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings and trailers* designed to be drawn by passenger automobile, in initial movement, in truckaway service, from points in New York (except trailers from Buffalo and Latham, N.Y.), to points in the United States (except Hawaii), and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: December 12, 1961, at the Hotel Buffalo, Washington and Swan Street, Buffalo, N.Y., before Examiner Laurence E. Masoner.

No. MC 107134 (Sub-No. 16), filed October 13, 1961. Applicant: HIGHWAY TRANSPORTATION CORPORATION, Box 144, Woodville, Ohio. Applicant's attorney: Arthur R. Cline, 420 Security Building, Toledo 4, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from Chicago and Thornton, Ill., to points in Ohio.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a common or contract carrier in No. MC 107134 (Sub-No. 9).

HEARING: December 1, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 58.

No. MC 107286 (Sub-No. 4), filed August 28, 1961. Applicant: MICHAEL PASCALE, doing business as M. PASCALE TRUCKING, 8-10 Rice Street, Attleboro, Mass. Applicant's representative: Russell B. Curnett, 49 Weybosset Street, Providence 3, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from South Windsor, Conn., to points in Massachusetts and Rhode Island, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

HEARING: November 30, 1961, in Room 308, Main Post Office Building, Providence, R.I., before Joint Board No. 134.

No. MC 108400 (Sub-No. 1), filed July 28, 1961. Applicant: VINCENT CALISE, doing business as CALISE BROS. EXPRESS, 1176 Chalkstone Avenue, Providence, R.I. Applicant's representative: Russell B. Curnett, 49 Weybosset Street, Providence, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used furniture and reupholstered furniture*, uncrated, between Providence, R.I., on the one hand, and, on the other, points in Massachusetts and Connecticut within fifteen (15) miles of the Rhode Island State line.

HEARING: November 28, 1961, in Room 308, Main Post Office Building, Providence, R.I., before Joint Board No. 134.

No. MC 109637 (Sub-No. 188) filed September 18, 1961. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. Applicant's representative: H. N. Nunnally (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, between Pascagoula, Miss., and 10 miles thereof on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, and West Virginia.

NOTE: Applicant states it is under common control with Alabama Tank Lines, Inc., Louisville, Ky. (MC 116387). J. F. Beaird, Stockholder and Director of Applicant is also President, Stockholder, and Director of Alabama Tank Lines, Inc. J. A. Gammon, Stockholder, President, and Director of Applicant is also Executive Vice-President and Director of Alabama Tank Lines, Inc. Common Control approved in MC-F 6282.

HEARING: November 28, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 110166 (Sub-No. 13), filed October 5, 1961. Applicant: TENNESSEE CAROLINA TRANSPORTATION, INC., 905 Mile End Avenue, Nashville 7, Tenn. Applicant's attorney: Donald E. Cross, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, house-

hold goods as defined in Practices of Motor Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Livingston and Jamestown, Tenn.: (1) from Livingston over Tennessee Highway 52 to Jamestown, and return over the same route, serving no intermediate points, and (2) from Livingston over Tennessee Highway 42 to its junction with Tennessee Highway 28, thence over Tennessee Highway 28 to Jamestown, and return over the same route, serving the intermediate point of Byrdstown, Tenn.

HEARING: December 1, 1961, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heinemann.

No. MC-110525 (Sub-No. 465), filed September 21, 1961. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Chester A. Zyblut and Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, from Bellingham, Mass. to points in Massachusetts and Rhode Island, and *rejected shipments* of the above commodity on return.

NOTE: Common control may be involved. Applicant holds contract authority under MC 117507 and subs thereunder; therefore dual operations may be involved.

HEARING: November 30, 1961, in Room 308, Main Post Office Building, Providence, R.I., before Joint Board No. 18.

No. MC 110698 (Sub-No. 174), filed September 25, 1961. Applicant: RYDER TANK LINE, INC., (York Division), 9020 La Porte Expressway, Houston 17, Tex. Applicant's attorney: Dale Woodall, 9020 La Porte Expressway, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry tonics, medicines and feed additives*, in bulk, in tank and hopper vehicles, from Austin, Tex. to points in California, Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee (except Kingsport, Tenn.), Utah, Washington, Wisconsin, and Wyoming.

HEARING: December 12, 1961, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Charles B. Heinemann.

No. MC 111159 (Sub-No. 134), filed August 21, 1961. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Jackson, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700 Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*; from Memphis, Tenn., to points in Mississippi, Arkansas, points in Missouri on and south of U.S. Highways 60 and 67,

and points in Kentucky on and west of U.S. Highway 41.

HEARING: November 28, 1961, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Charles J. Murphy.

No. MC 111159 (Sub-No. 135) (CLARIFICATION AND CORRECTION), filed September 11, 1961, published issue of October 11, 1961, and republished as corrected and clarified this issue. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Jackson, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700 Petroleum Building, P.O. Box 141, Jackson, Miss. The purpose of this republication is to correct the spelling of applicant's trade name inadvertently shown as Miller *Transports*, Ltd. in previous publication. The correct name of applicant is as shown above. Also, applicant's attorney in a letter dated October 18, 1961, advises that the transportation proposed will be a year-round movement rather than seasonal as previously indicated.

HEARING: Remains as assigned November 7, 1961, at the Claridge Hotel, Memphis, Tenn., before Examiner James A. McKiel.

No. MC 111159 (Sub-No. 136), filed September 28, 1961. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Jackson, Miss. Applicant's attorney: Harold D. Miller, Suite 700 Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from Collierville, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE: Applicant states it has been placed in temporary partial control of W. M. Chambers Truck Line, Inc., MC 107002 under Finance Docket No. MC-F-7679. Application has been filed for permanent control, and a hearing thereon has been held, but no order has been issued.

HEARING: December 5, 1961, at the Claridge Hotel, Memphis, Tenn., before Examiner Charles B. Heinemann.

No. MC 111159 (Sub-No. 137), filed October 5, 1961. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Jackson, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700 Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from Cleveland, Marks, and Clarksdale, Miss., to points in Tennessee, Arkansas, and Louisiana.

NOTE: Applicant states that it, along with Hearin Tank Lines, Inc., is under temporary partial control of W. M. Chambers Truck Line, Inc. (MC-107002).

HEARING: December 1, 1961, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Charles J. Murphy.

No. MC 111159 (Sub-No. 138), filed October 5, 1961. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Jackson, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700 Petro-

leum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chlorinated camphene*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Louisiana, Mississippi, and Arkansas.

NOTE: Applicant states that it, along with Hearin Tank Lines, Inc., is under temporary partial control of W. M. Chambers Truck Line, Inc. (MC 107002).

HEARING: December 1, 1961, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Charles J. Murphy.

No. MC 111485 (Sub-No. 3), filed August 28, 1961. Applicant: CECIL PASCHALL AND L. W. PASCHALL, doing business as PASCHALL TRUCK LINES, R.F.D. 4, Murray, Ky. Applicant's attorney: George E. Overbey, Overbey Building, 291 Main Street, Murray, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, bags and other containers, from Tennessee Valley Authority fertilizer plant sites at Wilson Dam and Sheffield, Ala., and the Associated Cooperative Fertilizer Plants at Sheffield, Ala., and other fertilizer plant sites at Wilson Dam and Sheffield, Ala., and points within a 20-mile radius thereof, to points in Kentucky west of and including Simpson, Logan, Butler, Muhlenburg, McLean, and Henderson Counties, Ky., and *rejected and misshipped addressed items*, and *empty containers* of original shipments, *refused, damaged and rejected shipments*, on return.

HEARING: December 4, 1961, at the Claridge Hotel, Memphis, Tenn., before Examiner Charles B. Heinemann.

No. MC 111710 (Sub-No. 6), filed July 6, 1961. Applicant: ROBERT L. SPENCER, doing business as ARKANSAS TRANSIT COMPANY, Box 287, Springdale, Ark. Applicant's attorney: Milton W. Hardy, 807 Ritz Building, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New tin cans and lids*, between points in Arkansas, Missouri, Oklahoma, Kansas and points in Texas on and east of a line beginning at the intersection of the Texas-New Mexico Boundary Line at U.S. Highway 87, and continuing south along the Boundary Line to its junction with U.S. Highway 66, thence east along U.S. Highway 66 to junction with U.S. Highway 385, thence south along U.S. Highway 385 to its junction with U.S. Highway 180, thence east along U.S. Highway 180 to its junction with U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Gulf of Mexico, at or near Galveston, Tex., serving all points on and east of the above described boundary lines and highways.

HEARING: November 27, 1961, at the Mayo Hotel, Tulsa, Okla., before Examiner Bernard J. Hasson, Jr.

No. MC 112497 (Sub No. 177), filed June 12, 1961. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, P.O. Box 3096, Istrouma Branch, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, between Baton Rouge, La., and points within ten (10) miles thereof, on the one hand, and, on the other, points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Colorado, Connecticut, Texas, Utah, and Wyoming.

HEARING: December 7, 1961, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Charles J. Murphy.

No. MC 112497 (Sub-No. 178), filed August 4, 1961. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vinyl Chloride, vinyl acetate and methanol*, in bulk, in tank vehicles, from Geismar, La., and points within five (5) miles thereof (except from the plant site of Wyandotte Chemical Corporation, Geismar, La.), to Demopolis, Ala., Illipolis, Ill., and Fayetteville, N.C., and (2) *synthetic resins and formaldehyde*, to points in Arkansas, Mississippi, and Texas.

HEARING: December 6, 1961, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Charles J. Murphy.

No. MC 112497 (Sub-No. 179), filed September 8, 1961. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, P.O. Box 3096 (Istrouma Branch), Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Muriatic acid and caustic potash*, in bulk, in tank vehicles, from the site of the Monsanto Chemical Company plant located in Anniston, Ala., to the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone, and (2) *Muriatic acid*, in bulk, in tank vehicles, from the site of the Monsanto Chemical Company plant located in Anniston, Ala., to points in Florida.

HEARING: November 30, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Richard A. White.

No. MC 112520 (Sub-No. 67) (AMENDMENT), filed August 2, 1961, published FEDERAL REGISTER, issue October 11, 1961, amended October 20, 1961, republished as amended this issue. Applicant: MC KENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products and petroleum by-products, and nitrogen solutions*, in bulk, in tank vehicles, from points in Bradford County, Fla., to points in Georgia.

NOTE: The purpose of this republication is to include the commodity "nitrogen solutions" as shown above.

HEARING: Remains as assigned, November 8, 1961, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or if the Joint Board waives its right to participate before Examiner Frank R. Saltzman.

No. MC 113267 (Sub-No. 46), filed September 21, 1961. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Suffolk, Va., to points in the Atlanta, Ga., Commercial Zone.

HEARING: December 15, 1961, at the 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Charles J. Murphy.

No. MC 113267 (Sub-No. 47), filed September 27, 1961. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge, 410 O'Farrell Street, Collinsville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, dairy products, poultry, poultry products, fish, fish products*, with or without other ingredients, *pies, dinners, and bakery products*, all requiring temperature control in transit, from Athens, Ala., to points in the United States (except Alaska).

NOTE: Applicant states its "officers are stockholders and officers in the following Motor Carriers of passengers, Industrial Bus Lines, Inc. MC 114168, and Vandalia Bus Line, Inc. MC 2698, in addition, thereto Oliver and Kathryn Anderson are officers and stockholders in Caseyville Bus Line, Inc. MC 110845."

HEARING: November 29, 1961, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Charles B. Heinemann.

No. MC 113514 (Sub-No. 76), filed September 11, 1961. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chlorine*, in bulk, (1) between points in Texas and Louisiana and (2) between points in Texas and Louisiana, on the one hand, and, on the other, points in Oklahoma, Arkansas, Mississippi, and Alabama.

HEARING: December 11, 1961, at the Federal Office Building, Franklin and Fannin Street, Houston, Tex., before Examiner Charles B. Heinemann.

No. MC-113514 (Sub-No. 79), filed September 2, 1961. Applicant: SMITH TRANSIT, INC., 305 Simons Building, 1528 Main Street, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry tonics, medicines, and feed additives*, in bulk, in tank and hopper-type vehicles, from Austin, Tex., to points in California, Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missis-

Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee (except Kingsport, Tenn.), Utah, Washington, Wisconsin, and Wyoming.

HEARING: December 12, 1961, at the Federal Office Building, Franklin and Fannin Street, Houston, Texas, before Examiner Charles B. Heinemann.

No. MC 113674 (Sub-No. 2), filed August 1, 1961. Applicant: HAROLD K. LYMAN, doing business as L B TRUCKING CO., 716 County Street, New Bedford, Mass. Applicant's representative: Russell B. Curnett, 49 Weybosset Street, Providence 3, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garments*, on hangers, *unused and excess materials, cut goods, and trimmings used in the manufacture of garments*, between Fall River and New Bedford, Mass., and Providence, R.I., on the one hand, and, on the other, Hartford, Conn.

HEARING: November 29, 1961, in Room 308, Main Post Office Building, Providence, R.I., before Joint Board No. 134.

No. MC 114019 (Sub-No. 64), filed October 12, 1961. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen fruits in mixed shipments with frozen eggs and frozen pecans*, between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states that it is under common control and management with Midwest Transfer Company of Illinois, as approved by the Commission.

HEARING: November 30, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Lacy W. Hinely.

No. MC 114084 (Sub-No. 3), filed September 25, 1961. Applicant: S AND S TRUCKING COMPANY, a corporation, 118 South Oakland Avenue, Statesville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory and technical furniture, equipment, material and supplies*, uncrated from points in Iredell County, N.C., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Penn-

sylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, and *rejected and refused shipments* from destination points listed above to point of origin.

HEARING: December 7, 1961, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Richard A. White.

No. MC 114098 (Sub-No. 20), filed August 29, 1961. Applicant: LOWTHER TRUCKING COMPANY, a corporation, 521 Penman Street, Charlotte, N.C. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, pipe and tubing*, on flat trailers, from points in Allegheny County, Pa., to points in North Carolina and South Carolina, and *pallets and stringers*, on return.

HEARING: December 6, 1961, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Richard A. White.

No. MC 114098 (Sub-No. 22), filed September 27, 1961. Applicant: LOWTHER TRUCKING COMPANY, a corporation, 521 Penman Street, P.O. Box 2115, Charlotte 1, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, on flat trailers, from Rockwood, Ala., and Bradford and Bloomington, Ind., to Charlotte, N.C.

HEARING: December 5, 1961, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Richard A. White.

No. MC 114098 (Sub-No. 23), filed October 6, 1961. Applicant: LOWTHER TRUCKING COMPANY, a corporation, 521 Penman Street, P.O. Box 2115, Charlotte, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards or sheets* (not including wall board or insulating board), on flat bed trailers, from Black Mountain, N.C., to points in Alabama, District of Columbia, Florida, Georgia, Kentucky, Maryland (except Baltimore), New Jersey (except points within 35 miles of New York, N.Y.), and (except points within 25 miles of Philadelphia, Pa.), New York (except points in the New York, N.Y., Commercial Zone, as defined by the Commission), Pennsylvania (except Philadelphia, and points within 25 miles thereof), South Carolina, Tennessee, and Virginia.

HEARING: November 27, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 114364 (Sub-No. 56), filed August 14, 1961. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Street, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vanadium pentoxide*, from Salt Lake City and Garfield, Utah, and

Edgemont, S. Dak., to New Orleans, La., and Houston, Tex.

HEARING: December 13, 1961, at the New Customs House, Denver, Colo., before Examiner William A. Royall.

No. MC 114364 (Sub-No. 57), filed August 14, 1961. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Streets, P.O. Box 672, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uranium oxide* (yellow cake) from Deweesville, Tex. (sometimes called De Wees), to Grand Junction, Colo.

HEARING: December 12, 1961, at the New Custom House, Denver, Colo., before Joint Board No. 89, or, if the Joint Board waives its right to participate, before Examiner William A. Royall.

No. MC 114364 (Sub-No. 58), filed August 21, 1961. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, (1) from Hardin, Mont., Worland, and Torrington, Wyo., to Denver, Colo., and (2) from Denver, Colo., to Rocky Ford, Colo.

NOTE: Applicant states the purpose of this application is to permit storage in transit at warehouse facilities at Denver, Colo. Service to Rocky Ford will be for joinder to points of ultimate destination in Kansas, Oklahoma, and Texas, where applicant presently has authority direct from Hardin, Mont., Worland and Torrington, Wyo.

HEARING: December 15, 1961, at the New Customs House, Denver, Colo., before Joint Board No. 265, or, if the Joint Board waives its right to participate, before Examiner William A. Royall.

No. MC 114364 (Sub-No. 59), filed September 21, 1961. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Streets, P.O. Box 672, Rocky Ford, Colo. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Frozen and canned fruits*, from Delta, Colo., to points in Arizona, Arkansas, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

NOTE: Applicant states it is controlled by Earl Bray, Inc.

HEARING: December 8, 1961, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Charles J. Murphy.

No. MC 115022 (Sub-No. 6), filed July 27, 1961. Applicant: CHAMBERLAIN MOBILEHOME TRANSPORT, INC., 64 East Main Street, Thomaston, Conn. Applicant's attorney: Reubin Kaminsky, Suite 223, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile-homes (pre-built homes)*, designed to be drawn by passenger cars, in initial movements, by the truckaway method; from points in New York (excepting Cuba and Latham, N.Y.), to points in the United States, including Alaska (but excluding

Hawaii), and refused, damaged or rejected shipments, on return.

HEARING: December 12, 1961, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Laurence E. Masoner.

No. MC 115036 (Sub-No. 15), filed August 25, 1961. Applicant: VAN TASSEL, INCORPORATED, Fifth and Grand, Pittsburg, Kans. Applicant's representative: H. V. Eskelin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay, brick, and tile*, from Tulsa, Collinsville, and Oklahoma City, Okla., to points in Kansas on and east of U.S. Highway 81, and points in Missouri and Arkansas, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

NOTE: Applicant holds common carrier authority under MC 119630 and Subs thereunder, therefore, dual operations may be involved.

HEARING: December 4, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner William A. Royall.

No. MC 115322 (Sub-No. 22), filed July 27, 1961. Applicant: J. M. BLYTHE, doing business as J. M. BLYTHE MOTOR LINES, P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Daniel B. Johnson, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, frozen and unfrozen, from points in Chautauqua County, N.Y., and Erie County, Pa., to points in Georgia.

HEARING: December 1, 1961, at 346 Broadway, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 115442 (Sub-No. 5), filed September 20, 1961. Applicant: HAR-PEN TRUCK LINES, INC., Eatonton Highway, Milledgeville, Ga. Applicant's attorney: T. Baldwin Martin, 503 First National Bank Building, Macon, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products*, from Milledgeville, Ga., to points in Kentucky, Virginia, and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: November 30, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Richard A. White.

No. MC 115669 (Sub-No. 18), filed July 14, 1961. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Applicant's representative: C. A. Ross, 1005 Terminal Building, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt compounds*, in bulk, in bags, packages or other containers, in straight and mixed truckloads, from Omaha, Nebr., and points within ten (10) miles thereof, to points in the States of Iowa, Minnesota, North Dakota, and South Dakota, and *empty containers, exempt and non-*

exempt commodities or other such incidental facilities (not specified) used in transporting the commodities specified above, on return.

HEARING: November 29, 1961, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner A. Lane Cricher.

No. MC 115669 (Sub-No. 21), filed September 18, 1961. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm supplies and machinery, including feeders, waterers, troughs, feeder tanks, storage tanks, grain bins and cribs, including all component parts of above named items, and fabricated wood or metal buildings, complete, or in parts thereof, knocked down, or in sections, including all component parts, materials, supplies and fixtures with or without power loading and unloading devices, in straight and mixed shipments; from Hutchinson, Kans., and points within 10 miles thereof, including the plant site of Consumers Cooperative Association, to points in Wyoming, North Dakota, South Dakota, and Montana.*

HEARING: November 30, 1961, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner A. Lane Cricher.

No. MC 115994 (Sub-No. 6), filed August 3, 1961. Applicant: JOHN P. FIDERAK AND STEVE J. FIDERAK, 202 Hunter Street, Tamaqua, Pa. Applicant's attorney: William J. Wilcox, 624 Commonwealth Building, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Waylite and cinder building blocks*, from points in Lehigh County, Pa., to points in the New York, N.Y., Commercial Zone, as defined by the Commission, (2) *scrap metals*, in dump vehicles, (a) from points in the New York, N.Y., Commercial Zone and Newark, N.J., to points in Berks, Chester, Delaware, Lehigh, Luzerne, Montgomery, Northampton, and Schuylkill Counties, Pa., and (b) from points in the New York, N.Y., Commercial Zone, as defined by the Commission, to points in Burlington, Camden, Union, and Warren Counties, N.J.

HEARING: December 7, 1961, at 346 Broadway, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 116063 (Sub-No. 18), filed September 12, 1961. Applicant: C & R TRANSPORT COMPANY, INC., P.O. Box 7346, Fort Worth 11, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur*, in bulk, from points in Cass, Crane, Ector, Hockley, Hopkins, Hunt, Karnes, Rains, Van Zandt, Wood, and Franklin Counties, Tex., to points in Arkansas, Kansas, Louisiana, Missouri, and Oklahoma, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified in this application, on return.

HEARING: December 8, 1961, at the Baker Hotel, Dallas, Tex., before Examiner Bernard J. Hasson, Jr.

No. MC 116085 (Sub-No. 1), filed August 21, 1961. Applicant: FRISKEY AND HARDING TRUCKING, INC., Box 3, Kendallville, Ind. Applicant's attorney: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printing paper in rolls* (a) from the plant site of the Champion Paper Co., at Canton, N.C., and the plant site of the International Paper Company at Niagara Falls, N.Y., to the plant sites of the National Carbon Paper Co. at Sturgis, Mich., and (b) from the plant site of the Kalamazoo Paper Co. of Kalamazoo, Mich., and the Bowaters Southern Paper Corp. at Calhoun, Tenn., to Corinth, Miss. (2) *Tissue paper in rolls* from the plant site of Nutley Tissue Paper Co., Nutley, N.J., to the plant sites of the National Carbon Paper Co. at Sturgis, Mich. (3) *Paraffin wax* from the plant site of the Sun Oil Company at Martins Hook, Pa., to the plant sites of the National Carbon Paper Co. at Sturgis, Mich. (4) *Petrolatum*, in drums, from Karns City, Pa., to the plant sites of the National Carbon Paper Co. at Sturgis, Mich. (5) *Printed autographic register paper, autographic registers, sales books, deposit slips, sales slips, and printed forms*, from the plant sites of the National Carbon Paper Co. at Sturgis, Mich., to Albany, N.Y.; Lancaster, Philadelphia, Carlisle, and Pittsburgh, Pa.; New Brunswick and Newark, N.J.

NOTE: Applicant states all the above transportation to be performed under a continuing contract with the National Carbon Paper Co.

HEARING: November 27, 1961, at the Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., 11:30 a.m., before Examiner Hugh M. Nicholson.

No. MC 116405 (Sub-No. 2), filed June 2, 1961. Applicant: O'JIM POOLE TRUCK LINE, INC., P.O. Box 162, Phenix City, Ala. Applicant's attorney: Maurice F. Bishop, 325-29 Frank Nelson Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Malt beverages, pallets, bottles, cases and kegs, can openers, empty malt beverage containers, and advertising material* pertaining to malt beverages: (1) From St. Joseph, Mo., Chicago, Ill., Fort Wayne, and South Bend, Ind., Louisville and Covington, Ky., Tampa, Fla., and New Orleans, La., to points in Alabama. (2) From St. Louis and St. Joseph, Mo., Chicago, Belleville, and Peoria, Ill., Fort Wayne, South Bend, Evansville, and Terre Haute, Ind., Cincinnati, Ohio, Louisville and Covington, Ky., Tampa, Fla., and New Orleans, La., to points in Troup and Muscogee Counties, Ga. (B) *Empty beverage containers, pallets, bottles, cases, kegs, and advertising material* pertaining to malt beverages: From points in Alabama and points in Troup and Muscogee Counties, Ga., to St. Louis and St. Joseph, Mo., Chicago, Belleville, and Peoria, Ill., Fort

Wayne, South Bend, Evansville, and Terre Haute, Ind., Cincinnati, Ohio, Louisville and Covington, Ky., Tampa, Fla., and New Orleans, La.

HEARING: December 11, 1961, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Charles J. Murphy.

No. MC 116725 (Sub-No. 3), filed September 14, 1961. Applicant: JOHN S. KELLER, Keller's Creamery Road, R.F.D. 2, Telford, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* from Edgely, Pa., to points in Ohio, Indiana and Illinois, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

HEARING: December 14, 1961, at Room 300, U.S. Custom House and Appraisers' Stores, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Edith H. Cockrill.

No. MC 117119 (Sub-No. 2) (REPUBLICATION), filed December 5, 1958, published issue of February 4, 1959, and republished this issue. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: A. Alvis Layne, Jr., Pennsylvania Building, Washington 4, D.C. By application filed December 5, 1958, applicant sought a certificate under the "grandfather" proviso of section 7(c) of the Transportation Act of 1958, authorizing operation as a common carrier by motor vehicle, of the commodities specified, between the States named in the application as set forth in the notice of filing published in the FEDERAL REGISTER, issue of February 4, 1959. In a Report and Order, decided September 27, 1961, served October 5, 1961, the Commission, division 1, finds that applicant was on May 1, 1958, in bona fide operation as a common carrier by motor vehicle, and authorizes the issuance of a certificate covering the following transportation which is here pertinent, among others: "(e) Frozen fish when moving in the same vehicle and at the same time with frozen fruits, frozen vegetables, or frozen berries, from Seattle, Wash., and Astoria, Oreg., to points in Arkansas, Kansas, Missouri, Oklahoma, Iowa, Nebraska, and Texas, and provides for the issuance of a certificate after the elapse of 20 days from the date of this republication in the FEDERAL REGISTER, during which period any person or persons who might have been prejudiced by the incomplete summary of the application as originally published in the FEDERAL REGISTER, specifically that portion as recited above, covering the transportation of frozen fish at the same time, in the same vehicle with frozen fruits, berries, and vegetables.

No. MC 118831 (Sub-No. 18), filed October 9, 1961. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5044, High Point, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sand, ground and pulverized* in special equipment, from

Edmund, S.C., and points within 10 miles thereof, to points in Georgia and North Carolina.

HEARING: November 7, 1961, at the U.S. Court Rooms Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 130.

No. MC 118898 (Sub-No. 4), filed October 4, 1961. Applicant: T. P. TRUCKING COMPANY, INC., 1489 Grady Avenue, Yazoo City, Miss. Applicant's attorney: Rubel L. Phillips, P.O. Box 961, 829 Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer, dry, in bulk and in packages, and urea, dry, in bulk and in packages*, from Yazoo City, and Pascagoula, Miss. to points in Alabama, Arkansas, Florida, Louisiana, Tennessee, and Texas.

NOTE: Applicant states that the transportation is to be limited to a service performed under a continuing contract with Coastal Chemical Corporation, Yazoo City, Miss.

HEARING: November 30, 1961, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Charles J. Murphy.

No. MC 118898 (Sub-No. 5), filed October 4, 1961. Applicant: T. P. TRUCKING COMPANY, INC., 1489 Grady Avenue, Yazoo City, Miss. Applicant's attorney: Rubel L. Phillips, P.O. Box 961, 829 Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer, dry, in bulk and in packages, and urea, dry, in bulk and in packages*, from Yazoo City, Miss., to points in Alabama, Arkansas, Florida, Louisiana, Tennessee, and Texas.

NOTE: Applicant states that the above transportation will be limited to service performed under a continuing contract with Mississippi Chemical Corporation, Yazoo City, Miss.

HEARING: November 30, 1961, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Charles J. Murphy.

No. MC 119346 (Sub No. 8), filed June 23, 1961. Applicant: RED CREST EXPRESS, INC., 501 North Douglas Street, Oklahoma City, Okla. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer*, in bottles, kegs and cans, (2) *advertising and promotional material*, distributed in connection therewith, from Oklahoma City, Okla. to Clovis, N. Mex., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Applicant states the service herein requested is limited to a transportation service to be performed under a continuing contract or contracts with the Lone Star Brewing Company of Oklahoma City, Okla.

HEARING: November 29, 1961, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 210, or, if the Joint Board waives its right to partici-

pate, before Examiner Bernard J. Has-son, Jr.

No. MC 119493 (Sub-No. 6), filed August 10, 1961. Applicant: MONKEM COMPANY, INC., 1206 East Sixth Street, P.O. Box 689, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fish meal, manufactured animal and poultry feeds, and ingredients used in the manufacture of animal and poultry feeds*, in bulk and in bags, *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, and *damaged, defective, and rejected shipments* specified in (1) above, between points in Texas, on the one hand, and, on the other, points in Louisiana, Arkansas, Oklahoma, Kansas, Nebraska, Missouri, Iowa, Minnesota, Texas, Tennessee, Illinois, Indiana, North Dakota, and South Dakota; and (2) *fish meal*, in bulk and in bags, *empty containers or other such incidental facilities* (not specified) used in transporting Fish Meal, and *damaged, defective, and rejected shipments* of Fish Meal, between points in Louisiana, on the one hand, and, on the other, points in Arkansas, Tennessee, Minnesota, Texas, Indiana, North Dakota, and South Dakota.

HEARING: November 30, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner William A. Royall.

No. MC 119493 (Sub-No. 7), filed August 15, 1961. Applicant: MONKEM COMPANY, INC., 1206 East Sixth Street, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural twine, including binder twine, baler twine, and rope and cordage*, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, and *damaged, defective and rejected shipments*, between points in Louisiana, Texas, Arkansas, Oklahoma, Missouri, Kansas, Nebraska, Iowa, North Dakota, South Dakota, and Minnesota.

HEARING: December 1, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner William A. Royall.

No. MC 121006. Applicant: GADSDEN TRUCK LINE, INC., 930 Forrest Avenue, Gadsden, Ala. Applicant's attorney: George C. Hawkins, 930 Forrest Avenue, Gadsden, Ala. Assigned for hearing to determine whether the motor vehicle operations of Gadsden Truck Line, Inc., are and will be managed and operated in a common interest, management, and control with those of Holloway Motor Express, Inc., a multiple-State Carrier holding certificates under No. MC 115594, and whether Gadsden Truck Line, Inc., is eligible to engage in operations in interstate or foreign commerce within the State of Alabama under the second proviso of section 206(a) (1) of the Interstate Commerce Act.

HEARING: December 13, 1961, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Charles J. Murphy.

No. MC 123364 (Sub-No. 1), filed September 20, 1961. Applicant: GEORGE T. ANGLIN AND JULIAN W. BATTLE, a partnership, doing business as A. & B.

TRUCKING COMPANY, Wadley, Ga. Applicant's attorney: J. Roy McCracken, 13th Floor Southern Finance Building, Augusta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Debarker machinery*, between Wadley, Ga., on the one hand, and, on the other, points in Mississippi, Alabama, Florida, North Carolina, and South Carolina, (2) *lumber*, between points in Jefferson, Johnson, Emanuel, and Burke Counties, Ga., on the one hand, and, on the other, points in North Carolina, South Carolina, and Florida, and (3) *wood chips*, from points in Jefferson and Emanuel Counties, Ga., to points in Florida.

HEARING: December 14, 1961, at the 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Charles J. Murphy.

No. MC 123688 (Sub-No. 2), filed July 24, 1961. Applicant: VERNON C. KISER, doing business as KISER GARAGE & NATIONWIDE WRECKER SERVICE, 3032 Rozzelle's Ferry Road, Charlotte, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trucks, tractors, semi-trailers and automobiles* as replacements for wrecked and disabled vehicles, in secondary movement, drive away method, from Charlotte, N.C., to points in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, and Wyoming, and (2) *wrecked and disabled trucks, tractors, semi-trailers and automobiles*, in secondary movement, drive away and truck away methods, on return.

HEARING: December 4, 1961, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Richard A. White.

No. MC 123752 (Sub-No. 1), filed July 28, 1961. Applicant: SAMUEL P. TIF-FEE, doing business as TIF-FEE'S LIGHT OIL FIELD HAULING, 1311 Mascagni Avenue, Natchez, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in replacing, servicing, and repair of machinery and equipment used in, or in connection with, the discovery, development and production of natural gas and petroleum and their products and by-products, restricted to shipments weighing 1,500 pounds or less each, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, between points in Adams County, Miss., on the one hand, and, on the other, points in Mississippi, Arkansas, Louisiana, and Alabama.

HEARING: November 27, 1961, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Charles J. Murphy.

No. MC 123766 (Sub-No. 1), filed July 20, 1961. Applicant: DONALD L. WERST AND ORVILLE CHARLEY, a

copartnership, doing business as D & O TRANSPORT, 416 South Sixth Avenue, Yakima, Wash. Applicant's attorney: George H. Hart, Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Box shook*, from Manson, Wash. and points within five (5) miles thereof, to points in Oregon, California, and Arizona, and *empty containers or other such incidental facilities* (not specified), used in transporting box shook, on return.

NOTE: Applicant states it also proposes to transport exempt commodities, on return.

HEARING: November 29, 1961, at the Federal Office Building, Seattle, Wash., before Examiner Armin G. Clement.

No. MC 123787 (Sub-No. 1), filed August 9, 1961. Applicant: HAGGARTY TRANSPORT, LTD., Wooler, Ontario, Canada. Applicant's attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride and soda ash* in bags; from Ogdensburg, Alexandria Bay, Clayton and Roosevelttown, N.Y., to Ports of Entry on the International Boundary between the United States and Canada located on the St. Lawrence River, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

HEARING: December 6, 1961, at the Federal Building, Syracuse, N.Y., before Examiner Laurence E. Masoner.

No. MC 123817 (AMENDMENT), filed July 19, 1961, published FEDERAL REGISTER, issue October 11, 1961, amended October 17, 1961, republished as amended this issue. Applicant: DALE SAMMONS, Magnolia, Ill. Applicant's attorney: M. G. Gulo, 124 South Monroe Street, Streator, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated steel culverts*, from Havana, Ill., to points in Illinois, Missouri, Iowa, Wisconsin, and Indiana, and *empty containers or other incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: Applicant states that the purpose of the application is to change his base point of operations from Peoria, Ill., to Havana, Ill., and also to extend his authority by adding further territory to that already authorized by the Commission. Applicant conducts operations as a contract carrier in permit No. MC 11731, therefore, dual operations may be involved. The purpose of this amendment is to include "Indiana" as a destination point.

HEARING: Remains as assigned, December 1, 1961, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Examiner Garland E. Taylor.

No. MC 123822, filed July 19, 1961. Applicant: ROMINE, INC., Route No. 1, Box 430-A, Savannah, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used heavy and light construction and road-building equipment; telephone poles, creosoted wood materials and piling, lumber and*

storage tanks, between Savannah, Ga., on the one hand, and, on the other, points in Georgia, Florida, Alabama, South Carolina, and North Carolina.

HEARING: December 1, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Richard A. White.

No. MC 123847, filed August 1, 1961. Applicant: LOUIS CIARAMELLO, JR., AND RICHARD M. CIARAMELLO, doing business as L & D TRUCKING CO., 3 Eugene Street, Providence, R.I. Applicant's attorney: Thomas R. DiLuglio, 630 Industrial Bank Building, Providence, R.I. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Providence, R.I., to points in New London and Windham Counties, Conn., and points in Barnstable, Bristol, Plymouth, and Norfolk Counties, Mass., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

HEARING: November 28, 1961, in Room 308, Main Post Office Building, Providence, R.I., before Joint Board No. 134.

No. MC 123866, filed August 11, 1961. Applicant: PAVILION PIPE LINE CORP., P.O. Box 126, Asbury Road, LeRoy, N.Y. Applicant's attorney: Robert V. Gianniny, 25 Exchange Street, Rochester 14, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation and stringing of cast iron pipe and fittings, requiring special equipment for loading and unloading, from Phillipsburg, N.J., to points in New York State on and west of New York Highway 11, and *damaged, refused and rejected shipments* of the same commodity, on return.

HEARING: December 7, 1961, at the Manger Hotel, Rochester, N.Y., before Examiner Laurence E. Masoner.

No. MC 123881, filed August 18, 1961. Applicant: MIDWEST TRANSFER AND SUPPLY, INC., P.O. Box 131, Lockwood, Mo. Applicant's attorney: Stanley P. Clay, 514 First National Building, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Binder and bailer twine, wire rope, bailer wire, oyster shell, and peat moss, and dry sacked fertilizer*, from New Orleans, La., Mobile, Ala., and Houston, Beaumont, and Galveston, Tex., to points in Arkansas, Mississippi, Kentucky, Tennessee, Illinois, Wisconsin, Iowa, Minnesota, South Dakota, North Dakota, Nebraska, Colorado, Kansas, Oklahoma, and Missouri.

NOTE: Applicant proposes to transport exempt commodities, on return.

HEARING: December 5, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner William A. Royall.

No. MC 123883 (Sub-No. 1), filed August 18, 1961. Applicant: CONTINENTAL DISPATCH, INC., 425 Bolton Avenue, Alexandria, La. Applicant's representative: Warren A. Goff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, docu-*

ments and written instruments, ordinarily used in banks and banking institutions, destined to or originating at, banks or banking institutions (excluding coins, currency, negotiable securities, stationery, and supplies), between points in Rapides Parish, La., points in Louisiana on and east of Louisiana Highway 19 from the Louisiana Mississippi State line to Baton Rouge, La., thence from Baton Rouge over Louisiana Highway 1 to the Gulf of Mexico, points in Mississippi, on and south of U.S. Highway 80, points in Baldwin and Mobile Counties, Ala., and Pensacola, Fla., on the one hand, and, on the other, New Orleans, La.

HEARING: December 6, 1961, at the Claridge Hotel, Memphis, Tenn., before Examiner Charles B. Heinemann.

No. MC 123884, filed August 18, 1961. Applicant: SAMUEL ZEMSKY AND JOHN NERVIANO, doing business as Z-N TRUCKING, 710 Avenue S, Brooklyn, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed advertising matter, consisting of circulars and booklets*, bound and loose, (1) from New York City, N.Y., to Harrison, Belleville, Union, and Elizabeth, N.J., and (2) between New York City, N.Y., and Norwalk, Conn.

HEARING: November 29, 1961, at 346 Broadway, New York, N.Y., before Examiner Laurence E. Masoner.

No. MC 123886, filed August 21, 1961. Applicant: MICHAEL GANNUCCI, 465 Communipaw Avenue, Jersey City, N.J. Applicant's attorney: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel*, from Port Newark, N.J., to New York, N.Y.

NOTE: Applicant states the proposed operation will be under contract with the Baldwin Steel Company.

HEARING: November 29, 1961, at 346 Broadway, New York, N.Y., before Examiner Laurence E. Masoner.

No. MC 123908, filed August 30, 1961. Applicant: JOHN F. ULLINGER AND MARGARET ULLINGER, doing business as BOSTON HILLS MOBILE HOMES, Hamburg Boston Road, Boston, N.Y. Applicant's attorney: Michael Beileweh, Jr., 621 Erie County Bank Building, Buffalo 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers and contents and accessories* to trailers, between points in Erie County, N.Y., on the one hand, and, on the other, points in New York and Pennsylvania, and *empty containers or other incidental facilities* (not specified) used in transporting the above-described commodities, on return.

HEARING: December 11, 1961, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Laurence E. Masoner.

No. MC 123919, filed September 11, 1961. Applicant: CANTON TRUCK SERVICE, INC., P.O. Box 378, Canton, Miss. Applicant's attorney: Rubel L. Phillips, 829 Deposit Guaranty Bank Building, P.O. Box 961, Jackson, Miss.

Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* from Springfield, Mo., and Memphis, Tenn., to points in Mississippi; and *farm machinery and farm supplies* from Birmingham and Mobile, Ala., and New Orleans, La., to points in Mississippi.

NOTE: Applicant states the above authority is to be limited to service performed under a continuing contract with Mississippi Federated Cooperatives, A.A.L. of Jackson, Miss.

HEARING: November 29, 1961, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Charles J. Murphy.

No. MC 123928, filed September 15, 1961. Applicant: ROBERT K. PEARSON, doing business as T & B TRANSPORT, 7616 Sni-A-Bar Road, Kansas City, Mo. Applicant's attorney: James F. Miller, 500 Board of Trade Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed, used motor vehicles*, in driveway and towaway service, between points within an area in Kansas and Missouri bounded by a line beginning at the junction of the Nebraska-Kansas State line and the Missouri River, thence north along the Missouri River to the Iowa State line, thence east along the Iowa-Missouri State line to U.S. Highway 63, thence generally south along U.S. Highway 63 to the Missouri-Arkansas State line, thence west thereon to the Missouri-Oklahoma State line, thence north thereon to the Oklahoma-Kansas State line, thence west thereon to U.S. Highway 77, thence generally north thereon to the Nebraska-Kansas State line, and thence east thereon to the place of beginning, including points on said boundary, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

HEARING: December 7, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner William A. Royall.

No. MC 123936, filed September 20, 1961. Applicant: RETAIL STORES DELIVERY OF RHODE ISLAND, INC., 350 Allen Avenue, Providence, R.I. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores*; from Providence, R.I., to points in that part of Connecticut and Massachusetts bounded by a line beginning at Mystic, Conn., and extending north along Connecticut Highway 169 to junction Connecticut Highway 84, thence along Connecticut Highway 84 to junction Connecticut Highway 119, thence along Connecticut Highway 119 to junction Connecticut Highway 2 at North Stonington, Conn., thence along Connecticut Highway 2 to junction Connecticut Highway 12, thence along Connecticut Highway 12 to the Connecticut-Massachusetts State line, thence along Massachusetts Highway 12 to junction Massachusetts Highway 16, thence along Massachusetts Highway 16 through Hopedale, Mass., to junction Massachusetts Highway 140, thence along Mass-

sachusetts Highway 140 to Mansfield, Mass., thence along Massachusetts Highway 106 to junction Massachusetts Highway 138, thence along Massachusetts Highway 138 to Taunton, Mass., and thence along Massachusetts Highway 140 to New Bedford, Mass., including points on the indicated portions of the highways specified, and *damaged, defective and traded-in merchandise*, on return.

NOTE: (1) Applicant states it is seeking a conversion of contract carrier authority to common carrier authority in the instant application. (2) Common control may be involved.

HEARING: December 1, 1961, in Room 308 Main Post Office Building, Providence, R.I., before Joint Board No. 134.

No. MC 123943, filed September 29, 1961. Applicant: ARNOLD B. HAIRE, 88 Forest Street, Gloversville, N.Y. Applicant's attorney: Charles P. Caputo, 4 West Fulton Street, Gloversville, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, charcoal and pallets* from points in the State of New York to points in Vermont, New Hampshire, Massachusetts, Pennsylvania, Rhode Island, Connecticut, and New Jersey, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

HEARING: November 30, 1961, at the Federal Building, Albany, N.Y., before Examiner Laurence E. Masoner.

No. MC 123951, filed September 26, 1961. Applicant: BARNEY DUBIL, doing business as ATLANTIC SEACOAST FREIGHTWAYS, 18 Division Street, South River, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Maine, New Hampshire, Maryland, Virginia, West Virginia, the District of Columbia, Ohio, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Indiana, Kentucky, Illinois, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Texas, and Vermont.

NOTE: Applicant states that the commodities proposed to be transported are general commodities, without exception, including those in bulk and in tank vehicles.

HEARING: November 27, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 123954, filed September 27, 1961. Applicant: J. P. MICHAEL, doing business as J. P. MICHAEL TRUCKING, 209 Malone Street, Athens, Ala. Applicant's representative: Frederick H. Figge, 410 O'Farrell Street, Collinsville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, dairy products, poultry, poultry products, fish, fish products, with or without other ingredients, pies, dinners, and bakery products*, all requiring temperature control in transit, from Athens, Ala., to points in the United States, ex-

cept Alaska, and commodities classed by the Commission as exempt, on return.

HEARING: November 29, 1961, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Charles B. Heinemann.

No. MC 123970, filed October 5, 1961. Applicant: BROOKE O. BIERKAMP, doing business as C. W. BIERKAMP & SON, 236 South Newberry Street, York, Pa. Applicant's attorney: S. Harrison Kahn, 1110-14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone, crushed, ground or pulverized*, from Thomasville, Pa., and points within ten (10) miles thereof, to points in Maryland, Delaware, New Jersey, and points in the Washington, D.C., Commercial Zone, as defined by the Commission, and the New York, N.Y., Commercial Zone, as defined by the Commission.

HEARING: November 16, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 123978, filed October 9, 1961. Applicant: EMMETT A. RICHEY AND GORDON STEWART, a partnership, doing business as RICHEY & STEWART, Highway 71, Scottsburg, Ind. Applicant's representative: Frederick H. Figge, 410 O'Farrell Street, Collinsville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Clay and Leslie Counties, Ky., to points in Jefferson, Scott, and Washington Counties, Ind., and *exempt commodities*, on return.

HEARING: November 30, 1961, at the Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., 11:30 a.m., before Joint Board No. 155, or, if the Joint Board waives its right to participate, before Examiner Hugh M. Nicholson.

MOTOR CARRIERS OF PASSENGERS

No. MC 30318 (Sub-No. 3), filed September 25, 1961. Applicant: YANKEE TRAILS, INC., 95 Partition Street, Rensselaer, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, during the racing season, who at the time are traveling between Berkshire Downs Race Track, located at or near Pittsfield (Berkshire County), Mass., on the one hand, and, on the other, Troy, N.Y.

HEARING: November 30, 1961, at the Federal Building, Albany, N.Y., before Examiner Laurence E. Masoner.

No. MC 107583 (Sub-No. 13) (REPUBLICAN), filed February 10, 1961, published issue March 1, 1961, and republished this issue. Applicant: SALEM TRANSPORTATION CO., INC., doing business as ATLANTIC CITY TRIPS, 291 Broadway, Suite 504, New York 7, N.Y. Applicant's attorney: George H. Rossen, 291 Broadway, New York 7, N.Y. By application filed February 10, 1961, applicant sought authority to transport, as a *common carrier*, by motor vehicle, passengers and their baggage in the

same vehicle with passengers, in special operations, in non-scheduled door-to-door service; between the points, including certain airports, all as set forth with particularity in the notice of filing of the application published in the FEDERAL REGISTER, issue of March 1, 1961. Hearing was held on May 2, 1961, at New York, N.Y., with Gordon McLean Callow, Hearing Examiner, presiding. The Examiner's report and order was served June 20, 1961. On September 29, 1961, the Commission, division 1, entered an order in this proceeding which was served October 6, 1961, which provides that the application be amended by adding La Guardia Airport, N.Y., as a point of service. The service authorized by the Decision and Order of Division 1, is as follows: "Operation as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting passengers and their baggage, in the same vehicle with passengers, in special operations, in nonscheduled door-to-door service, limited to the transportation of not more than eight passengers in any one vehicle, not including the driver thereof, and not including children under ten years of age who do not occupy a seat or seats; (1) between New York, N.Y., and Philadelphia, Pa., on the one hand, and, on the other, Atlantic City, N.J.; (2) between Atlantic City, N.J., on the one hand, and, on the other, Wilmington, Del., Baltimore, Md., and Washington, D.C.; and (3) between Fort Dix, McGuire Air Force Base, Wrightstown, N.J., and points in the townships of New Hanover, North Hanover, Chesterfield, Bordentown, Mansfield, Springfield, and Pemberton, in Burlington County, N.J., on the one hand, and, on the other, Philadelphia International Airport, Philadelphia, Pa., and La Guardia Airport, Idlewild International Airport, Fort Hamilton and Manhattan Beach Air Force Base, New York, N.Y. Any interested party who may be affected by the broadened territorial scope of the application, may, within 30 days from the date of this republication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12456 (Sub-No. 2), filed August 8, 1961. Applicant: SKI BIRD TOURS, INC., 2039 Broadway, New York, N.Y. Applicant's attorney: Sidney J. Leshin, 608 Fifth Avenue, New York 20, N.Y. For a license (BMC 5) to engage in operations as a *broker* at New York, N.Y., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups, in round-trip, all expense tours, between New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, Vermont, Pennsylvania, New Hampshire, and New York.

HEARING: November 28, 1961, at 346 Broadway, New York, N.Y., before Examiner Laurence E. Masoner.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 116), filed October 11, 1961. Applicant: YOUNGER BROTHERS, INC., P.O. Box 14287, Houston, Tex. Applicant's attorney: Ewell H. Muse, Jr., Perry-Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Manganese dioxide concentrates*, from El Paso, Tex., to points in San Juan County, Utah and (2) *copper concentrates*, from points in San Juan County, Utah, to El Paso, Tex.

NOTE: Applicant states that J. M. English Truck Lines, Inc., is an affiliated Motor Carrier engaged in transporting oil field commodities under the Mercer case commodity description as authorized in Docket No. MC 106509 and Subs.

No. MC 30887 (Sub-No. 114), filed October 13, 1961. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum chloride*, anhydrous, in bulk, in dump-tank or hopper type vehicles, from Emporium and Seven Stars, Pa., to Wilmington, Del., Wood River, Ill., Whiting, Ind., Baltimore, Md., Detroit and Midland, Mich., Bound Brook, Carney's Point, Delaware, East Rutherford, Linden, Union Beach, Newark and Toms River, N.J., Massena and Rensselaer, N.Y., Yorktown, Va., Charleston and Huntington, W. Va., and Ports of Entry on the International Boundary between the United States and Canada at or near Buffalo and Alexandria Bay, N.Y.

No. MC 31600 (Sub-No. 516), filed October 11, 1961. Applicant: P. B. MURTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetic acid*, in bulk, in tank vehicles, from Niagara Falls, N.Y., to Merrimac, N.H.

NOTE: Applicant states that the purpose of this application is to eliminate the necessity of observing the gateway at Bergen County, N.J., in serving the above points under its present authority.

No. MC 66562 (Sub-No. 1846) (CLARIFICATION), filed September 19, 1961, published in the FEDERAL REGISTER, issue of September 27, 1961, clarified October 16, 1961, republished as clarified, this issue. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service; (1) Between Trenton, N.J., and Perth Amboy, N.J., from Trenton over New Jersey Highway 33 to junction U.S. Highway 9, thence over U.S. Highway 9 to junction New Jersey Highway 35, thence over New Jersey Highway 35 to

Perth Amboy, and return over the same route, serving no intermediate points; (2) Between Trenton, N.J., and Red Bank, N.J., from Trenton over New Jersey Highway 33 to junction New Jersey Highway 79, thence over New Jersey Highway 35 to Red Bank, and return over the same route, serving the intermediate point of Matawan, N.J.; (3) Between Trenton, N.J., and Point Pleasant, N.J., from Trenton over New Jersey Highway 33 to intersection of New Jersey Highway 35, thence over New Jersey Highway 35 to Point Pleasant, and return over the same route, serving the off-route point of Asbury Park, N.J.; (4) Between Trenton, N.J., and Somerville, N.J., from Trenton over U.S. Highway 206 to junction New Jersey Highway 28, thence over New Jersey Highway 28 to Somerville, and return over the same route, serving the intermediate point of Princeton, N.J.; and (5) Between Trenton, N.J., and Allentown, Pa., from Trenton over New Jersey Highway 69 to junction U.S. Highway 22, thence over U.S. Highway 22 to Allentown, and return over the same route, serving the intermediate points of Flemington, N.J., and Easton and Bethlehem, Pa. **RESTRICTION:** The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

NOTE: Applicant states that under the proposal it intends to handle and it will be necessary to handle traffic originating at a point on one of the designated regular routes, destined to a point on another designated regular route, for example from Perth Amboy, N.J., to Allentown, Pa., or vice versa, the traffic to be handled via the common terminal point, Trenton.

No. MC 66562 (Sub-No. 1847) (CORRECTION), filed September 19, 1961, published *FEDERAL REGISTER*, issue September 27, 1961, corrected October 18, 1961, republished as corrected this issue. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Newark, N.J., and Plainfield and Bayonne, N.J.; (1) from Newark over U.S. Highway 22 to Plainfield, and return over the same route serving no intermediate points and (2) from Newark over U.S. Highway 1 to junction with New Jersey Turnpike, thence over New Jersey Turnpike to Bayonne, and return over the same route, serving no intermediate points.

NOTE: The service to be performed will be limited to that which is auxiliary to or supplemental of express service and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an

immediately subsequent movement by rail or air.

The purpose of the correction as shown above is to include the "Note", which was previously omitted.

No. MC 104896 (Sub-No. 6), filed October 10, 1961. Applicant: WOMELDORF, INC., P.O. Box 232, Lewistown, Pa. Applicant's attorney: Raymond A. Thistle, Jr., Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer spreaders, insecticides, pesticides, and herbicides* (except in bulk), in tank vehicles, (1) from Carteret, N.J., and Baltimore, Md., to points in Erie, Orleans, Monroe, and Genesee Counties, N.Y., and (2) from Carteret, N.J., to points in Allegany County, N.Y.

No. MC 112750 (Sub-No. 75), filed October 13, 1961. Applicant: ARMORED CARRIER CORPORATION, DeBevoise Building, Bayside, N.Y. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film* (except motion picture film used primarily for commercial theatre and television exhibition) and *incidental dealer handling supplies and advertising literature* moved therewith, (1) between points in Iowa; and (2) between Chicago, Ill., on the one hand, and, on the other, points in Clinton, Des Moines, Dubuque, and Scott Counties, Iowa.

No. MC 123972 (Sub-No. 1), filed October 16, 1961. Applicant: LEO J. UMERLEY, INC., Box 373 H RFD No. 2, Baltimore 6, Md. Applicant's representative: Donald E. Freeman, Uniontown Road, Westminster, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Slag*, in bulk, in dump vehicles, from Baltimore, Md., to Washington, D.C., and (2) *limestone dust*, in bulk, in dump vehicles, from Texas, Md., to Washington, D.C.

NOTE: Applicant states the proposed service will be under continuing contract with Bethlehem Steel Company, Harry T. Campbell Sons' Corp., and Washington Brick Company.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 45657 (Sub-No. 27) (AMENDMENT), filed April 3, 1961, published *FEDERAL REGISTER*, issue of April 19, 1961, republished as amended issue September 20, 1961, and further amended October 10, 1961 and republished as amended this issue. Applicant: PIC-WALSH FREIGHT CO., a corporation, 731 Campbell Avenue, St. Louis, Mo. Applicant's attorney: John Paul Jones, 189 Jefferson Avenue, Memphis 3, Tenn. As originally filed, applicant sought authority as set forth in the *FEDERAL REGISTER* publication, issue of April 19, 1961, and repub-

lished as amended issue of September 20, 1961. By letter dated October 9, 1961 applicant has further amended the application to change the commodity description in item (B) to read as follows: *Cheese, soap, packing-house products, "hardware", stoves, and stove pipe.*

HEARING: Hearing remains as assigned, November 27, 1961, at the Hotel Claridge, Memphis, Tenn., before Joint Board No. 229, or, if the Joint Board waives its right to participate before Examiner Bruce W. Card.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

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

MOTOR CARRIERS OF PROPERTY

No. MC-F-7982. Authority sought for purchase by REED LINES, INC., 210 North Clinton Street, Defiance, Ohio, of a portion of the operating rights of WILLIAM F. ABBOTT, doing business as BILL ABBOTT GRAIN COMPANY, 202 Elmwood Street, Delta, Ohio, and for acquisition by GLENN W. REED and ANNE R. REED, both of Defiance, Ohio, of control of such rights through the purchase. Applicants' attorney: John P. McMahon, 44 East Broad Street, Columbus, Ohio. Operating rights sought to be transferred: *Animal and poultry feed*, as a *common carrier* over irregular routes from Chicago and Danville, Ill., to certain points in Ohio; and, *poultry feed*, from Riverdale, Ill., to certain points in Ohio, with the restriction that the service authorized herein is subject to the following conditions: operations shall be conducted separately from carrier's operations as a private carrier, that a separate and distinct accounting system shall be maintained for each; and, that carrier shall not transport property both as a for-hire and a private carrier in the same vehicle at the same time. Vendee is authorized to operate as a *common carrier* in Ohio, Illinois, Michigan, Indiana, Pennsylvania, West Virginia, Connecticut, Delaware, Kentucky, Massachusetts, New Jersey, Rhode Island, Virginia, New York, Tennessee, Maryland, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7983. Authority sought for purchase by KNOX MOTOR SERVICE, INC., Box 359, Rockford, Ill., of a portion of the operating rights of K & A TRUCK LINES, INC., 3708 Elm Street, Bettendorf, Iowa, and for acquisition by WENDELL KNOX, 602 South Ninth Street, Milwaukee, Wis., VINCENT KNOX, and JOAN KNOX RONK, both of Box 359, Rockford, Ill., of control of such rights through the purchase. Applicants' attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Operating rights sought to be transferred: *Iron and steel articles* as a *common carrier* over irregular routes

from Davenport, Iowa, to St. Louis, Mo., and Omaha, Nebr., and certain points in Illinois to the Illinois-Indiana State line; *wire products*, from Clinton, Iowa, to Galesburg, Ill., and Evansville, Ind.; and, *machinery and parts*, between Moline, Ill., and points within 10 miles of Moline, on the one hand, and, on the other, St. Louis, Mo., Omaha, Nebr., and certain points in Iowa and Wisconsin. Vendee is authorized to operate as a *common carrier* in Iowa, Wisconsin, and Illinois. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-10155; Filed, Oct. 24, 1961;
8:52 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 20, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the *FEDERAL REGISTER*.

LONG-AND-SHORT HAUL

FSA No. 37415; T.O.F.C. Service from and to points in southwestern territory. Filed by Southwestern Freight Bureau, Agent (No. B-8098), for interested rail carriers. Rates on empty freight and/or tank trailers, new or used, transported on railroad flat cars, or in rail-highway service, all as described in the application, (1) between points in southwestern territory; between south-

western territory points on the one hand, and adjacent border points, on the other; also between southwestern territory points, on the one hand, and southern territory points on the other, (2) between southwestern territory points, also Natchez, Miss., and Memphis, Tenn., on the one hand, and western trunk-line territory points on the other.

Grounds for relief: Motor-truck competition, short-line distance formula and grouping.

Tariffs: Supplement 63 to Southwestern Freight Bureau tariff I.C.C. 4345, and other schedules named in the application.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-10153; Filed, Oct. 24, 1961;
8:52 a.m.]

CUMULATIVE CODIFICATION GUIDE—OCTOBER

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