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FEDERAL REGISTER

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Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

Presidential Documents

Title 3—THE PRESIDENT

Memorandum of February 9, 1962

[PREVENTING CONFLICTS OF INTEREST ON THE PART OF ADVISERS AND CONSULTANTS TO THE GOVERNMENT]

Memorandum to the Heads of Executive Departments and Agencies

Over the past twenty or more years departments and agencies of the Government have made increasing use of part-time consultants and advisers and of advisory groups. The services of highly skilled persons on a part-time and intermittent basis is in the interest of the Government and provides the Government with an indispensable source of expert advice and knowledge. Since, however, such persons have their principal employment outside the Government, and frequently with business entities which are doing business with the Government or with universities which receive Government grants, a number of conflict of interest problems arise from time to time. It is important that departments and agencies of the Government oversee the activities of such consultants in order to insure that the public interest is protected from improper conduct and that consultants will not, through ignorance or inadvertence, embarrass the Government or themselves in their activities.

Many intermittent personnel serving the Government today are individuals with specialized scientific knowledge and skills who are regularly employed in industry, research institutes or education. Their employers in many cases have contracts with or research grants from the Government. The areas in which the skills and talents of these individuals are put to use by the Government on a part-time basis may be the same as the areas with which the contracts or grants received by their employers from the Government are concerned. An individual employed by a university may act as an intermittent consultant not only for the Government but for a private firm and either his university or the firm or both may be engaged in work for or supported by the Government. A consultant to the Government may have other financial connections with firms doing business with the Government in the general area of his expertise and, therefore, his consultancy. The many possible interrelationships between a consultant's service to the Government and his own and his employer's financial interests demonstrate that conflicts problems may frequently arise.

Both the part-time adviser and the department or agency which makes use of his services must be alert to the possibility of conflicts. It is, of course, incumbent upon the consultant to familiarize himself with laws and regulations applicable to him. The responsibility of the agency is equally great. It must assist the consultant to understand those laws and regulations. It must obtain from him such information concerning his financial interests as is necessary to disclose possible conflicts. It must take measures to avoid the use of his services in any situation in which a violation of law or regulation is likely to occur. And it must take prompt and proper disciplinary or remedial action when a violation, whether intentional or innocent, is detected.

Most of the departments and agencies of the Government currently have regulations applicable to intermittent consultants and advisers. There is, however, considerable diversity in their detail and, in some cases, their interpretation of applicable law. While the problems will undoubtedly vary from department to agency, and different rules and regulations may in some instances be appropriate, I believe it desirable to achieve the maximum uniformity possible in order to insure general standards of common application throughout the Government. This memorandum is designed to achieve that purpose.

CONFLICT-OF-INTEREST STATUTES

There are six basic conflict-of-interest laws which are pertinent to the subject matter of this memorandum. Four of the laws, sections 281, 283, 434 and 1914 of Title 18 of the United States Code, in general prohibit certain activities by a person who is in the employ of the Government. Two statutes, section 284 of Title 18 and section 99 of Title 5, prohibit a person who has left the employ of the Government from engaging in certain activities during a two-year period following the termination of his Government service. The six statutes are set forth in full in the appendix to this memorandum. They contain restrictions which, with an exception discussed hereafter, are fully applicable to an individual who serves or has served the Government as an adviser or consultant, whether with or without compensation. The six statutes are discussed separately below.

18 U.S.C. 281. This statute prohibits an "officer or employee of the United States or any department or agency thereof" from receiving or agreeing to receive compensation for any services rendered in relation to any "proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter in which the United States is a party or directly or indirectly interested, before any department, agency, court martial, [or] officer. . . ." In general, the effect of this section is to preclude a Government employee from acting, in most of the important matters that come before the Government departments and agencies, on behalf of a non-Government employer or other person from whom he receives compensation.

I have received an opinion from the Attorney General concluding that 18 U.S.C. 281 applies to all intermittent consultants and advisers on those days on which they are actually employed by the Government but that it applies only to certain consultants and advisers on the days during the period of their availability for Government service when they are not so employed. Those to whom section 281 applies on their days away from the Government service are: intermittent consultants and advisers whose Government employment during the period of their availability occupies a substantial portion of that period, or affords their principal means of livelihood.

In order to clarify the application of section 281 and promote its policies, each department and agency should take steps to insure that at the time a consultant or adviser is appointed, an accurate estimate is made of the extent to which it will make use of his services. The following rules should be employed:

(a) No appointment should extend beyond the end of the current fiscal year.

(b) The period of appointment to be made for a part, or all, of the fiscal year, or of the remaining part of the fiscal year, should reflect the agency's best estimate of its employment of the individual.

(c) Whether the estimate is that the consultant or adviser will be employed intermittently throughout the entire fiscal year or that part of the year which remains at the time of appointment, or throughout a shorter interval, the appointment should be made as follows:

(1) If the agency estimates that the consultant or adviser will be employed 40% or more of the time within the period designated, the individual should be carried on the rolls as a Government employee for the entire period and should be informed that he is administratively regarded as subject to section 281 for the entire period.

(2) If the agency estimates the consultant or adviser will be employed less than 40% of the period designated, the individual may be carried on the rolls as an intermittent consultant or adviser pursuant to an arrangement by which he would receive implementing appointments from time to time within the period, rather than an appointment for the entire period, and the individual should be informed that he will be treated as a Government employee for purposes of section 281 only on the day or days within the pertinent period covered by implementing appointments.

(3) If the consultant or adviser is serving more than one department or agency, he shall inform each of his arrangements with the others so that appropriate administrative measures may be effected by the departments or agencies involved.

(4) For consultative or advisory boards, individual appointments should be made for the entire fiscal year, or such other period as may be prescribed by law, and the appointee informed that insofar as his board membership is concerned, he will be regarded as a Government officer or employee only on the days when the board meets.

To a considerable extent the prohibitions of section 281 are aimed at the sale of influence to gain special favors for private business and at the misuse of governmental position or information. In accordance with these aims, it is desirable that even a consultant or adviser who is subject to the section only on the days he serves the Government should make every effort to avoid any personal contact with respect to negotiations for contracts or grants with the department or agency which he is advising if the subject matter is related to the subject matter of his consultancy. I recognize that this will not always be possible to achieve since there are instances where the consultant or adviser may have an executive position and responsibility with his regular employer which will require him to participate personally in contract negotiations with the department or agency he is advising. Whenever this is the case the consultant or adviser should participate in the negotiations for his employer only with the knowledge and approval of a responsible government official, who should note his approval in appropriate form. In other instances an occasional consultant or adviser may have technical knowledge which is indispensable to his regular employer in his efforts to formulate a research and development contract or a research grant and, for the same reason, it is in the governmental interest that he should take part in negotiations for his private employer. Again he should participate only with the knowledge and approval of a responsible government official, who should note his approval in appropriate form.

The aim of preventing the sale of influence and the misuse of governmental position or information that is reflected by section 281 should be furthered in yet another way with respect to a consultant or adviser who under the foregoing rules is subject to section 281 only on the days he serves the Government. He should be barred, not only on those days but at all times during the designated period of his availability for service, from activities before a Government department or agency in relation to a matter in which the Government is interested if he is to receive compensation for such activities from a non-Governmental source in addition to or in lieu of a normal salary or fee arrangement.

It should be noted that the prohibition of section 281 against certain compensated activities "before" a department or agency may go beyond an individual's personal appearance at the department or agency. A consultant or adviser should not, at times when he is subject to the prohibition of the section, prepare or assist in preparing proposals for contracts or grants to be presented to a department or agency by or on behalf of a non-Governmental firm or organization from which he receives compensation.

18 U.S.C. 283, 18 U.S.C. 284 and 5 U.S.C. 99. Section 283 in general prohibits an officer or employee of the Government from acting as agent or attorney for prosecuting any other person's claim against the Government, or assisting in the prosecution of any such claim other than in the discharge of his official duties. This statute, which extends to both compensated and uncompensated activities, overlaps 18 U.S.C. 281 insofar as the latter section pertains to claims activities. Therefore a consultant or adviser who is not subject to section 281 at times when not actually employed by the Government may nevertheless be subject at those times to the interdiction of section 283. Even if not interdicted by that section, however, he would be subject to the two post-employment statutes, 18 U.S.C. 284 and 5 U.S.C. 99. The first of these prohibits a *former* Government employee, for a period of two years after his employment has closed, from prosecuting in a representative capacity any claim against the United States involving

any subject matter directly connected with which he was employed. 5 U.S.C. 99 prohibits a *former* officer or employee of an executive department, for a period of two years after his employment with the department has ceased, from prosecuting in a representative capacity, or aiding in the prosecution of, any claim pending in any department during his employment. It is apparent that a consultant or adviser would be subject to the prohibition of 18 U.S.C. 283 or one or both of 18 U.S.C. 284 and 5 U.S.C. 99 at all times until the termination of his last period of service to the Government. In addition he would be bound by the provisions of 18 U.S.C. 284 and 5 U.S.C. 99 for two years thereafter.

18 U.S.C. 434. This section sets forth a prohibition against certain actions on the part of a Government employee in his capacity as such. More particularly, the section, which applies to all consultants and advisers at all times during their span of service, prohibits a Government employee who is interested in the profits of any business entity from acting for the Government in the transaction of business with such entity.

It is in the best interests of the Government that the policy of this section be extended to consultants and advisers beyond its literal language. Accordingly, an adviser or consultant should be disqualified from the performance of duties involving the transaction of business with, *or the rendering of advice which will have a direct and predictable effect upon the interests of*, a business entity by which he is employed, or to which he renders consultant service, or in which he has a financial interest. In particular, he should be excluded from participation in the evaluation of contract or grant proposals which will directly affect the interests of such business entity. However, he need not be precluded from rendering general advice in situations where no preference or advantage might be gained therefrom by any particular business entity. A non-profit organization or educational institution shall be deemed a "business entity" for the purposes of this paragraph.

18 U.S.C. 1914. Section 1914 forbids a Government employee to receive compensation "in connection with" his Government service from a source other than the Government or a State, county or municipality. The statute applies to an uncompensated as well as a compensated consultant or adviser. In cases where a consultant or adviser serves occasionally and for short periods, he may continue to receive his usual compensation from an outside private employer. And the continuation of the consultant or adviser's outside private compensation during a period of as much as 30 days a year of Government service would ordinarly be permissible on the assumption that it is not paid "in connection with" his Government services but rather as part of his normal salary arrangements with his private employer. However, if the length of his service exceeds these limits, it will be necessary to determine specifically whether the continued outside compensation is related to the consultant or adviser's services to the Government, and thus improper, or whether it is permissible because made with respect to present, past, or future services for the outside employer. Cases of this nature should be referred to the chief legal officer of the department or agency for examination and recommendation as to the proper action to be taken.

Special Exemptions

Some consultants or advisers are appointed pursuant to a statute which exempts them from one or more of the conflict-of-interest laws. Nevertheless, a consultant or adviser so appointed should not participate in any matter where that participation, except for such exemption, would be within any of the statutes unless he receives permission to participate therein from the head of the department or agency he serves. The latter shall not consent to the participation of such consultant or adviser in the matter unless he finds that such participation is, on the particular facts, consistent with the interests of the Government. Nothing in this paragraph shall be deemed to relieve any department or agency head, or appointee of such department or agency head, of the obligation to file a statement for publication in the Federal Register pursuant to the requirements of section 710(b) of

the Defense Production Act of 1950 (50 U.S.C. App. 2160(b)) or of Executive Order No. 10647 of November 28, 1955 (20 F.R. 8769).

ETHICAL STANDARDS OF CONDUCT

Aside from the conflict-of-interest laws, there are elementary rules of ethics in the conduct of the public business by which all those who serve the Government are bound. That an individual may serve the Government only occasionally and for brief periods does not relieve him from the obligation to abide by those rules. That he may be needed to bring rare or specialized talents and skills to the Government does not mean that he should be considered for a waiver. The people of the nation are entitled to ethical behavior of the highest order in the conduct of their Government's affairs from the sometime worker to no lesser degree than from the career worker.

Inside Information. The first principle of ethical behavior for the intermittent consultant or adviser is that he must refrain from any use of his public office which is motivated by, or gives the appearance of being motivated by, the desire for private gain for himself or persons with whom he has family, business or financial ties. The fact that the desired gain, if it materializes, will not take place at the expense of the Government makes his action no less improper.

An adviser or consultant must conduct himself in a manner devoid of the slightest suggestion of the extraction of private advantage from his Government employment. Thus, a consultant or adviser must not, on the basis of any inside information, enter into speculation, or recommend speculation to members of his family or business associates, in the securities of any private company engaged in work for the Government in the field of his Government duties. He must obey this injunction even though those duties have no connection whatever with the financial and other arrangements between the Company and the Government. And he should be careful in his personal financial activities to avoid any appearance of acting on the basis of information obtained in the course of those duties.

It is important for consultants and advisers to have access to Government data pertinent to their duties and to maintain familiarity with the Government's plans and programs and the requirements thereof, within the area of their competence. Since it is frequently in the Government's interest that information of this nature be made generally available to an affected industry, there is generally no impropriety in a consultant or adviser's utilizing such information in the course of his non-Government employment. However, a consultant or adviser may, in addition, acquire information which is not generally available to those outside the Government. In that event, he may not use such information for the special benefit of a business or other entity by which he is employed or retained or in which he has a financial interest.

In order to avoid any actual or potential abuse of information by a consultant or adviser, departments and agencies should, through information programs, make every effort to insure to the maximum extent possible that all firms within an industry have access to the same information that is available to a consultant or adviser who is employed by any of them. In addition, regular Government employees should avoid divulging confidential information to him unnecessary to the performance of his governmental responsibility, or information which directly involves the financial interests of his employer. Consultants and advisers should be instructed that information not generally available to private industry must remain confidential in their hands, and must not be divulged to their private employers or clients. In cases of doubt they should be encouraged to confer with the chief legal officer or other designated agency official who can assist in the identification of information not generally available and in the resolution of any actual or potential conflict between duties to the Government and to private employers.

Occasionally an individual who becomes a Government consultant or adviser is, subsequent to his designation as such, requested by a private enterprise to act in a similar capacity. In some cases the request may give the appearance of being motivated by the desire of

the private employer to secure inside information. Where the consultant or adviser has reason to believe that the request for his services is so motivated, he should make a choice between acceptance of the tendered private employment and continuation of his Government consultancy. In such circumstances he may not engage in both. Furthermore, he should discuss any such offer of private employment with the chief legal officer of his Government agency whether or not he accepts it.

At times a private enterprise or other organization urges the appointment of one of its employees or members to a particular Government consultancy. The departments and agencies should discourage this practice. Any initiative in connection with the appointment of consultants, or in securing the names of qualified persons, should come from the Government.

Abuse of Office. An adviser or consultant shall not use his position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to him or persons with whom he has family, business or financial ties.

Gifts. An adviser or consultant shall not receive or solicit anything of value as a gift, gratuity or favor for himself or persons with whom he has family, business or financial ties if he has reason to believe that it would not be made but for his position with the Government, or if the acceptance thereof would result in, or give the appearance of resulting in, his loss of complete independence or impartiality in serving the Government.

INDUSTRY, LABOR OR AGRICULTURAL REPRESENTATIVES

It is occasionally necessary to distinguish consultants and advisers from persons speaking for a firm or an industry, or for labor or agriculture, or in some other representative capacity. A consultant or adviser is a person whose advice is obtained by a department or agency because of his particular qualifications and who serves as an employee in an individual and independent capacity. A representative of a firm or industry or organization who is invited to appear before a Government department or agency presents his views in a representative capacity and is not an employee. The representative is not, therefore, within the scope of the conflict-of-interest laws. Departments and agencies should be careful to make and clarify the distinction noted here and should not compensate an industry or similar representative for his advice, though they may pay travel expenses and *per diem* allowances where appropriate.

ADMINISTRATIVE STEPS

All departments and agencies of the Government shall

(1) bring this memorandum to the attention of all consultants and advisers employed by them and of all regular employees dealing with such consultants and advisers;

(2) review their existing rules and regulations and where appropriate, revise them or issue new rules and regulations to promote the policies set forth in this memorandum; and

(3) take such other measures as may be appropriate to impress upon consultants and advisers and upon Government officials with whom they consult that they have a responsibility to avoid situations in which a potential conflict-of-interest may exist. These individuals should also be cautioned to avoid situations in which the consultant or adviser might be thought to be influencing Governmental action in matters with regard to which he has a financial or other personal interest, or to be using inside information for private gain.

While it would be most advisable for a department or agency of the Government, in order to minimize the occurrence of conflicts of interest, to avoid appointing individuals to advisory positions who are employed or consulted by contractors or others having a substantial amount of business with that department or agency, I recognize that the Government has, of necessity, become increasingly concerned with highly technical areas of specialization, and that the number of individuals expert in those areas is frequently very small. Therefore,

in many instances, it will not be possible for a department or agency to obtain the services of a competent adviser or consultant who is not in fact employed or consulted by such contractors. In addition, an advisory group may of necessity be composed largely or wholly of persons of a common class or group whose employers may benefit from the advice given. An example would be a group of university scientists advising on research grants to universities. Only in such a group can the necessary expertise be found. In all these circumstances, particular care should be exercised to exclude his employer's or clients' contracts or other transactions with the Government from the range of the consultant's or adviser's duties.

Disclosure of Financial Interests

In order to carry out its responsibility to avoid the use of the services of consultants or advisers in situations in which violation of the conflict-of-interest laws or of these regulations may occur, each department or agency of the Government shall, at the time of employment of a consultant or adviser, require him to supply it with a statement of his private employment and financial interests. The statement should indicate the names of all the companies, firms, research organizations and educational institutions which he is serving as employee, officer, member, director, or consultant, and the companies in which he has any other financial interest, such as the ownership of securities or other interests which have a significant financial value. He need not reveal precise amounts of investments. Each statement of financial interests should be forwarded to the chief legal officer of the department or agency concerned, for information and for advice as to possible conflict of interest. In addition, each statement should be reviewed by those persons responsible for the employment of consultants and advisers to assist them in applying the criteria for disqualification discussed in this memorandum as set forth above. Such statements should be kept current during the period the consultant is on the Government rolls.

Legal Interpretation

Whenever the chief legal officer of a department or agency believes that a substantial legal question is raised by the employment of a particular consultant or adviser he should advise the Department of Justice, through the Office of Legal Counsel, in order to insure a consistent and authoritative interpretation of the law.

This memorandum shall be published in the Federal Register.

John F. Kennedy

The White House,
February 9, 1962.

Appendix

18 U.S.C. 281

Whoever, being a Member of or Delegate to Congress, or a Resident Commissioner, either before or after he has qualified, or the head of a department, or other officer or employee of the United States or any department or agency thereof, directly or indirectly receives or agrees to receive, any compensation for any services rendered or to be rendered, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter in which the United States is a party or directly or indirectly interested, before any department, agency, court martial, officer, or any civil, military, or naval commission, shall be fined not more than $10,000 or imprisoned not more than two years, or both; and shall be incapable of holding any office of honor, trust, or profit under the United States.

Retired officers of the armed forces of the United States, while not on active duty, shall not by reason of their status as such be subject to the provisions of this section. Nothing herein shall be construed to allow any retired officer to represent any person in the sale of anything to the Government through the department in whose service he holds a retired status.

This section shall not apply to any person because of his membership in the National Guard of the District of Columbia nor to any person specially excepted by Act of Congress.

18 U.S.C. 283

Whoever, being an officer or employee of the United States or any department or agency thereof, or of the Senate or House of Representatives, acts as an agent or attorney for prosecuting any claim against the United States, or aids or assists in the prosecution or support of any such claim otherwise than in

the proper discharge of his official duties, or receives any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of such claim, shall be fined not more than $10,000 or imprisoned not more than one year, or both.

Retired officers of the armed forces of the United States, while not on active duty, shall not by reason of their status as such be subject to the provisions of this section. Nothing herein shall be construed to allow any such retired officer within two years next after his retirement to act as agent or attorney for prosecuting or assisting in the prosecution of any claim against the United States involving the department in whose service he holds a retired status, or to allow any such retired officer to act as agent or attorney for prosecuting or assisting in the prosecution of any claim against the United States involving any subject matter with which he was directly connected while he was in an active-duty status.

This section shall not apply to any person because of his membership in the National Guard of the District of Columbia nor to any person specially excepted by enactment of Congress.

18 U.S.C. 434

Whoever, being an officer, agent or member of, or directly or indirectly interested in the pecuniary profits or contracts of any corporation, joint-stock company, or association, or of any firm or partnership, or other business entity, is employed or acts as an officer or agent of the United States for the transaction of business with such business entity, shall be fined not more than $2,000 or imprisoned not more than two years, or both.

18 U.S.C. 1914

Whoever, being a Government official or employee, receives any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality; or

Whoever, whether a person, association, or corporation, makes any contribution to, or in any way supplements the salary of, any Government official or employee for the services performed by him for the Government of the United States—

Shall be fined not more than $1,000 or imprisoned not more than six months, or both.

18 U.S.C. 284

Whoever, having been employed in any agency of the United States, including commissioned officers assigned to duty in such agency, within two years after the time when such employment or service has ceased, prosecutes or acts as counsel, attorney or agent for prosecuting, any claims against the United States involving any subject matter directly connected with which such person was so employed or performed duty, shall be fined not more than $10,000 or imprisoned not more than one year, or both.

5 U.S.C. 99

It shall not be lawful for any person appointed as an officer, clerk, or employee in any of the departments, to act as counsel, attorney, or agent for prosecuting any claim against the United States which was pending in either of said departments while he was such officer, clerk, or employee, nor in any manner, nor by any means, to aid in the prosecution of any such claim, within two years next after he shall have ceased to be such officer, clerk, or employee.

[F.R. Doc. 62-1603; Filed, Feb. 13, 1962; 12 m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 39—TRAINING REGULATIONS

Miscellanous Amendments

Effective upon publication in the FEDERAL REGISTER, §§ 39.207(b) (1) (iii), 39.305 and 39.306(c) (2) are amended as set out below.

§ 39.207 **Reports.**

* * * * *

(b) * * *

(1) * * *

(iii) Summarizing the department's estimated expenditures for all training by, in, or through non-Government facilities (including training incident to initial procurement of equipment when information on the costs of such training is available), presenting separate totals for (*a*) tuition and related fees, (*b*) travel, and (*c*) per diem.

§ 39.305 **Waiver of limitations on training of employees through non-Government facilities.**

(a) Subject to other provisions of the Act and the regulations in this part, an employee having less than one year of current, continuous civilian service in the Government shall be eligible for training by, in, or through non-Government facilities upon a finding by the head of his department that postponement of the training until the employee has completed one year of current, continuous civilian service in the Government would be contrary to the public interest.

(b) To the extent considered justified by the head of the department concerned, the requirement for applying the limitations contained in section 12(a) (1) and (3) of the Act may be waived:

(1) For employees assigned to training by, in, or through non-Government facilities that does not exceed forty hours within a single program;

(2) For employees receiving training provided by manufacturers as a part of the normal service incident to initial purchase or lease of their products under procurement contracts;

(3) For employees receiving training through correspondence courses.

(c) To the extent he considers justified, the head of each department is further authorized to waive the limitation contained in section 12(a) (3) of the Act for employees serving in work-study programs when all of the following conditions are met:

(1) The employees are serving under career or career-conditional appointments;

(2) The employees are working in the fields of natural or mathematical sciences or engineering;

(3) Expenses of college training are being paid in the programs concerned only because the department has found that the programs cannot operate successfully without such payment;

(4) The employees' expenses of college training are being paid only to the extent the department deems necessary to attract and retain these employees; and

(5) Only those expenses of the employees' college training that are covered by section 10(2) of the Act are being paid.

§ 39.306 **Agreements to continue in service.**

* * * * *

(c) * * *

(2) Employees selected for training by, in, or through non-Government facilities that does not exceed eighty hours within a single program;

(Sec. 6, 72 Stat. 329)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-1484; Filed, Feb. 13, 1962; 8:48 a.m.]

Title 7—AGRICULTURE

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

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Determination Relative to Expenses and Fixing of Rate of Assessment for Initial (1961–62) Fiscal Period

Pursuant to the marketing agreement and Order No. 912 (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Indian River Grapefruit Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 912.201 **Expenses and rate of assessment for the initial (1961–62) fiscal period.**

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Indian River Grapefruit Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the initial fiscal period beginning January 8, 1962, and ending July 31, 1962, will amount to $16,000.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles fruit shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one-half cent ($0.0050) per 1⅗ bushel box of fruit, or its equivalent when packed in other containers or in bulk, so handled by such handler during such fiscal period.

(c) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of fresh fruit are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit from the beginning of such period; and (3) the current fiscal period began on January 8, 1962, and the rate of assessment herein fixed will automatically apply to all assessable fruit beginning with such date.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

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

Dated: Feb. 8, 1962.

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

[F.R. Doc. 62-1474; Filed, Feb. 13, 1962; 8:47 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

PART 214—NONIMMIGRANT CLASSES

Returning Residents and Direct Transits

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. The first sentence of § 211.1 *Visas* is amended to read as follows: "A valid unexpired immigrant visa shall be presented by each arriving immigrant alien

except an immigrant who (a) was born subsequent to the issuance of an immigrant visa to his accompanying parent and applies for admission during the validity of such a visa, or (b) is returning to an unrelinquished lawful permanent residence after a temporary absence abroad in any places except Albania, Cuba, Communist portions of China, Korea, and Viet-Nam and Outer Mongolia (1) not exceeding one year and presents a Form I–151 alien registration receipt card duly issued to him, or (2) and presents a valid unexpired reentry permit duly issued to him, or (3) and is the spouse or child of, and has been residing abroad with, a member of the Armed Forces of the United States stationed abroad pursuant to official orders, or (4) and satisfies the district director in charge of the port of entry that there is good cause for the failure to present the required document, in which case an application for waiver shall be made on Form I–193."

2. The first sentence of subparagraph (1) *Without visas* of paragraph (c) *Transits* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended to read as follows: "Any alien except a citizen and resident of the Union of Soviet Socialist Republics, Estonia, Latvia, Lithuania, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Cuba, Communist-controlled China ("Chinese People's Republic"), North Korea ("Democratic People's Republic of Korea") the Soviet Zone of Germany ("German Democratic Republic"), North Viet-Nam ("Democratic Republic of Viet-Nam"), and Outer Mongolia ("Mongolian People's Republic"), applying for immediate and continuous transit through the United States, must establish that he is admissible; that he has confirmed and onward reservations to at least the next country beyond the United States (except that, if seeking to join a vessel or aircraft in the United States as a crewman, the vessel or aircraft will depart directly foreign, and his departure will be completed within a maximum of 5 calendar days after his arrival, and, if joining a vessel, the crewman is in possession of, or makes application upon arrival for, a Form I–184 permanent landing permit and identification card), and that he has a document establishing his ability to enter some country other than the United States."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is contrary to the public interest in this instance because the amendments prescribed by the order affect the internal security of the United States.

Dated: February 12, 1962.

R. F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 62–1583; Filed, Feb. 13, 1962; 8:52 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 30—LICENSING OF BYPRODUCT MATERIAL

Miscellaneous Amendments

The Commission is today publishing in the FEDERAL REGISTER a new regulation entitled, "Part 150—Exemptions and Continued Regulatory Authority in Agreement States under Section 274." That part contains provisions granting a general license to any person who holds a specific license from an agreement State to conduct the same activity in a nonagreement State, provided that specific license does not limit the activity authorized by the specific license to specified installations or locations. In adopting Part 150 the Commission concluded that it would also be desirable to extend the general licenses contained in § 30.21(c) of this part to devices manufactured under specific licenses issued by agreement States. The following amendments to Part 30 are designed to accomplish that purpose and reflect comments received by the Commission from interested persons and organizations in response to the notice of proposed adoption of Part 150 published by the Commission in the FEDERAL REGISTER on September 29, 1961.

The Commission will welcome suggestions and comments for further changes in these rules, which should be submitted to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C.

Pursuant to the Atomic Energy Act of 1954, as amended and the Administrative Procedure Act of 1946, the following amendments to 10 CFR Part 30 are published as a document subject to codification, to be effective on publication in the FEDERAL REGISTER.

1. The following paragraph is added to § 30.4:

(t) "Agreement State" as designated in Part 150 of this chapter means any State with which the Commission has entered into an effective agreement under subsection 274.(b) of the Atomic Energy Act of 1954, as amended. "Nonagreement State" means any other State.

2. Paragraph (c) of § 30.21 is amended to read as follows:

(c) (1) Subject to the provisions of subparagraphs (2) to (6) of this paragraph (c), a general license is hereby issued to own, receive, acquire, possess and use byproduct material when contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

(2) The general license contained in subparagraph (1) of this paragraph (c) applies only to devices which have been:

(i) Manufactured in accordance with the specifications contained in a specific license issued by the Commission to the manufacturer of the device pursuant to § 30.24(f), or, in accordance with the specifications contained in a specific license issued to the manufacturer by an agreement State; and

(ii) Installed on the premises of the general licensee by a person authorized to install such devices under a specific license issued to the installer by the Commission pursuant to this part or by an agreement State, provided that the specific license referred to in subdivision (i) of this subparagraph (2) contains provisions authorizing the transfer of such devices to, and the installation of such devices in the premises of, general licensees.

(3) The general license contained in subparagraph (1) of this paragraph (c) applies only to devices which (i) are labeled in accordance with the provisions of the specific license which authorizes the distribution of the device to general licensees, and (ii) bear a label containing the following or a substantially similar statement which contains the information called for in the following statement:

This device, generally licensed pursuant to § 30.21(c) of 10 CFR, Part 30, has been manufactured and distributed pursuant to license No. _____ issued by _____ (insert either "Atomic Energy Commission" or name of agreement State, whichever is applicable)

_____
(Name of supplier)

(4) Persons who own, receive, acquire, possess or use a device pursuant to the general license contained in subparagraph (1) of this paragraph (c):

(i) Shall not transfer, abandon or dispose of the device, except by transfer to a person authorized by a specific license from the Commission or an agreement State to receive such device;

(ii) Shall assure that all labels affixed to the device at the time of receipt and bearing the statement, "Removal of this label is prohibited by regulations of the Atomic Energy Commission", are maintained thereon and shall comply with all instructions contained in such labels;

(iii) Shall have the device tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than six-month intervals; provided that devices containing only krypton need not be tested for leakage, and devices containing only tritium need not be tested for any purpose;

(iv) Shall have the tests required by subdivision (iii) of this subparagraph and all other services involving the radioactive material, its shielding and containment, performed by the supplier or other person holding a specific license from the Commission or an agreement State to manufacture, install or service such devices;

(v) Shall maintain records of all tests performed on the devices as required under this section, including the dates and results of the tests and the names of the persons conducting the tests;

(vi) Upon the occurrence of a failure of or damage to, or any indication of a possible failure of or damage to, the shielding or containment of the radio-

active material or the on-off mechanism or indicator, shall immediately suspend operation of the device until it has been repaired by the supplier or other person holding a specific license from the Commission or an agreement State to manufacture, install or service such devices, or disposed of by transfer to a person authorized to receive the byproduct material contained in the device; and

(vii) Shall be exempt from the requirements of Part 20 of this chapter, except that such persons shall comply with the provisions of §§ 20.402 and 20.403 of this chapter.

(5) The general license provided in subparagraph (1) of this paragraph (c) is subject to the provisions of §§ 30.32 to 30.72, inclusive: *Provided,* That persons who possess byproduct material pursuant to this general license shall not export such byproduct material without a specific license from the Commission authorizing such export.

(6) Any person who holds a specific license issued by an agreement State authorizing the holder to manufacture, install or service a device described in subparagraph (1) of this paragraph (c) within such agreement State is hereby granted a general license to install and service such device in any nonagreement State; *Provided,* That:

(i) Such person shall file a report with the Director, Division of Licensing and Regulation, Atomic Energy Commission, Washington 25, D.C., within 30 days after the end of each calendar quarter in which any device is transferred or installed. Each such report shall identify each general licensee by name and address, the type of device transferred, and the quantity and type of byproduct material contained in the device.

(ii) The device has been manufactured, labelled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by the agreement State;

(iii) Such person assures that any labels required to be affixed to the device under regulations of the agreement State which licensed manufacture of the device bear a statement that "Removal of this label is prohibited by the regulations of the Atomic Energy Commission".

(iv) Shall furnish to each general licensee to whom he transfers such device or on whose premises he installs such device a copy of the general license contained in § 30.21(c).

(Secs. 81, 161, 274, 68 Stat. 935, 948, 73 Stat. 688; 42 U.S.C. 2111, 2201, 2021)

Dated at Germantown, Md., this 7th day of February 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-1498; Filed, Feb. 13, 1962; 8:50 a.m.]

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

Public Law 86-373, dated September 23, 1959, amended the Atomic Energy Act of 1954 by the addition of a new section 274, "Cooperation With States." One purpose of that legislation was to recognize the interests of the States in the peaceful uses of atomic energy and to clarify the respective responsibilities under the Atomic Energy Act of the Commission and the States with respect to the regulation of byproduct, source, and special nuclear materials.

Under section 274b. of the Atomic Energy Act, the Commission is authorized to enter into an agreement with the Governor of any State providing for discontinuance of the regulatory authority of the Commission under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials within the State: Byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass.

Subsection (c) of section 274 of the Atomic Energy Act specifically excludes from such agreements the discontinuance of any Commission authority with respect to:

1. The construction and operation of any production or utilization facility;

2. The export from or import into the United States of any byproduct, source, or special nuclear material or of any production or utilization facility;

3. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

4. The disposal of such other byproduct, source, or special nuclear material as the Commission determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

In addition to the foregoing the Commission, notwithstanding any agreement between the Commission and any State pursuant to subsection 274b. of the Act, is authorized by rule, regulation, or order to require that the manufacturer, processor or producer of any equipment, device, commodity or other product containing source, byproduct or special nuclear material shall not transfer possession or control of such product except pursuant to a license issued by the Commission.

On September 29, 1961, the Commission published for public comment a draft of a proposed 10 CFR Part 150, which would relinquish certain licensing authority to agreement States and exempt persons in those States from Commission licensing requirements. The Statement of Considerations published with the proposed Part 150 stated that the Commission had not taken a position as to whether it should retain or relinquish to the States its authority to regulate the commercial disposal by burial of atomic wastes, or its authority to license the distribution by producers of products containing atomic energy materials; and specifically invited public comment on those questions and on possible alternatives.

Following publication, comments were received from some fifty organizations and individuals. The proposed Part 150 was discussed with a number of committees representing national organizations, as well as with the Commission's Advisory Committee of State Officials. The majority of all comments received were concerned in the main with the question of whether the Commission should continue control in agreement States of the commercial land burial of byproduct, source, or special nuclear wastes and the question of whether the Commission should continue control of transfer by manufacturers, processors or producers of equipment, devices, commodities, or other products containing agreement materials.

The Commission has taken into consideration the comments and advice it has received in adopting the regulation set out herein. The Commission has decided against blanket reservations of control over land burial of waste and over the transfer of manufactured products.

However, as to land burial, the Commission finds, pursuant to section 274 c.(4), of the Act that because of the hazards or potential hazards thereof, high level atomic energy wastes from the chemical processing of irradiated fuel elements should not be disposed of without a license from the Commission This finding is reflected in § 150.15(a)(4). Control over the handling and storage of waste at the site of a reactor, including effluent discharge, will be retained by the Commission as a part of the control of reactor operation. The states will have control over land burial of low level wastes.

With respect to whether the Commission should retain or relinquish authority to license the transfer by manufacturers, processors or producers of equipment, devices, commodities or other products containing atomic energy materials, Part 150 provides for State regulatory control in this area except those items intended for use by the general public (§ 150.15(a)(6)). Thus, control over the manufacture and transfer of industrial type devices, such as thickness gauges, would be exercised by the agreement States.

Control over consumer type devices, such as luminous watches, would be retained by the Commission. The uncontrolled distribution of atomic materials in products designed for distribution to the general public, such as consumer type devices, and the ultimate uncontrolled release of these materials into the environment, involve questions of national policy which have not yet been resolved. It is for this reason that the Commission is retaining control over such products. The Commission recognizes that the phrase "products designed for distribution to the general public" is not precise. The purpose of the provision, however, will be discussed with each agreement State; serious difficulties in interpretation of the phrase are not anticipated.

In order to achieve the maximum degree of uniformity of design and labeling requirements for those products and devices which will be under State control, the agreement to be executed between the Commission and an agreement State will provide for cooperative arrangements under which the State will keep the Commission informed of

proposed requirements for the design and distribution of such products. In addition, the State will agree to use its best efforts to maintain its total control program compatible with the control program of the Commission on a continuing basis.

The agreement will also provide that the Commission and the agreement State will use their best efforts to develop rules, regulations and procedures by which reciprocal recognition of licenses covering agreement materials will be accorded.

In the implementation of the reciprocal recognition provision in the agreement, § 150.20 grants a general license to any person who holds a valid specific license from an agreement State to conduct the same activity in a non-agreement State, provided that the specific license does not limit the activity authorized by the license to specific installations or locations. The general license so provided in § 150.20 requires the licensee to comply with the appropriate provisions of Parts 20, 30, 31, 40, and 70 of Title 10. In addition, such licensee must register in advance with the Commission; must not in any non-agreement State, transfer or dispose of the radioactive material possessed or used under the general license except by transfer to a person specifically licensed by the Commission to receive such material; must not in any non-agreement State, possess or use radioactive material, or engage in the activity authorized in § 150.20 for more than 20 days in any period of 12 consecutive months, without obtaining a specific license from the Commission, and must comply with all terms and conditions of the specific State license except those terms and conditions as are contrary to the requirements of § 150.20.

There are certain classes of devices containing byproduct material which may be used under general licensing provisions contained in Part 30, § 30.21(c), if the device is manufactured in accordance with a specific license issued to the manufacturer by the Commission. Part 30 is being amended to provide that such products, if manufactured in an agreement State pursuant to a specific license from the agreement State, may be transferred to users in non-agreement States and used by the users under the general licensing provisions of Part 30.

The Commission's decision not to exercise its authority to license the transfer of products containing atomic energy materials (other than products designed for distribution to the general public) is based on the assumption that agreement States will maintain continuing compatibility between their programs and Commission programs; and that procedures will be devised assuring reasonable, reciprocal recognition of licenses and licensing requirements among such States and the Commission. If attainment of these objectives should prove to be unfeasible, the Commission will reconsider the need for the exercise of its authority to prescribe the specifications for products containing atomic energy materials.

It will be desirable for the Commission and agreement States to develop programs for the collection and exchange of data concerning the effectiveness of standards and procedures observed in their respective programs for licensing and regulating the possession and use of atomic energy materials. For this purpose, the Commission plans, in cooperation with the agreement States, to develop procedures under which the agreement States will furnish to the Commission such information as may be agreed upon from time to time; and the Commission will make available to each agreement State, summaries of the information received from other agreement States and from Commission licensees.

As has previously been announced, the Commission is conducting studies of activities involving the processing and use of very substantial quantities of byproduct material (in the order of hundreds of thousands of curies). These studies have been undertaken in part to provide information on which the Commission may make a determination as to whether provisions of the Price-Anderson Indemnity Act (section 170 of the Atomic Energy Act of 1954) should be extended to such activities. They have also been undertaken for the purpose of providing information as to whether the Commission should determine that facilities which process such quantities of byproduct material are production or utilization facilities within the meaning of Section 11 of the Act. If the Commission finds that such facilities should be classified as utilization facilities, the Commission's licensing and regulatory requirements would be applicable. The provisions of the Price-Anderson Indemnity Act cannot be made applicable except to activities licensed by the Commission.

The exemptions herein granted are issued in order to carry out agreements between the Commission and the Governor of any State under section 274b. of the Atomic Energy Act of 1954, as amended.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following regulation is published as a document subject to codification, to be effective on publication in the FEDERAL REGISTER.

GENERAL PROVISIONS

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EXEMPTIONS IN AGREEMENT STATES

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150.15 Persons not exempt.

RECIPROCITY

150.20 Recognition of State licenses.

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150.30 Violations.

AUTHORITY: §§ 150.1 to 150.30 issued under secs. 161 and 274, 68 Stat. 948; and 73 Stat. 688, 42 U.S.C. 2201 and 42 U.S.C. 2021.

GENERAL PROVISIONS

§ 150.1 Purpose.

The regulations in this part provide certain exemptions to persons in agreement States from the licensing requirements contained in Chapters 6, 7, and 8 of the Act and from the regulations of the Commission imposing requirements upon persons who receive, possess, use or transfer byproduct material, source, or special nuclear material in quantities not sufficient to form a critical mass; and to define activities in agreement States over which the regulatory authority of the Commission continues. The provisions of the Act, and regulations of the Commission apply to all persons in agreement States engaging in activities over which the regulatory authority of the Commission continues.

§ 150.2 Scope.

The regulations in this part apply to all States that have entered into agreements with the Commission pursuant to subsection 274b of the Act.

§ 150.3 Definitions.

As used in this part:

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

(b) "Agreement State" means any State with which the Commission has entered into an effective agreement under subsection 274b of the Act;

(c) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;

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

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

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

(g) "Production facility" means (1) any equipment or device determined by rule of the Commission to be capable of the production of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (2) any important component part especially designed for such equipment or device as determined by the Commission;

(h) "Source material" means (1) uranium, thorium, or any other material which is determined by the Commission pursuant to the provisions of section 61 of the Act to be source mate-

rial; or (2) ores containing one or more of the foregoing materials, in such concentration as the Commission may by regulation determine from time to time;

(i) "Special nuclear material" means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material;

(j) "State" means any State, Territory, or possession of the United States, the Canal Zone, Puerto Rico, and the District of Columbia;

(k) "Utilization facility" means (1) any equipment or device, except an atomic weapon, determined by rule of the Commission to be capable of making use of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public, or peculiarly adapted for making use of atomic energy in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (2) any important component part especially designed for such equipment or device as determined by the Commission.

§ 150.4 Communications.

All communications concerning the regulations of this part should be addressed to the United States Atomic Energy Commission, Washington 25, D.C., Attention: Division of Licensing and Regulation. Communications and reports may be delivered in person at the Commission's office at 1717 H Street NW., Washington, D.C., or its offices at Germantown, Maryland.

§ 150.5 Interpretations.

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

Exemptions in Agreement States

§ 150.10 Persons exempt.

Except as provided in § 150.15, any person in an agreement State who manufactures, produces, receives, possesses, uses or transfers byproduct material, source material, or special nuclear material in quantities not sufficient to form a critical mass is exempt from the requirements for a license contained in Chapters 6, 7, and 8 of the Act, regulations of the Commission imposing licensing requirements upon persons who manufacture, produce, receive, possess, use or transfer such materials, and from regulations of the Commission applicable to licensees. The exemptions in this section do not apply to agencies of the Federal government as defined in § 150.3.

§ 150.11 Critical mass.

(a) For the purposes of this part, special nuclear material in quantities not sufficient to form a critical mass means uranium enriched in the isotope U–235 in quantities not exceeding 350 grams of contained U–235; uranium-233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all kinds of special nuclear materials in combination shall not exceed unity. For example, the following quantities in combination would not exceed the limitation and are within the formula, as follows:

$$\frac{175 \text{ (grams contained U–235)}}{350} + \frac{50 \text{ (grams U–233)}}{200} + \frac{50 \text{ (grams Pu)}}{200} = 1$$

(b) To determine whether the exemption granted in § 150.10 of this part applies, a person shall include in the quantity computed according to paragraph (a) of this section the total quantity of special nuclear material which he is authorized to receive, possess or use in a particular agreement State at any one time.

Continued Commission Regulatory Authority in Agreement States

§ 150.15 Persons not exempt.

(a) Persons in agreement States are not exempt from the Commission's licensing and regulatory requirements with respect to the following activities:

(1) The construction and operation of any production or utilization facility. As used in this subparagraph (1), "operation" of a facility includes, but is not limited to (i) the storage and handling of radioactive wastes at the facility site by the person licensed to operate the facility, and (ii) the discharge of radioactive effluents from the facility site.

(2) The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility.

(3) The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials, as defined in regulations or orders of the Commission. For purposes of this part, ocean or sea means any part of the territorial waters of the United States and any part of the international waters.

(4) The transfer, storage or disposal of radioactive waste material resulting from the separation in a production facility of special nuclear material from irradiated nuclear reactor fuel. This subparagraph (4) does not apply to the transfer, storage or disposal of contaminated equipment.

(5) The disposal of such other byproduct, source, or special nuclear material as the Commission determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

(6) The transfer of possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material, intended for use by the general public.

(b) Notwithstanding any exemptions provided in this part, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Reciprocity

§ 150.20 Recognition of State licenses.[1]

(a) Subject to the provisions of paragraph (b) of this section, any person who possesses a specific license from an agreement State is hereby granted a general license to conduct the same activity in non-agreement States: *Provided*, That the specific license does not limit the activity authorized by the license to specified installations or locations.

(b) Notwithstanding any provision to the contrary in any specific license issued by an agreement State to a person who engages in activities in a non-agreement State under a general license provided in this section, the general license provided in this section is subject to the provisions of §§ 30.32, 30.41, 30.43, 30.44, 30.51, 30.52, and 30.61 of Part 30 of this chapter; §§ 40.41, 40.61 to 40.63, inclusive, 40.71 and 40.81 of Part 40 of this chapter; and §§ 70.32, 70.51 to 70.56 inclusive, 70.61, 70.62, and 70.71 of Part 70 of this chapter; and to the provisions of Part 20 and Part 31 of this chapter. In addition, any person who engages in activities in non-agreement States under a general license provided in this section:

(1) Shall file AEC Form No. 241 ("Report of Proposed Activities in Non-agreement States") in quadruplicate with the U.S. Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation, prior to engaging in any such activity;

(2) Shall not in any non-agreement State transfer or dispose of radioactive material possessed or used under the

[1] Part 30 of this chapter is being amended to generally license the use and possession by persons in non-agreement States of certain devices containing byproduct material manufactured in an agreement State in accordance with the specifications in the specific license issued to the manufacturer by the agreement State.

general license provided in this section except by transfer to a person specifically licensed by the Commission to receive such material;

(3) Shall not possess or use radioactive material, or engage in the activities authorized in paragraph (a) of this section for more than 20 days in any period of 12 consecutive months;

(4) Shall comply with all terms and conditions of the specific license issued by an agreement State except such terms or conditions as are contrary to the requirements of this section.

ENFORCEMENT

§ 150.30 Violations.

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

Dated at Germantown, Md., this 7th day of February 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-1497; Filed, Feb. 13, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-LA-4]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

PART 608—SPECIAL USE AIRSPACE

Alteration of Federal Airways, Control Area Extension, Alteration and Designation of Restricted Areas and Designation of Transition Area

On December 5, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11494) stating the Federal Aviation Agency was considering amendments to Part 601 and §§ 600.6006, 600.6105, 600.6494, 600.1545, 601.1357 and 608.48 of the regulations of the Administrator, which would:

1. Revoke the Fallon, Nev., Restricted Area R-4803 and replace it with two restricted areas of lesser dimensions identified as R-4803 and R-4810.

2. Alter the Fallon, Nev., Restricted Area R-4804 by designating the area with a circular configuration and change its name to Twin Peaks, Nev.

3. Designate the Federal Aviation Agency, Oakland, Calif., ARTC Center as the controlling agency for R-4803, R-4804 and R-4810.

4. Alter the description of low altitude VOR Federal airways Nos. 494 and 6 south alternate to exclude the portions within R-4803.

5. Delete the reference to R-268 in the description of low altitude VOR Federal airway No. 105 and expand intermediate altitude VOR Federal airway No. 1545 to its normal width between the Coaldale, Nev., VOR and the Reno, Nev., VOR.

6. Expand the Fallon, Nev., control area extension by including additional airspace southeast and northwest of Fallon.

7. Designate a transition area near Yerington, Nev.

No adverse comments were received regarding the proposed amendments.

Subsequent to the publication of the notice, it has been determined that the centerline of the extension of R-4803, as proposed, should be 349.5° in lieu of 349° as stated in the notice. This change, being minor in nature, is reflected in the action taken herein.

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 relevent matter presented.

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

1. In § 608.48 Nevada (26 F.R. 7197) the following changes are made:

a. R-4803 Fallon, Nev., is amended to read:

R-4803 Fallon, Nev.

Boundaries. A 3-nautical mile radius circle centered at latitude 39°20'40" N., longitude 118°52'15" W.; and within 3 nautical miles W and 2 nautical miles E of a line extending 349.5° True from the center to 15 nautical miles NNW.

Designated altitudes. Surface to 8,000 feet MSL N, and surface to 18,000 feet MSL S of a line extending from latitude 39°27'40" N., longitude 118°57'55" W. to latitude 39°30'20" N., longitude 118°51'55" W.

Time of designation. Continuous, Monday through Saturday.

Controlling agency. Federal Aviation Agency, Oakland ARTC Center.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

b. R-4804 Fallon, Nev., is amended to read:

R-4804 Twin Peaks, Nev.

Boundaries. A 5-nautical mile radius circle centered at latitude 39°13'00" N., longitude 118°12'42" W.; and a 3-nautical mile radius circle centered at latitude 39°-14'15" N., longitude 118°17'30" W.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. Continuous, Monday through Saturday.

Controlling agency. Federal Aviation Agency, Oakland ARTC Center.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

c. R-4810 Desert Mountains, Nev., is added to read:

R-4810 Desert Mountains, Nev.

Boundaries. A 5-nautical mile radius circle centered at latitude 39°10'00" N., longitude 118°37'30" W.; and a 3-nautical mile radius circle centered at latitude 39°-09'15" N., longitude 118°42'20" W.

Designated altitudes. Surface to flight level 300.

Time of designation. One hour prior to sunrise to one hour after sunset, Monday through Friday.

Controlling agency. Federal Aviation Agency, Oakland ARTC Center.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

2. In the text of § 600.6006 (14 CFR 600.6006, 26 F.R. 11823) "to the Idlewild, N.Y., VORTAC." is deleted and "to the Idlewild, N.Y., VORTAC, excluding the airspace within R-4803." is substituted therefor.

3. In the text of § 600.6105 (14 CFR 600.6105) "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Fallon, Nev., Restricted Area (R-268) is excluded during this restricted area's time of designation." is deleted.

4. In the text of § 600.6494 (26 F.R. 11824) "excluding the airspace within R-4802." is deleted and "excluding the airspace within R-4802 and R-4803." is substituted therefor.

5. In the text of § 600.1545 (26 F.R. 1086) "INT of the Reno, Nev., VOR 135° and the Lovelock, Nev., VOR 195° radials; thence 8 mile wide airway to the INT of the Reno VOR 135° and the Lovelock VOR 210° radials; thence to the Reno VOR." is deleted and "to the Reno, Nev., VOR." is substituted therefor.

6. Section 601.1357 (14 CFR 601.1357) is amended to read:

§ 601.1357 Control area extension (Fallon, Nev.).

That airspace within 12 miles NE and 8 miles SW of the NAAS Fallon TACAN 146° radial, extending from the TACAN to 54 miles SE; within 5 miles either side of the NAAS Fallon TACAN 037° radial, extending from the TACAN to 29 miles NE; and within 16 miles N and 7 miles S of the NAAS Fallon TACAN 089° and 269° radials, extending from 8 miles E of the TACAN to a line extending from latitude 39°06'00" N, longitude 119°10'-00" W. to latitude 40°00'00" N., longitude 118°57'00" W. The portions of this control area extension within R-4803, R-4804 and R-4810 shall be used only after obtaining prior approval from appropriate authority.

7. In Part 601 (14 CFR Part 601), the following section is added:

§ 601.10953 Yerington, Nev., transition area.

That airspace extending upward from 1200 feet above the surface within 12 miles SW and 8 miles NE of the Reno, Nev., VOR 135° radial extending from 10 miles NW to 22 miles SE of the INT of the Reno VOR 135° and the Lovelock, Nev., VOR 197° radials.

These amendments shall become effective 0001 e.s.t. April 5, 1962.

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

Issued in Washington, D.C., on February 7, 1962.

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

[F.R. Doc. 62-1457; Filed, Feb. 13, 1962; 8:45 a.m.]

[Airspace Docket No. 60-LA-90]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 608—SPECIAL USE AIRSPACE

Designation of Restricted Area and Alteration of Federal Airway

On November 8, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10520), stating the Federal Aviation Agency was considering amendments to §§ 600.1668 and 608.70 which would designate a restricted area near Guernsey, Wyo., and alter intermediate altitude VOR Federal airway No. 1668 by reducing its width from 16 miles to 14 miles to provide required lateral separation with the proposed Guernsey, Wyo., Restricted Area.

No adverse comments were received regarding the proposed amendments.

Although the notice stated that, should this action be taken, the Denver ARTC Center would be designated as the controlling agency for the Guernsey Restricted Area, it has been determined that no requirement exists in this restricted area for the control of IFR traffic. Therefore, because better service can be provided to transiting VFR traffic through communications with the adjacent Flight Service Station, action is taken herein to designate the Casper, Wyo., Flight Service Station as the controlling agency.

Subsequent to publication of the notice, the description of VOR Federal airway No. 1668 was altered by changing the name of the Rock River, Wyo., VOR to the Medicine Bow, Wyo., VOR (26 F.R. 11823), effective February 8, 1962. Therefore, the action taken herein to alter the description of V-1668 by reducing its width will reflect this name change.

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. In § 608.70 *Wyoming* (26 F.R. 7204) the following is added:

R-7001 Guernsey, Wyo.

Boundaries. Beginning at latitude 42°-30'00" N., longitude 104°54'30" W.; to latitude 42°30'00" N., longitude 104°40'00" W.; to latitude 42°23'00" N., longitude 104°40'00" W.; to latitude 42°19'00" N., longitude 104°-45'00" W.; to latitude 42°18'00" N., longitude 104°45'00" W.; to latitude 42°19'30" N., longitude 104°51'00" W.; to latitude 42°24'-00" N., longitude 104°54'30" W.; to the point of beginning.

Designated altitudes. Surface to 23,500 feet MSL.

Time of designation. 0700 to 2200 m.s.t., May 15 through September 5.

Controlling agency. Federal Aviation Agency, Casper, Wyo., Flight Service Station.

Using agency. Adjutant General, State of Wyoming.

2. Section 600.1668 (26 F.R. 11823) is amended to read:

§ 600.1668 VOR Federal airway No. 1668 (Medicine Bow, Wyo., to Chadron, Nebr.).

From the Medicine Bow, Wyo., VOR; 14-mile wide airway to the Chadron, Nebr., VOR.

These amendments shall become effective 0001 e.s.t. April 5, 1962.

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

Issued in Washington, D.C., on February 7, 1962.

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

[F.R. Doc. 62-1458; Filed, Feb. 13, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-5]

PART 13—PROHIBITED TRADE PRACTICES

Jerome Kramer and J. C. Kramer Furrier

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* §13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act;* § 13.1886 *Quality, grade or type;* § 13.1900 *Source or origin:* § 13.1900-40 *Fur Products Labeling Act:* § 13.1900-40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, J. C. Kramer Furrier, Erie, Pa., Docket C-5, Oct. 17, 1961]

Consent order requiring an Erie, Pa., furrier to cease violating the Fur Products Labeling Act by failing, in labeling, invoicing, and advertising fur products, to show the true name of the fur and the country of origin of imported furs; failing to show, in labeling and advertising, when a fur product was composed of cheap or waste fur, and to disclose in invoicing when fur was dyed; and failing in other respects to comply with requirements of the Act.

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

It is ordered, That Jerome Kramer, an individual trading as J. C. Kramer Furrier, or under any other trade name and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

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

B. Setting forth on labels affixed to fur products:

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

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

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

C. Affixing to fur products labels that do not comply with the minimum size requirements of one and three-quarter inches by two and three-quarter inches.

D. Failing to set forth all the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on one side of such labels.

E. Failing to set forth separately on labels affixed to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

F. Failing to set forth on labels the item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and

regulations promulgated thereunder in abbreviated form.

C. Failing to set forth on invoices the item number or mark assigned to a fur product.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose:

1. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed by the Rules and Regulations.

2. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur when such is the fact.

3. The name of the country of origin of any imported fur contained in a fur product.

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

Issued: October 17, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-1466; Filed, Feb. 13, 1962; 8:46 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 243; Docket No. R-206]

PART 154—RATE SCHEDULES AND TARIFFS

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 7 OF THE NATURAL GAS ACT, AS AMENDED

Independent Producers of Natural Gas; Definition; Temporary Authorizations, Procedure

FEBRUARY 8, 1962.

In this proceeding the Commission has under consideration (1) a redefining of the term "independent producer" as the term is used in Parts 154 and 157 of its regulations, and (2) a revision of its procedures with respect to the issuance of temporary authorizations to independent producers pursuant to section 7(c) of the Natural Gas Act.

The definition of an "independent producer" set forth in the margin [1] is of particular significance because we have provided for simplified regulations for producers as distinguished from pipeline companies. Thus, producers are exempt from the comprehensive reporting and accounting obligations required of the pipeline companies.[2]

We have learned from experience however, that some companies operate lines for the interstate transportation of natural gas under circumstances which require that they be more strictly regulated. If a company is engaged in activities which go beyond production and gathering, the public interest requires that it be regulated as a pipeline company.

Before a producer may begin service under a temporary authorization issued pursuant to § 157.28 there must be on file an effective rate schedule covering the proposed service filed not less than 30 days prior to the date service is to begin. However, in order to speed the initiation of emergency operations, paragraph (d) of the rule provides an automatic waiver of the 30-day filing requirements of §§ 154.92(b) and 154.94(b). The Commission believes that in the present circumstances it should itself consider applications for waiver. Accordingly, we order herein the revocation of § 157.28(d) which reads as follows:

(d) Notice by the Secretary of the acceptance of the rate filing and the statements made under this section shall constitute a waiver by the Commission of the 30-day advance filing requirements of § 154.92(b) or 154.94(b), and the proposed temporary sales or transportation may proceed forthwith.

Since a currently effective delegation of authority to the Secretary [3] to issue the notice provided for in the revoked section is no longer necessary, it should be revoked as herein provided.

The Commission finds:

(1) Amendment of the regulations as herein ordered is appropriate and necessary for carrying out the provisions of the Natural Gas Act.

(2) The amendments herein ordered represent matters of practice and procedure which do not require notice or hearing under section 4(a) of the Administrative Procedure Act.

(3) The reasons for the amendments herein adopted, as expressed above, require that they be made effective as hereinafter ordered.

The Commission, acting pursuant to authority granted by sections 4, 7, and 16 of the Natural Gas Act (15 U.S.C. 717c, 717f, 717o), orders:

(A) Parts 154 and 157 of Subchapter E, Regulations Under the Natural Gas Act, Chapter I of Title 18 of the Code of Federal Regulations, are amended as follows:

1. Section 154.91, paragraph (a) is amended to read as follows:

(a) *Definition.* An "independent producer" as that term is used in this part means any person as defined in the Natural Gas Act who is engaged in the production or gathering of natural gas and who sells natural gas in interstate commerce for resale, but who is not engaged in the transportation of natural gas (other than gathering) by pipeline in interstate commerce.

2. In § 157.28, paragraph (d) is revoked.

(B) The above-described delegation of authority to the Secretary issued December 26, 1956, 22 F.R. 12, is revoked effective April 2, 1962.

(C) The amendments prescribed by paragraph (A) 1, above, shall become effective upon the issuance of this order.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-1465; Filed, Feb. 13, 1962; 8:46 a.m.]

[Order 242; Docket No. R-203]

PART 154—RATE SCHEDULES AND TARIFFS

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 7 OF THE NATURAL GAS ACT, AS AMENDED

Rejection of Sales Contracts Containing Indefinite Escalation Clauses and of Applications Relying Upon Such Contracts for Gas Supply

FEBRUARY 8, 1962.

In this proceeding the Commission has under consideration the amendment of §§ 154.93, 157.14(a)(10) Exhibit H(v), and 157.25, Subchapter E, Regulations Under the Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations.

By Order No. 232A, issued March 31, 1961 (26 F.R. 2850, 25 FPC 609), the Commission amended § 154.93 of its regulations so as to provide that indefinite price escalation clauses in sales contracts executed on or after April 3, 1961, for the sale or transportation of natural gas subject to the jurisdiction of the Commission, would be inoperative and of no effect at law. The amendments herein adopted provide for (1) the rejection of contracts containing such indefinite escalation clauses, (2) the rejection of applications by producers for certificates of public convenience and necessity relying for a gas supply upon contracts containing such indefinite escalation provisions, and (3) the Com-

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[1] Section 154.91(a) provides that:

An "independent producer" as that term is used in this part means any person as defined in the Natural Gas Act who is engaged in the production or gathering of natural gas and who transports natural gas in interstate commerce or sells natural gas in interstate commerce for resale, but who is not primarily engaged in the operation of an interstate pipeline.

[2] See Order No. 174-B, 13 FPC 1576, ordering clause (D), at page 1585.

[3] Issued Dec. 26, 1956, 22 F.R. 12, and included in the Commission's Statement of Organization, paragraph 5 (a)(13), 21 FPC 601 at 604.

mission's refusal to consider such contracts submitted in support of certificate applications by pipeline companies.

Public notice of proposed rulemaking was given by publication in the FEDERAL REGISTER on October 10, 1961 (26 F.R. 9732), and by mailing copies thereof to interested persons, including natural gas companies, and to State and Federal agencies. In response to such notice, numerous comments were submitted. These comments have been carefully considered but, for the reasons set forth below, we adhere to the substance of the amendments as originally proposed.

A number of parties contend that the promulgation of these regulations would be unlawful and beyond the powers granted to the Commission by the Natural Gas Act. We conclude, however, that sections 4, 5, and 7 of the Natural Gas Act contemplate that the Commission will refuse to approve contractual provisions found adverse to the public interest. Section 16 of the Act, of course, authorizes the Commission to issue rules and regulations of general applicability found necessary or appropriate to carry out the provisions of the Act.

Protection of the public interest is the touchstone of our regulatory powers under the Natural Gas Act. The Commission's obligation under the Act to the natural gas companies, as one segment of the public whose interest is to be protected, does not compel it to acquiesce in the use of contracts which carry provisions incompatible with a scheme of effective rate regulation. To be sure, the proposed rule will have impact upon contractual practices which have been fairly widespread. But the real issue is not one of "freedom of contract"; the question is whether the rule is rationally related to a condition which requires correction if regulatory objectives embraced by the statute are to be achieved. See American Trucking Associations v. United States, 344 U.S. 298. In our view, the rule we adopt fully meets this test.

We held in the Pure Oil case[1] that indefinite escalation clauses are contrary to the public interest and restated this conclusion in Order No. 232A. Increases in producer prices triggered by indefinite escalation clauses, have resulted in a flood of almost simultaneous filings. These filings bear no apparent relationship to the economic requirements of the producers who file them. The Natural Gas Act contemplates that prices, to be just and reasonable, be related to economic needs. The elimination of indefinite escalation provisions does not, of course, cut off other avenues by which a producer may make provision for filing for increased rates.

Filings under indefinite escalation clauses have created a significant portion of the administrative burdens under which this Commission is laboring today. The Natural Gas Act contemplates that rate increases shall be sought when there is economic justification, but not that there shall be a chain reaction in a wide area whenever one producer in the area negotiates a contract at a new price level. The Act requires the Commission to give precedence to the hearing and decision of rate increases, but the complexity of indefinite price clauses requires it to spend an undue amount of time in their interpretation and application at the expense of making a prompt determination of the rate issues involved. Accordingly, in protecting the public against waves of increases which have no defensible basis, we also serve the need—which we believe we should take into account—of making the tasks of regulation more manageable.

It has been brought to our attention that § 154.93 of the regulations, as amended by Order No. 232A, refers to the date of execution of a contract, rather than the filing date (to which we referred in the notice of this proceeding). It is suggested that this point should be clarified. The Commission agrees and has made appropriate changes. In order to conform the language of the amendments to our existing regulations, we have also changed the phrase "price-escalation provisions" to "price-changing provisions".

The Commission, acting pursuant to authority granted by the Natural Gas Act, particularly sections 4, 5, 7, and 16 thereof (15 U.S.C. 717c, 717d, 717f, and 717o), orders that Parts 154 and 157, Subchapter E, Chapter I, of Title 18 of the Code of Federal Regulations be amended as follows:

(A) Section 154.93 *Rate schedule defined,* is amended by adding a provision at the end thereof. As amended § 154.93 reads as follows:

§ 154.93 Rate schedule defined.

For the purpose of §§ 154.92 through 154.101 "rate schedule" shall mean the basic contract and all supplements or agreements amendatory thereof, effective and applicable on and after June 7, 1954, showing the service to be provided and the rates and charges, terms, conditions, classifications, practices, rules and regulations affecting or relating to such rates or charges, applicable to the transportation of natural gas in interstate commerce or the sale of natural gas in interstate commerce for resale subject to the jurisdiction of the Commission: *Provided,* That in contracts executed on or after April 3, 1961, for the sale or transportation of natural gas subject to the jurisdiction of the Commission, any provision for a change of price other than the following provisions shall be inoperative and of no effect at law; the permissible provisions for a change in price are:

(a) Provisions that change a price in order to reimburse the seller for all or any part of the changes in production, severance, or gathering taxes levied upon the seller;

(b) Provisions that change a price to a specific amount at a definite date; and

(c) Provisions that, once in five-year contract periods during which there is no provision for a change in price to a specific amount (paragraph (b) of this section), change a price at a definite date by a price-redetermination based upon and not higher than a producer rate or producer rates which are subject to the jurisdiction of the Commission, are not in issue in suspension or certificate proceedings, and, are in the area of the price in question: *Provided further,* That any contract executed on or after April 2, 1962, containing price-changing provisions other than the permissible provisions set forth in the proviso next above shall be rejected.

§ 157.14 [Amendment]

(B) Subdivision (v) of subparagraph (10) *Exhibit H—Total gas supply data* of § 157.14(a), is amended by adding an additional proviso at the end thereof. As amended subdivision (v) reads as follows:

(v) A conformed copy of each gas purchase contract upon which applicant proposes to rely: *Provided, however,* That only three of the total number of copies of Exhibit H filed need include a copy of such contract. Contracts already on file with the Commission may be incorporated by reference without supplying additional copies, provided such contracts are identified with particularity by stating the exact pages of the contracts to be incorporated by reference and the file or docket number designation to which reference is made; provided further, that the Commission of the presiding officer may direct that additional copies of such contracts be furnished to the Commission or to other parties to the proceeding: *Provided further, however,* That any contract executed on and after April 2, 1962, and filed in support of an applicant's gas supply showing will be given no consideration in determining adequacy of gas supply if it contains any price-changing provisions other than those defined as permissible in § 154.93 of this chapter.

§ 157.25 [Amendment]

(C) *Exhibit B, Contracts,* in § 157.25 *Necessary exhibits,* is amended by deleting all the language after the first sentence thereof, ending with the words "Natural Gas Act", and inserting in lieu thereof the following: "On or after April 2, 1962, the application shall be rejected if any contract submitted in support thereof contains any price-changing provisions other than those defined as permissible in § 154.93 of this chapter. As amended *Exhibit B, Contracts,* reads as follows:

Exhibit B. Contracts. Conformed copy of each contract for sale or transportation of gas for which a certificate is requested: *Provided, however,* That contracts on file with the Commission in other proceedings may be included by reference as heretofore provided in § 157.24(b); *And provided further,* That acceptance of contracts hereunder shall not be construed as approval of the rates therein contained under Part 154 hereof or under the Natural Gas Act. On or after April 2, 1962, the application shall be rejected if any contract submitted in support thereof contains any price-changing provisions other than those defined as permissible in § 154.93 of this chapter.

(D) These amendments shall become effective on April 2, 1962.

(E) The Secretary of the Commission shall cause prompt publication of this

[1] The Pure Oil Company, 25 FPC 383.

order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–1464; Filed, Feb. 13, 1962; 8:46 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.478]

PART 46—CONTROL OF ALIENS DEPARTING FROM THE UNITED STATES

Miscellaneous Amendments

Part 46, Chapter I, Title 22 of the Code of Federal Regulations is being amended to add Outer Mongolia ("Mongolian People's Republic") to the list of countries to which permanent resident aliens may not travel without the specific authorization of the Administrator of the Bureau of Security and Consular Affairs after consultation with the Commissioner of Immigration and Naturalization. Minor editorial amendments are also being made in two paragraphs to delete references to a form which is now obsolete.

1. Paragraph (k) of § 46.3 is hereby amended to read as follows:

§ 46.3 Aliens whose departure is deemed prejudicial to the interests of the United States.

* * * * *

(k) Any alien lawfully admitted for permanent residence who seeks to depart from the United States for travel to, in, or through Albania, Communist-controlled China ("Chinese People's Republic"), Cuba, North Korea ("Democratic People's Republic of Korea"), North Viet-Nam ("Democratic Republic of Viet-Nam"), or Outer Mongolia ("Mongolian People's Republic").

§ 46.4 [Amendment]

2. Paragraph (a) of § 46.4 is amended by deletion of the words "on Form I–227" appearing at the end of the third sentence.

§ 46.5 [Amendment]

3. Paragraph (a)(2) of § 46.5 is amended by deletion of the words "on Form I–227" appearing at the end thereof.

Effective date. The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: January 17, 1962.

DEAN RUSK,
Secretary of State.

Concurred in:

BYRON R. WHITE,
Acting Attorney General.

Dated: February 2, 1962.

[F.R. Doc. 62–1425; Filed, Feb. 12, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

TEXTILES AND TEXTILE FIBERS

Correction

In F.R. Doc. 62–1337 appearing at page 1214 of the issue for Friday, February 9, 1962, the table appearing in paragraph (d)(5) of § 121.2535 is corrected to read as set forth below:

List of substances	Limitation
(i) Fibers:	
Cotton	
Rayon	
(ii) Adjuvant substances:	
4,4′-bis (4-Anilino - 6-diethanolamine-α-triazin - 2- ylamino)-2,2′-stilbene-disulfonic acid, disodium salt.	For use as colorant only.
4,4′-bis(4-Anilino - 6 - methylethanolamine - α - triazin-2-ylamino)-2,2′-stilbene-disulfonic acid, disodium salt.	For use as colorant only.
Borax	For use as preservative only.
Formaldehyde	For use as preservative only.
Mineral oil	
Petrolatum	
Polyoxyethylene (20) sorbitan monolaurate.	
Polyoxyethylene (20) sorbitan monostearate.	
Polyvinyl acetate	
Polyvinyl aclohol	
Sodium bis(2,6 - dimethylheptyl - 4) sulfosuccinate.	
Sodium dodecyl benzenesulfonate	
Sodium fluoride	For use as preservative only.
Sodium hypochlorite	
Sodium lauryl sulfate	
Sodium pentachlorophenate	For use as preservative only.
Styrene-butadiene copolymer	
Tallow	
Tallow, sulfonated	
Titanium dioxide	
Triethanelamine	
Ultramarine blue	
Waxes, petroleum	

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Charles River, Mass.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.75 is hereby amended prescribing subparagraph (h)(3) to govern the operation of the Metropolitan Transit Authority bridge across Charles River, Boston, Mass., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.75 Boston Harbor, Mass., and adjacent waters; bridges.

* * * * *

(h) *Charles River.* * * *

(3) *Metropolitan Transit Authority Bridge.* The draw of the bridge will be opened only between 9:00 a.m. and 10:00 p.m. (local time) each day provided 4 hours' advance notice is given prior to the time an opening is required. Draw openings during this period shall also be governed by the regulations in subparagraph (1) of this paragraph.

[Regs., January 26, 1962, 285/112 (Charles River, Mass.)—ENGCW–ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

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

[F.R. Doc. 62–1452; Filed, Feb. 13, 1962; 8:45 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 221—OPERATION AND MAINTENANCE CHARGES

Blackfeet Indian Irrigation Project, Montana

On page 11296 of the FEDERAL REGISTER of November 30, 1961, Vol. 26, No. 230, there was published a notice of intention to amend §§ 221.130 and 221.131 of Title 25, Code of Federal Regulations, as set forth below. The purpose of the amendment is to increase the annual operation and maintenance rate from $1.80 to $2.25 per acre and the assessment rate for excess water from $1.00 to $1.25 per acre-foot. These rate increases are necessary in order that the assessments meet the operation and maintenance costs, which have risen due to increases in labor and material costs.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendments. Three objections having been received

and after full consideration on the merits having been overruled, the amended regulations are adopted as set forth below.

1. Section 221.130 is amended to read as follows:

§ 221.130 **Basic assessment.**

Pursuant to the acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928; 38 Stat. 583; 39 Stat. 142; 45 Stat. 210; 25 U.S.C. 385, 387, the basic rate of assessment of operation and maintenance charges against the irrigable lands to which water can be delivered under the Blackfeet Indian Irrigation Project, Montana, for the season of 1962 and subsequent years until further notice is hereby fixed at $2.25 per acre per annum for the delivery of not to exceed one and one-half acre feet of water per acre for the assessable area under constructed works, water to be delivered on demand based upon an estimated quota of the available supply.

2. Section 221.131 is amended to read as follows:

§ 221.131 **Excess water assessment.**

Additional water, when available, may be delivered upon request at the rate of $1.25 per acre foot, or fraction thereof.

PERCY E. MELIS,
Area Director.

[F.R. Doc. 62-1467; Filed, Feb. 13, 1962; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 50—Division of Public Contracts, Department of Labor

PART 50-202—MINIMUM WAGE DETERMINATIONS

Drugs and Medicine Industry

No exceptions have been filed to the tentative decision determining the prevailing minimum wage for the drugs and medicine industry (27 F.R. 315).

Accordingly, pursuant to section 4 of the Walsh-Healey Public Contracts Act (41 U.S.C. 38), the proposed findings and conclusions contained in the tentative decision are hereby made final, and 41 CFR 50-202.22 is hereby amended in the manner indicated below.

Good cause is hereby found to shorten the delay in effective date of this amendment to seven days following its publication in the FEDERAL REGISTER for the reasons indicated in final decisions determining prevailing minimum wages under the Walsh-Healey Public Contracts Act in the paper and pulp and manifold business forms industries (26 F.R. 7698, 7699). Therefore, the amendment shall become effective Febrary 21, 1962.

As amended, 41 CFR 50-202.22 reads as follows:

§ 50-202.22 **Drugs and medicine industry.**

(a) *Definition.* The drugs and medicine industry is defined as that industry which manufactures (or packages) drugs and medicinal preparations (other than food) intended for internal or external use in the diagnosis, treatment, or prevention of diseases in, or to affect the structure or any functions of, the body of men or other animals, including without limitation the following products: Bulk organic and inorganic medicinal chemicals and their derivatives; processed botanical drugs and herbs; endocrine products; basic vitamins; active medicinal principles, such as alkaloids from botanical drugs and herbs; drugs and medicine in pharmaceutical preparations, such as ampules, tablets, capsules, ointments, solutions, and suspensions for human and veterinary use, including vitamin preparations and galenicals, such as fluid extracts and tinctures; viruses, serums, toxins, and analogous products, such as allergenic extracts, and normal serums and plasmas for human or veterinary use; and bacteriological media.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the drugs and medicine industry shall be not less than $1.45 per hour.

Signed at Washington, D.C., this 8th day of February 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-1524; Filed, Feb. 13, 1962; 8:52 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 62-122]

PART 1—PRACTICE AND PROCEDURE

Computation of Time

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of February 1962;

The Commission having under consideration § 1.18 of its rules of practice and procedure pertaining to the computation of time; and

It appearing, that § 1.18 should be rephrased so as to simplify and clarify the method for computing the filing date in Commission proceedings; and

It further appearing, that the amendment adopted herein is issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended; and

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

It is ordered, effective February 14, 1962, that § 1.18 of the rules of practice and procedure is amended as set forth below.

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

Released: February 9, 1962.

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

§ 1.18 **Computation of time.**

(a) It is frequently necessary under Commission procedures to compute the terminal date of a period of time where the period begins with the occurrence of and act, event, or default and terminates a specified number of days thereafter. Unless otherwise provided by statute, the first day to be counted in computing the terminal date is the day after the day on which the act, event, or default occurs. The last day of such period of time is included in the computation and any action required must be taken on or before that day.

(b) When a Commission Decision, Order, or Memorandum is involved, the first day to be counted is the day after the day on which the complete text of the document is released by the Commission. When any other Commission action is involved, the first day to be counted is the day after the day on which the "Public Notice" of the action is released by the Commission.

(c) All petitions, pleadings, tariffs, or other documents filed with the Commission must be tendered for filing in complete form before 5:00 p.m. Any such document lodged with the Commission in complete form after 5:00 p.m. shall be deemed to be tendered for filing as of the next succeeding business day.

(d) For purposes of this section, the term "holiday" shall include Saturdays, Sundays, legal holidays or half holidays in the District of Columbia, and any other day on which the Commission's offices are closed prior to 5:00 p.m. The term "business day" shall include all other days.

(e) For purposes of this section, the term "filing period" means the number of days allowed or prescribed by statute, rule, order, notice, or other Commission action for filing any document with the Commission. That term does not include any additional days allowed for filing any document under paragraph (f), (g), or (i) of this section.

(f) If the filing period is less than seven days, intermediate holidays shall be excluded in determining the filing date.

(g) Where a document is served by mail, and the filing period for a response thereto is 10 days or less, an additional three days, excluding holidays, will be allowed for filing the response. This paragraph shall not apply to § 1.193(c).

(h) If both paragraphs (f) and (g) of this section are applicable, make the computations called for by paragraph (f) before making those called for by paragraph (g).

(i) If the filing date falls on a holiday, the document shall be filed on the next business day.

[F.R. Doc. 62-1520; Filed, Feb. 13, 1962; 8:52 a.m.]

[Docket No. 14120; FCC 62-161]

PART 3—RADIO BROADCAST SERVICES

Certain Television Broadcast Stations; Table of Assignments

1. The Commission has before it for consideration its Notice of Proposed Rule Making, adopted May 11, 1961 (FCC 61-640) and its Notice of Further Proposed Rule Making, adopted September 27, 1961 (FCC 61-1156), looking toward amendment of the Table of Assignments, Television Broadcast Stations (Section 3.606 of the Commission's Rules). These concern various proposals to add channels to Huntsville and Hamilton, Alabama, and correlative changes and deletions of channels in other communities in Alabama, Georgia, Kentucky, Mississippi, and Tennessee:

2. *RM-241.* North Alabama Broadcasters, Inc., filed a petition on March 7, 1961, proposing the assignment of Channel 19 to Huntsville, Alabama, to be accomplished by substitution at Fort Payne, Alabama, of Channel 65 for unoccupied Channel 19.

3. *RM-253.* Huntsville Broadcasting Co., Inc., by petition filed April 14, 1961, proposed the additional assignment to Huntsville of Channel 25+. This would have been accomplished as follows:

City	Channel	
	Present	Proposed
Huntsville, Ala	31+	25+, 31+
Guntersville, Ala	40−	62−
Humboldt, Tenn	25	68
Dalton, Ga	25+	71

4. Both of the above proposals were encompassed by the May 11 Notice, which inter alia pointed out that the RM-253 proposal was defective as to certain co-channel spacings. In its comments, Huntsville Broadcasting Co., Inc. then suggested substitute plans mainly to afford a satisfactory alternative for reassignment at Dalton, Georgia, which the Georgia State Department of Education indicated was an essential link in a plan for state-wide educational television coverage.

5. *RM-280.* Rankin Fite and Robert H. Thomas filed a petition on August 22, 1961, seeking assignment to Hamilton, Alabama, of Channel 25, which it proposed to accomplish by substituting Channel 49 for Channel 25 at Humboldt, Tennessee. To avoid a co-channel spacing conflict with its Channel 25 proposal, Huntsville Broadcasting Co., Inc. suggested an alternative channel assignment for Hamilton of either Channel 17 or Channel 34, which, as the case may be, would require substitutions for Channel 17 at Jasper, Alabama, or Channel 34− at Starkville, Mississippi.

6. The additional proposals were announced in a Notice of Further Proposed Rule Making (26 F.R. 9348) on September 27, 1961. A tabulation of these proposals is shown below:

HUNTSVILLE BROADCASTING CO. ALTERNATIVE PLANS FOR HUNTSVILLE [1]

City	Present	Proposed		
		Plan I	Plan II	Plan III
Huntsville, Ala	31+	25+, (31+)	25+, (31+)	(31+), 40−
Dalton, Ga	25+	16	18−	(25+)
Guntersville, Ala	40−			
Humboldt, Tenn	25			(25)
Tuskegee, Ala	16−		(16−)	(16−)
Corbin, Ky	16		(16)	(16)
Fort Valley, Ga	18+	(18+)		(18+)
Murfreesboro, Tenn	18−	(18−)		(18−)
Sheffield, Ala	47−	(47−)	(47−)	

[1] The parentheses denote that the channel assignments are not affected by the particular plan. The Sept. 27 notice, because of the stated Commission policy to withhold further assignments when there is no apparent demand for an assignment, did not propose substitute channels for assignments deleted.

HUNTSVILLE BROADCASTING CO. ALTERNATIVE PLANS FOR HAMILTON [1]

City	Present	Plan A	Plan B
Hamilton, Ala		17	34−
Jasper, Ala	17	71	(17)
Starkville, Miss	34	(34)	40−

[1] The parentheses denote that the channel assignments are not affected by the particular plan. The Sept. 27 notice, because of the stated Commission policy to withhold further assignments when there is no apparent demand for an assignment, did not propose substitute channels for assignments deleted.

7. The Commission has before it the views of various interested persons: North Alabama Broadcasters, Inc.; Huntsville Broadcasting Co., Inc.; Rocket City Television, Inc., licensee of WAFG-TV, Channel 31, Huntsville, Alabama; the Georgia State Department of Education; Rankin Fite and Robert H. Thomas; The Association of Maximum Service Telecasters, Inc.; Elton H. Darby, licensee of WVNA, Tuscumbia, Alabama; Clayton Carter, President, Chamber of Commerce, Guntersville, Alabama; and Herman W. Maddox, Mayor, City of Jasper, Alabama. We do not here detail these comments, since many of the objections to various aspects of the alternatives are rendered moot by the disposition we make.

8. We recognize that in the present state of the art UHF channels in the lower range afford some technical advantages. Also pending decisions in Docket 14229, we have not been providing substitute channels for assignments deleted from one area to provide lower channels in another area unless an active interest is manifested. These considerations dispose of the objections of Guntersville,[1] Jasper,[2] and Sheffield,[3] since the comments on their behalf do not convincingly demonstrate the probability of use in the near future. Should Guntersville or Jasper—or for that matter the communities referred by Rocket City as having no local television channels—in the future demonstrate an actual demand for a television broadcasting facility, the Commission would make available the best channel under existing conditions, circumstances and prevailing policy.

9. In opposing both rule making proceedings as to Huntsville, Rocket City Television, Inc., relied on the adequacy of service provided by, in addition to its own operation, services from WSML-TV, Decatur, Alabama (about 25 miles away), three VHF stations at Birmingham, Alabama (about 85 miles away), three VHF stations at Chattanooga, Tennessee (75 miles away), and three VHF stations at Nashville (100 miles away). It contends that it's own programming meets local needs. Additionally, Rocket City adverts to its economic position, namely, continually operating at a loss—which currently is estimated as averaging $1,000 per month (an accumulated loss of about $45,000 as of December 31, 1960)—as boding ill for the assignment of additional UHF channels to Huntsville.

10. Quite clearly Huntsville's service from Birmingham (85 miles), Chattanooga (75 miles), and Nashville (100 miles) is fringe. While Huntsville proper receives satisfactory service from WSML-TV, Channel 23 at Decatur, more than one-half of surrounding Madison County is beyond the Grade B contour, as are other substantially populated areas which would be served by additional UHF channels in Huntsville.[4] On the basis of this and other facts, it is our view that two channels should be added at Huntsville. For example, there has been a population growth between 1950 and 1960 of approximately 56,000 persons in Huntsville (16,437 to 72,365). Correspondingly, the population of Madison County has increased about 45,000 persons (present population 117,348) as contrasted to the overall population decrease in Alabama of 1 percent. These increases

[1] Clayton Carter, President, Guntersville Chamber of Commerce, made these points to support the argument that Channel 40 should not be deleted from Guntersville: Local television service would be delayed for many years in a significant region (a county seat, the center of a heavily populated rural area, and a population overflow from Redstone Arsenal) where reception is poor because of the terrain.

[2] Herman W. Maddox, Mayor, The City of Jasper, on behalf of the City Commission protested the replacement of Channel 17 with Channel 71 as not in the public interest because the latter of inferior quality would not adequately serve Walker County (population 54,000).

[3] Elton H. Darby opposed Plan III insofar as requiring the deletion of Channel 47 from Sheffield, Alabama, because the market area—substantial in population and economic growth—would be deprived of one (albeit unused) of its commercial television channel assignments.

[4] Within a 50-mile radius of Huntsville are the Alabama counties of Jackson (total population 38,681), De Kalb (41,417), Marshall (48,018), Morgan (60,454), and Limestone (36,513) as well as several counties in Tennessee, of which only Morgan County receives any modicum of satisfactory service from more than one of the four transmitting cities referred to above.

are due to the Government's activities at nearby Redstone Arsenal. Huntsville is a center of education and transportation, yet there is only one television broadcasting station to provide community needs. Indeed, the enhancement of UHF service in the area would permit UHF to become competitive and serve to improve UHF programming with probable increased demand for such service in the area. In sum, by providing additional television channels to Huntsville, substantially better and multiple service would become available to the populace of the area to be served. This clearly is in the public interest.

11. Assertions by Rocket City and Clayton Carter that there was no notice of the proposed deletion of Channel 19 from Fort Payne are unfounded. The May 11 Notice clearly so stated, and the September 27 Further Notice was only in the nature of additional alternative proposals.

12. We conclude, therefore, that it is in the public interest to assign two additional channels to Huntsville. Also in view of the indicated demand for a channel in Hamilton, we believe that an assignment should be added to this city. There remains the matter of selecting suitable assignments for the cities having the least adverse affect on neighboring communities. For the reasons set forth below we propose to add channels 19 and 25+ to Huntsville and 17 to Hamilton.

13. As discussed above, Channel 19 may be advantageously assigned to Huntsville. With regard to the addition of the second channel to Huntsville, Channel 25+ results in the deletion of only one channel from a neighboring community expressing an objection, dovetails with the Georgia State Department of Education plans,[5] and permits the assignment of an acceptable low UHF assignment to Hamilton.

14. With regard to the choice of adding either Channel 17 or 34— to Hamilton we conclude that Channel 17 is the more desirable because it requires only the deletion of the Jasper assignment which community receives three Grade A services from Birmingham. Therefore, it appears unlikely that it will be economically feasible to construct a station there in the near future. We also note that the present Jasper assignment would be deleted under a rule making proposal initiated recently to reserve additional channels for education in the State of Georgia (Docket No. 14409).

15. Authority for the amendments adopted herein is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

16. In view of the foregoing: *It is ordered,* That effective March 15, 1962, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, (1) by adding Hamilton and changing the assignments for Huntsville to read as follows:

City:	*Channel*
Hamilton, Ala	17
Huntsville, Ala	19, 25+, 31+

and (2) by deleting the entries for Fort Payne, Alabama, Guntersville, Alabama, Jasper, Alabama, Dalton, Georgia, and Humboldt, Tennessee.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083, 47 U.S.C. 303, 307)

Adopted: February 6, 1962.

Released: February 9, 1962.

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

[F.R. Doc. 62-1519; Filed, Feb. 13, 1962; 8:52 a.m.]

[5] Inasmuch as the State of Georgia has come forth with a detailed plan calling for assignment of Channel 18— to Dalton, Georgia which we are giving consideration to in Docket No. 14409, its objection to reassignment of the Dalton Channel 25+ in effect appears to have been withdrawn.

Proposed Rule Making

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 546) has been filed by The Dow Chemical Company, Midland, Michigan, proposing the issuance of a regulation to provide for the safe use of 800 parts per million of calcium disodium EDTA in processed beans to promote color retention.

Dated: February 7, 1962.

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

[F.R. Doc. 62-1475; Filed, Feb. 13, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Chewing Gum Base; Notice of Proposal to Amend Regulation

Pursuant to petitions received from the National Association of Chewing Gum Manufacturers, 100 East 42d Street, New York 17, New York, and Goodrich Gulf Chemicals, Incorporated, 1717 East Ninth Street, Cleveland 14, Ohio, a notice of filing was published in the FEDERAL REGISTER of February 24, 1961 (26 F.R. 1640). Based upon data supplied in these petitions, an order was published in the FEDERAL REGISTER of September 23, 1961 (26 F.R. 8972), establishing a regulation providing for the safe use of chewing gum base in the manufacture of chewing gum. Following publication of the order the petitioners submitted certain objections to the published regulation and proposed changes therein.

The Commissioner of Food and Drugs has evaluated these objections and other relevant material and has concluded that the regulation should be amended to make certain editorial changes; to add butylated hydroxyanisole, butylated hydroxytoluene, propyl gallate, sodium sulfate, sodium sulfide, and sodium and potassium stearate to the list of acceptable ingredients; and to rearrange the permitted ingredients, in part, according to their functional use.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), it is proposed to amend § 121.1059 to read as follows:

§ 121.1059 Chewing gum base.

The food additive chewing gum base may be safely used in the manufacture of chewing gum in accordance with the following prescribed conditions:

(a) The food additive consists of one or more of the following substances that meet the specifications and limitations prescribed in this paragraph, used in amounts not to exceed those required to produce the intended physical or other technical effect.

MASTICATORY SUBSTANCES

NATURAL (COAGULATED OR CONCENTRATED LATICES) OF VEGETABLE ORIGIN

Family	*Genus and species*
Sapotaceae:	
Chicle	Manilkara zapotilla Gilly and Manilkara chicle Gilly.
Chiquibul	Manilkara zapotilla Gilly.
Crown gum	Manilkara zapotilla Gilly and Manilkara chicle Gilly.
Gutta hang kang	Palaquium leiocarpum Boerl. and Palaquium oblongifolium Burck.
Massaranduba balata (and the solvent-free resin extract of Massaranduba balata).	Manilkara huberi (Ducke) Chevalier.
Massaranduba chocolate	Manilkara solimoesensis Gilly.
Nispero	Manilkara zapotilla Gilly and Manilkara chicle Gilly.
Rosidinha (rosadinha)	Micropholis (also known as Sideroxylon) spp.
Venezuelan chicle	Manilkara williamsii Standley and related spp.
Apocynaceae:	
Jelutong	Dyera costulata Hook. F. and Dyera lowii Hook. F.
Leche caspi (sorva)	Couma macrocarpa Barb. Rodr.
Pendare	Couma macrocarpa Barb. Rodr. and Couma utilis (Mart.) Muell. Arg.
Perillo	Couma macrocarpa Barb. Rodr. and Couma utilis (Mart.) Muell. Arg.
Moraceae:	
Leche de vaca	Brosimum utile (H.B.K.) Pittier and Poulsenia spp.; also Lacmellae standleyi (Woodson), Monachino (Apocynaceae).
Niger gutta	Ficus platyphylla Del.
Tunu (tuno)	Castilla fallax Cook.
Euphorbiaceae:	
Chilte	Cnidoscolus (also known as Jatropha) elasticus Lundell and Cnidoscolus tepiquensis (Cost. and Gall.) McVaugh.
Natural rubber (smoked sheet and latex solids).	Hevea brasiliensis.

Synthetic	*Specifications*
Butadiene-styrene rubber	Basic polymer.
Isobutylene-isoprene copolymer (butyl rubber).	Do.
Polyethylene	Molecular weight 2,000–21,000.
Polyisobutylene (isobutylene resin).	Molecular weight 8,700–81,000.
Polyvinyl acetate	Molecular weight 2,000–5,000.

PLASTICIZING MATERIALS (SOFTENERS)

Glycerin ester of partially hydrogenated wood rosin.	Esterified with glycerin to an acid number of 3–6.
Glycerin ester of polymerized rosin.	----------
Lanolin	----------
Stearic acid	Complying with § 121.1070.
Sodium and potassium stearates	Complying with § 121.1071.

TERPENE RESINS

Synthetic resin	Consisting of polymers of β-pinena.
Natural resin	Consisting of polymers of α-pinene; softening point minimum 155° C., determined by U.S.P. closed-capillary method.

ANTIOXIDANTS

Butylated hydroxyanisole Butylated hydroxytoluene Propyl gallate	Not to exceed antioxidant content of 0.1% when used alone or in any combination.

MISCELLANEOUS

Sodium sulfate	----------
Sodium sulfide	Reaction-control agent in synthetic polymer production.

(b) In addition to the substances listed in paragraph (a) of this section, chewing gum base may also include substances generally recognized as safe in food.

(c) To assure safe use of the additive, in addition to the other information required by the act, the label and labeling of the food additive shall bear the name of the additive, "chewing gum base." As used in this paragraph, the term "chewing gum base" means the manufactured or partially manufactured nonnutritive masticatory substance comprised of one or more of the ingredients named and so defined in paragraph (a) of this section.

The Commissioner of Food and Drugs hereby offers an opportunity to any interested person to submit views and comments on this proposal within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be submitted in triplicate and addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C.

Dated: February 7, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-1476; Filed, Feb. 13, 1962; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 22]

[Reg. Docket No. 1069; Draft Release No. 62-6]

ISSUANCE OF FREE BALLOON PILOT CERTIFICATES LIMITED TO HOT-AIR BALLOONS

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to amend Part 22 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted, preferably in duplicate, to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue, NW., Washington 25, D.C. All communications received on or before April 16, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired.

Section 22.13 of the Civil Air Regulations currently provides for the issuance of free balloon pilot certificates. This section also provides for the issuance of free balloon pilot certificates which are limited to hot-air balloons. An applicant for such a certificate must comply with certain requirements of age, character, citizenship, education, and physical condition. He does not have to comply with any requirement of aeronautical knowledge, experience, or skill. As a result, anyone who holds an airman medical certificate of the third class or higher, and who is at least 17 years of age, can secure a free balloon pilot certificate limited to hot-air balloons. These requirements are easily met by many certificated airmen, and hundreds of them have acquired a hot-air balloon certificate merely as a novelty and with no serious intention of operating any kind of free balloon.

Issuance of a free balloon pilot certificate limited to hot-air balloons, without any showing of aeronautical knowledge, experience, or skill, dates back to March of 1951. At that time the Civil Aeronautics Board amended Part 22 of the Civil Air Regulations to exempt applicants from the aeronautical knowledge requirement on the grounds that it is not a prerequisite to the operation of a hot-air balloon. The Board also exempted such applicants from any experience or skill requirements on the grounds that such requirements are inconsistent with the operating limitations of hot-air balloons.

Section 602(b) of the Federal Aviation Act of 1958 provides for the issuance of an airman certificate to any person who applies for it, if the Administrator of the Federal Aviation Agency finds, upon investigation, that such person is properly qualified for the certificate sought. Until recently each ascent of a hot-air balloon was necessarily of short duration; when the heated air cooled, the balloon descended. A new development for hot-air balloons provides a gas-fired heater to generate hot air as needed and hot-air balloons using this device can now ascend and descend at the operator's will, and can remain aloft as long as there is fuel for the heater. A substantial change is thus brought about in the operation of such balloons. Consequently, it is the opinion of the Agency that the operation of a hot-air balloon now requires a demonstration of skill by the applicant to assure his use of safe and proper piloting technique. It is, therefore, proposed herein to require an applicant for a free balloon pilot certificate, limited to hot-air balloons, to possess a reasonable degree of skill in their operation.

This would be accomplished by amending the introductory paragraph of section 22.13 to include a reference to paragraph (h) among the requirements for a free balloon pilot certificate limited to the operation of hot-air balloons. In addition, in order to avoid placing a hardship on the holder of a lighter-than-air student pilot certificate who seeks a hot-air balloon certificate, it would be necessary to also amend § 22.31 (a)(1)(ii) to omit the six instruction flights now required for endorsement of his certificate for solo in free balloons.

In consideration of the foregoing, it is proposed to amend Part 22 of the Civil Air Regulations as follows:

1. By amending the introductory paragraph of § 22.13 to read as follows:

§ 22.13 Free balloon pilot certificate.

An applicant for a free balloon pilot certificate shall comply with the requirements of paragraphs (a) through (h) of this section. An applicant for a free balloon pilot certificate which is limited to the operation of hot-air balloons shall comply only with the requirements of paragraphs (a) through (e), and paragraph (h) of this section.

2. By amending § 22.31(a)(1)(ii) to read as follows:

§ 22.31 Flight limitations and privileges.

(a) * * *

(1) * * *

(ii) He shall have had a minimum of six instruction flights of not less than one hour duration each in free balloons and such fact has been certified to by his instructor on his student pilot certificate: *Provided,* That such instruction flights are not required in order to solo a hot-air balloon.

These amendments are proposed under the authority of sections 313(a), 601, 602 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1422).

Issued in Washington, D.C., on February 7, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 62-1455; Filed, Feb. 13, 1962; 8:45 a.m.]

[14 CFR Part 514]

[Reg. Docket No. 1071]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS PARTS, PROCESSES, AND APPLIANCES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 514 of the regulations of the Administrator by adopting a new Technical Standard Order. This Technical Standard Order would establish minimum performance standards for approved airborne ATC transponder equipment which is to be used on civil air carrier aircraft of the United States.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before April 2, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has

expired. This proposal will not be given further publication as a draft release.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By adding the following § 514.80:

§ 514.80 Airborne ATC transponder equipment (for air carrier aircraft)—TSO–C74.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne ATC transponder equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne ATC transponder equipment manufactured for use on civil air carrier aircraft on or after the effective date of this section shall meet the standards as set forth in Radio Technical Commission for Aeronautics Papers 181–61/DO–112 [1] dated December 14, 1961, and 120–61/DO–108 [1] dated July 13, 1961, with the exceptions to these standards listed in subparagraph (2) of this paragraph.

(2) *Exceptions.* Radio Technical Commission for Aeronautics Paper 120–61/DO–108 outlines various test procedures with categories which define the environmental extremes over which the equipment is designed to operate. Only equipment which meets the operating requirements of the following categories as specified in RTCA Paper 120–61/DO–108 is eligible under this order:

(i) Temperature-Altitude Test—Categories A, B, C, or D.

(ii) Humidity Test—Categories A or B.

(iii) Vibration Test—Categories A, B, C, D, E, or F.

(iv) Conducted Audio-Frequency Susceptibility Test—Categories A or B.

(v) Radio-Frequency Susceptibility Test—Category A.

(vi) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Marking.* (1) In addition to the markings specified in § 514.3, the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are seven environmental test procedures outlined in RTCA Paper 120–61/DO–108 which have categories established. These shall be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by seven letters which identify the categories designated in RTCA Paper 120–61/DO–108. Reading from left to right, the category designations shall appear on the nameplate in the following order, so that they may be readily identified:

(i) Temperature-Altitude Test Category.

(ii) Humidity Test Category.

(iii) Vibration Test Category.

(iv) Conducted Audio-Frequency Susceptibility Test Category.

(v) Radio-Frequency Susceptibility Test Category.

(vi) Emission of Spurious Radio-Frequency Energy Test Category.

(vii) Explosion Test.

Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirement shall be identified by the letter "X".

(2) Equipment which is intended for installation in aircraft which operate at altitudes above 15,000 feet shall be identified on the nameplate as Class 1 equipment.

(3) Equipment which is intended for installation in aircraft which operate at altitudes not exceeding 15,000 feet shall be identified on the nameplate as Class II equipment.

(4) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturer's name, TSO number, and the environmental categories over which the equipment is designed to operate.

NOTE: A typical nameplate identification would be as follows:

Env. Cat. DABAAAX
Class I

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(3) Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Flight Standards Service, Federal Aviation Agency, Washington 25, D.C.

(i) Manufacturer's operating instructions and equipment limitations.

(ii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(iii) One copy of the manufacturer's test report.

(d) *Quality control.* Airborne ATC transpender equipment shall be produced under a quality control system, established by the manufacturer, which will assure that each equipment is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c) (2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

(e) *Previously approved equipment.* Airborne ATC transponder equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

Issued in Washington, D.C., on February 6, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 62–1456; Filed, Feb. 13, 1962; 8:45 a.m.]

[1] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C., Paper 181–61/DO–112, 55 cents per copy; Paper 120–61/DO–108, 75 cents per copy.

[14 CFR Part 601]

[Airspace Docket No. 61–SW–111]

CONTROLLED AIRSPACE

Proposed Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to § 601.2026 of the regulations of the Administrator, the substance of which is stated below.

The Brownsville, Tex., control zone is presently designated as that airspace over United States territory, within a 5-mile radius of Rio Grande Valley International Airport, Brownsville, Tex., within 2 miles either side of the northwest course of the Brownsville radio range extending from the range station to the Los Fresnos fan marker and within 2 miles either side of the 072° True radial of the Brownsville VOR extending from the VOR to 10 miles northeast.

The Federal Aviation Agency has under consideration the alteration of the Brownsville control zone as follows:

1. Redescribe the extension based on the northwest course of the Brownsville radio range to base it on the 343° True bearing from the Brownsville radio beacon and revoke that portion beyond 8 miles northwest of the radio beacon. This action is necessitated by the impending conversion of the radio range to a radio beacon and the discontinuance of the Los Fresnos fan marker. This would provide protection for aircraft executing the proposed ADF instrument approach procedure based on the Brownsville radio beacon. The portion of the present control zone extension proposed for revocation would no longer be required with the revision of instrument approach procedures proposed.

2. Designate a control zone extension 2 miles either side of the ILS localizer north course extending from the 5-mile radius zone to 8 miles north of the ILS outer marker. This would provide protection for aircraft executing the prescribed ILS instrument approach procedure.

3. Alter the control zone extension based on the Brownsville VOR 072° True radial by basing it on the Brownsville VOR 071° True radial and revoke that portion beyond 8 miles east of the VOR. This alteration would align the control zone extension with the VOR instrument approach procedure final approach course and would provide protection for aircraft executing the prescribed VOR instrument approach procedure proposed for revision concurrently with this action.

If these actions are taken, the Brownsville, Tex., control zone would be designated within a 5-mile radius of the Rio Grande Valley International Airport, Brownsville, Tex., (latitude 25°54'31" N., longitude 97°25'28" W.); within 2 miles either side of the Brownsville radio beacon 343° True bearing extending from the 5-mile radius zone to 8 miles northwest of the Brownsville radio beacon; within 2 miles either side of the ILS localizer north course extending from the 5-mile radius zone to 8 miles north of the ILS outer marker; and within 2 miles either side of the Brownsville VOR 071° True radial extending from the 5-mile radius zone to 8 miles east of the Brownsville VOR, excluding the portion outside the United States.

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

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

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

Issued in Washington, D.C., on February 7, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1454; Filed, Feb. 13, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 11]

[Docket No. 14500; FCC 62-125]

INDUSTRIAL RADIO SERVICES

Frequency Stability; Notice of Proposed Rule Making

In the matter of amendment of § 11.102 (a) of the Commission's rules governing the Industrial Radio Services to align that Section with the Geneva (1959) Radio Regulations, and to effect certain editorial changes therein.

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

2. This proceeding is being instituted by the Commission in order to obtain the views and comments of interested persons with regard to the following proposal:

A reduction in the frequency tolerance of Base and Fixed station transmitters operating in the Industrial Radio Services on frequencies below 25 Mc/s, with a transmitter input power in excess of 300 watts from 0.01 percent to 0.005 percent of the station's assigned frequency. (§ 11.102(a)).

This proposal has been occasioned by the recent ratification, by the President of the United States on October 4th, 1961, of the new International Radio Regulations (hereinafter referred to as the Geneva (1959) Radio Regulations).

3. Our proposal in this proceeding relates to a change in the allowable percentage of frequency tolerance insofar as all Base and Fixed Station transmitters operating on frequencies below 25 Mc/s, at more than 300 watts transmitter input power, in the industrial Radio Services are concerned. Presently, pursuant to § 11.102(a) of our Industrial Radio Services rules, a licensee, operating as noted above, must maintain the carrier frequency of his transmitter within 0.01 per cent of his assigned frequency. The Geneva (1959) Radio Regulations however, provide that the allowable tolerance shall be within 0.005 per cent of the assigned frequency. In this proceeding we are proposing that § 11.102 (a) be amended to reflect the 0.005 per cent tolerance agreed upon and adopted at Geneva. In the Commission's view the present state of the radio art fully justifies the tightening, so to speak, of this frequency tolerance.

4. There remains for consideration the question of the time to be allowed licensees to comply with the new tolerence in the event the Commission's proposal is eventually adopted and the rule amendment ordered. A survey of our license records indicates that very few existing licensees will be affected. In view of this fact, we are proposing that these licensees be given ninety (90) days within which to comply. In short, 90 days subsequent to the effective date of the rule amendment (which is ordinarily calculated at 30 days subsequent to publication of the rule amendment in the FEDERAL REGISTER) all existing licensees would have to be in compliance with the new tolerance. New systems would be required to comply upon the effective date of the amendment.

5. In addition to the above-noted substantive change in § 11.102(a) certain minor editorial changes are proposed. As amended, the table in § 11.102(a) would appear as noted below.

6. Authority for the proposed amendments is contained in sections 303 and 4 (i) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before March 16, 1962, and reply comments on or before March 26, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions of § 1.54 of the Commission's rules an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: February 6, 1962.

Released: February 9, 1962.

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

Part 11, Industrial Radio Services, is amended as follows: The table in § 11.102(a) is amended to read as follows:

§ 11.102 Frequency stability.

(a) * * *

Frequency range	Fixed and base stations		Mobile stations	
	Transmitter (Input) Power			
	Over 300 watts	300 watts or less	Over 3 watts	3 watts or less
	Percent	*Percent*	*Percent*	*Percent*
Below 25 Mc/s	0.005	0.01	0.01	0.02
25 to 50 Mc/s	.002	.002	.002	.005
50 to 1000 Mc/s	.0005	.0005	.0005	.005
Above 1000 Mc/s	(1)	(1)	(1)	(1)

[1] For microwave fixed equipment, see § 11.111. For other equipment, tolerances will be specified in the station authorization.

[F.R. Doc. 62-1516; Filed, Feb. 13, 1962; 8:52 a.m.]

[47 CFR Part 11]

[Docket No. 14502; FCC 62-128]

POWER, PETROLEUM, AND FOREST PRODUCTS RADIO SERVICES

Certain Frequencies; Notice of Proposed Rule Making

In the matter of amendment of Part 11, Subparts F, G, and H, of the Commission's rules, to effect certain changes in the availability of certain frequencies in the Power, Petroleum, and Forest Products, Radio Services; Docket No. 14502, RM-166; amendment of Parts 2 and 11 of the Commission's rules so as to allocate additional 152-162 Mc/s and 450-470 Mc/s band frequencies to the Power Radio Service, RM-184.

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

2. The inception of this proceeding may be traced to two petitions for rules amendments filed by the National Committee for Utilities Radio (hereinafter NCUR) on February 19, 1960 (and Ad-

denum, July 29, 1960) (RM–166) and on June 7, 1960 (and Addenum, November 21, 1960) (RM–184). The first of the two petitions requests the allocation of additional mobile service frequencies from within the 152–162 Mc/s band to the Power Radio Service for use in the States of Arkansas, Louisiana, Oklahoma, Oregon, Texas and Washington. The second petition requests allocation to the Power Radio Service of additional mobile service frequencies from within the 152–162 Mc/s and 450–470 Mc/s bands on a nationwide or unlimited geographic basis.

3. In support of its petitions the NCUR has cited frequency congestion, as evidenced by channel loading; and projected heavy use of high band frequencies in the not too distant future.

4. Specific designation of particular and assignable frequencies within the 152–162 and 450–470 Mc/s bands was avoided by the NCUR "* * * Because NCUR does not have available to it the vast amount of information on frequency requirements of other users which is available to the Commission, (and therefore) NCUR does not suggest where the requested frequencies will be secured; but rather, leaves this matter for the Commission's discretion."

5. We consider first the NCUR's petition for more frequencies in the states of Arkansas, Louisiana, Oklahoma, Oregon, Texas, and Washington, or to be more specific, we confine our consideration to the States of Oregon and Washington where the frequency scarcity problem has been characterized as particularly acute. Assuming that this characterization is generally valid, the Commission is disposed to propose as follows: That 7 certain frequencies from within the 153, and 158 Mc/s bands, specifically the frequencies 153.44, 153.50, 153.56, 153.62, 153.68, 158.16, and 158.22 all Mc/s, be assigned for the use of the Power Radio Service in the states of Oregon and Washington; and concurrently that these 7 frequencies be withdrawn from the Forest Products and Petroleum Radio Services use in the two states noted.

6. The frequencies which constitute the subject matter of our proposal are "secondary" or "split" channels which became available, and were in fact assigned to Radio Services, as an outcome of our rule making proceeding in 1957–58 in Docket No. 11991. In 1958 the Commission was sufficiently impressed with the then alleged and presumed need of the Forest Products, Petroleum, and Power Radio Services to allocate the subject secondary frequencies to all three services on a geographical shared basis. Thus, the Forest Products and Petroleum Services were granted the privilege of using these frequencies in the six states of heaviest forestry and petroleum activities while the Power Radio Service was given access to the channels in the other 42 of the then 48 states.

7. A recent study of frequency assignments in the States of Oregon and Washington reveals that the Forest Products and Petroleum Radio Services have made scant use of the subject frequencies. In contrast, many new authorizations have been issued, particularly in the Forest Products Radio Service, on the "old" or primary 153 Mc/s frequencies which were assigned to this Service prior to 1958 and of course, since 1958. It appears therefore that a definite preference for the "old" primary frequencies has been demonstrated. We attribute the reluctance of the Forest Products and Petroleum Radio Services to use these frequencies to the fact that the frequencies involved are secondary ones, falling between primary frequencies which have, for many years, been very heavily used by Power Radio Service licensees. Further, the nature of Forest Products operations in the two states under consideration frequently dictates a need for "low band" assignments. The Commission is aware of this requirement and is not unmindful of the need.

8. Because of the scant utilization, by Petroleum and Forest Products Radio Service licensees, of the subject frequencies in the two states involved, and the fact that Power Radio Service licensees are presently operating on these frequencies elsewhere, we propose to re-assign these, rather than other frequencies, to the Power Radio Service. Moreover, by specifying the seven frequencies noted above, it appears that no unreasonable disruption of communications or adverse impact will be realized or sustained by presently operating Petroleum and Forest Products licensees. These licensees may re-locate, by mid 1967, in band, at at a relatively low cost. In the Commission's judgment, retention of these 7 frequencies by the Petroleum and Forest Products Radio Services in the two states concerned would maintain an inefficient and wasteful use of desirable spectrum space. Under the terms of the rule amendment we propose, at the effective date of the amendment, no new assignments on the subject frequencies would be made to Forest Products or Petroleum Radio Service licensees in the States of Oregon or Washington. Moreover, licensees in these 2 services presently operating on any of the subject frequencies would be required to vacate their assignments by June 30, 1967. This provides a most liberal 5 year equipment amortization or in-band changeover period for affected licensees, assuming favorable final Commission action on this proposal early in 1962. Upon the effective date of the amendment, the 7 frequencies involved would become immediately available for assignment to Power Service eligibles in Oregon and Washington.

9. Insofar as Power Service needs in the other 4 states enumerated by the NCUR are concerned, we defer consideration. At a later date, upon completion of our study and analysis of the frequency situation in Arkansas, Louisiana, Oklahoma and Texas, our views will be made known.

10. There remains for disposition the second of the NCUR's petitions which pertains to the request for assignment of additional frequencies from the 152–162 and 450–470 Mc/s bands on a nationwide basis. The Commission is not persuaded that the frequency needs of the Power Radio Service across the nation are so critical as to warrant the institution of proceedings at this time which look toward the allocation of more frequencies from the 152–162 Mc/s band. In this connection we point out that the NCUR petition is somewhat repetitious of the requests made by the NCUR in our proceeding in Docket 11997 (22 F.R. 2684 April 17, 1957). That proceeding is still in progress. At such time as we are disposed to conclude Docket 11997, the Power Radio Service's needs in the 152–162 Mc/s band will be considered.

11. In the 450–470 Mc/s band, a recent survey of Power Radio Service assignments indicates reasonably good utilization when compared to some other radio services, but very light loading when compared to that which obtains in the 150 Mc/s region. If congestion does pervade Power Radio Service usage of frequencies from within this band, it is ostensibly the result of occupancy of mobile frequencies by fixed stations. Long established Commission policy permits fixed station operation in these bands only so long as that operation does not inhibit normal growth of the land mobile service. The occupancy or use revealed by our survey does not justify a further allocation to the Power Radio Service for mobile operation beyond that which may result from considerations in our proceeding in Docket Number 13847 (25 F.R. 11010, November 18, 1960).

12. In view of the foregoing, the NCUR petition dated February 19, 1960 (RM–166) and its Addendum, is granted to the extent indicated in our proposal herein and denied in all other respects; and the NCUR petition dated June 7, 1960 (RM–184) and its Addendum is denied.

13. The amendments below are issued under the authority contained in section 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

14. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before April 2, 1962, and reply comments on or before April 16, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

15. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: February 6, 1962.

Released: February 9, 1962.

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

Part 11, Industrial Radio Services, is amended as follows:

1. In § 11.254, the table in paragraph (a) is amended by changing limitation designator 11 to 12, in column 3 for the frequencies 173.25, 173.30, and 173.35;

paragraph (b)(11) is amended; and a new paragraph (b)(12) is added as follows:

§ 11.254 Frequencies available.

* * * * *

(b) * * *

(11) This frequency is not available for assignment in the States of Arkansas, Louisiana, Oklahoma, and Texas.

(12) This frequency is not available for assignment in the States of Arkansas, Louisiana, Oklahoma, Oregon Texas, and Washington.

2. In § 11.304, the table in paragraph (a) is amended by changing limitation designator "9, 10" to "10, 15" in column 3 for the frequencies 173.25, 173.30, and 173.35; paragraph (b)(9) is amended; and a new paragraph (b)(15) is added, as follows:

§ 11.304 Frequencies available.

* * * * *

(b) * * *

(9) This frequency is available for assignment only in the States of Arkansas, Louisiana, Oklahoma, and Texas. All licensees in this service who operate on this frequency in the States of Oregon and Washington will be required to vacate this frequency assignment by June 30, 1967.

* * * * *

(15) This frequency is available for assignment only in the States of Arkansas, Louisiana, Oklahoma, Oregon, Texas, and Washington.

3. In § 11.354, the table in paragraph (a) is amended by changing limitation designator "9, 11" to "11, 16" in column 3 for the frequencies 173.25, 173.30, and 173.35; paragraph (b)(9) is amended; and a new paragraph (b)(16) is added, as follows:

§ 11.354 Frequencies available.

* * * * *

(b) * * *

(9) This frequency is available for assignment only in the States of Arkansas, Louisiana, Oklahoma, and Texas. All licensees in this Service who operate on this frequency in the States of Oregon and Washington will be required to vacate this frequency assignment by June 30, 1967.

* * * * *

(16) This frequency is available for assignment only in the States of Arkansas, Louisiana, Oklahoma, Oregon, Texas, and Washington.

[F.R. Doc. 62-1517; Filed, Feb. 13, 1962; 8:52 a.m.]

[47 CFR Part 16]

[Docket No. 14501; FCC 62-126]

LAND TRANSPORTATION RADIO SERVICES

Eligibility in the Automobile Emergency Radio Service; Notice of Proposed Rule Making

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

2. The present rules governing the Automobile Emergency Radio Service provide that, in addition to automobile clubs (associations of owners of private automobiles) which provide private emergency road service to their members, public garages which operate emergency road service vehicles may be licensed in that service. It appears that a need has developed to provide communications for towing trucks, not necessarily operated by public garages, which render emergency road service to vehicles of the general public. It also appears that radio-communication will substantially improve emergency road service which is provided regularly to vehicles of the general public by other persons, such as gasoline service stations which do not engage in major repair work but which operate emergency road service vehicles to provide battery, gasoline or tire service to disabled vehicles needing such service. Since the Commission in establishing the Automobile Emergency Radio Service in May 1949 as part of the proceedings in Docket No. 9047, stated that "the service is designed to expedite the rapid dispatch of emergency road service vehicles in order to improve the efficiency of private vehicular transportation", it appears that the broadening of the eligibility in that service to include such operations would be consistent with the intended purpose of the service.

3. On the basis of the foregoing, the Commission proposes to amend its rules governing the Automobile Emergency Radio Service to provide that any person who is engaged in providing to the general public any form of emergency road service to disabled vehicles will be eligible in that service without regard to whether or not that person operates a public garage. To accomplish this, amendments are proposed hereby to §§ 16.6(a), 16.501(a), 16.502(b), 16.503 (a) and 16.503(d) of Part 16 of the Commission's rules, Land Transportation Radio Services.

4. The proposed amendments, which are set forth in full below, are issued under the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before March 30, 1962, and reply comments on or before April 16, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: February 6, 1962.

Released: February 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

Proposed Amendments to Part 16, Land Transportation Radio Service:

1. The definition "Automobile Emergency Radio Service" in § 16.6(a) is proposed to be amended to read as follows:

§ 16.6 Definition of terms.

* * * * *

(a) Definition of services:

Automobile Emergency Radio Service. The term "Automobile Emergency Radio Service" as used in this part means a radiocommunication service for use in connection with the dispatching of emergency road service vehicles for the purpose of being of assistance to disabled automotive vehicles used on streets or highways.

2. Section 16.501(a) is proposed to be amended to read as follows:

§ 16.501 Eligibility.

(a) The following persons are eligible to hold authorizations to operate radio stations in the Automobile Emergency Radio Service:

(1) Associations of owners of private automobiles which provide a private emergency road service for disabled vehicles.

(2) Persons providing to the general public an emergency road service for disabled vehicles.

(3) A non-profit corporation or association organized for the purpose of furnishing a radiocommunication service solely to persons who are actually engaged in the activities set forth in either subparagraph (1) or subparagraph (2) of this paragraph.

3. Section 16.502(b) is proposed to be amended to read as follows:

§ 16.502 Permissible communications.

* * * * *

(b) Communications required for dispatching repair trucks, towing trucks, or other road service vehicles to disabled vehicles.

4. In § 16.503, the texts of paragraphs (a) and (d) preceding the tables, are proposed to be amended to read as follows:

§ 16.503 Frequencies available for base and mobile stations.

(a) The following frequencies are available for assignment to base stations and mobile stations, other than those aboard aircraft, which are operated by or on behalf of persons who provide to the general public an emergency radio service for disabled vehicles: *Provided,* That only one of these frequencies shall be assigned to the stations of any licensee operating in a given area:

* * * * *

(d) The following frequencies are available for assignment to base stations and mobile stations, other than those aboard aircraft, which are operated by or on behalf of persons who provide to the general public an emergency road service for disabled vehicles: *Provided,* That only one of these frequencies shall be assigned to the stations of any licensee operating in a given area: *And provided further,* That the equipment to be used shall immediately meet the technical

standard which become generally effective November 1, 1963:

[F.R. Doc. 62-1518; Filed, Feb. 13, 1962; 8:52 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-168]

NONACCEPTABILITY OF RATE FILINGS BASED ON STATE-PRESCRIBED MINIMUM PRICES

Order Terminating Proceeding

FEBRUARY 7, 1962.

In Cities Services Gas Company v. State Corporation Commission of Kansas, 355 U.S. 391, a 1958 per curiam opinion vacating a judgment of the Supreme Court of Kansas, the United States Supreme Court held, in effect, that the State of Kansas could not lawfully fix a minimum price at the wellhead for natural gas sold in interstate commerce for resale. The decision was based on the authority of Phillips Petroleum Company v. Wisconsin, 347 U.S. 672, and Natural Gas Pipeline Company v. Panoma, 349 U.S. 44. A week later the Court, citing Cities Service, reversed a decision of the Supreme Court of Oklahoma, which had applied the holding in the Panoma case, supra, to sales of residue gas but not to sales at or near the wellhead. Michigan Wisconsin Pipe Line Company v. Corporation Commission of Oklahoma, 355 U.S. 425 (1958).

In the above-entitled proceeding the Commission has under consideration proposed rulemaking that would amend its general rules to provide for rejection of any tender for filing pursuant to section 4 of the Natural Gas Act to the extent that such filing is based upon a state-prescribed or attributed minimum price. The Commission also has under consideration herein certain questions which the above decisions of the Supreme Court appear to raise with respect to rate filings previously made under section 4 of the Natural Gas Act.

Notice of the proposed rulemaking involved herein was issued on April 28, 1958, and published in the FEDERAL REGISTER on May 2, 1958 (23 F.R. 2973). In giving notice of the proposed rulemaking, the Commission invited all interested parties to submit data, views, and comments in writing concerning such rulemaking. In addition, interested persons were afforded an opportunity to present their views in oral argument before the Commission on July 29, 1958.

We believe that at this late date a rulemaking proceeding would be a cumbersome and inappropriate means by which to exercise our jurisdiction over the matters involved herein. Such matters can more conveniently be decided when properly raised in individual proceedings before us. We recognize, moreover, that a buyer of natural gas who has paid seller on the basis of a state minimum price law has an adequate remedy in an appropriate court in the event that his contract entitles him to a refund as a result of the invalidity of the state minimum price laws.[1] Furthermore, with respect to future rate filings the question appears to be moot, for to the best of our knowledge there are no longer any state minimum price laws in effect. We conclude therefore, that the above-entitled proceeding should be terminated.

The Commission finds: The proceeding in Docket No. R-168 should be terminated.

The Commission orders: The proceeding in Docket No. R-168 is hereby terminated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-1463; Filed, Feb. 13, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 239]

REGISTRATION STATEMENTS

Proposed Forms

Notice is hereby given that the Securities and Exchange Commission has under consideration certain proposed amendments to Form S-8 which is the form authorized for use in registering securities to be offered pursuant to certain stock purchases, savings or similar plans under the Securities Act of 1933, and for registering the interests in such plans where such registration is required, and to 17 CFR 239.16b which lists and described Form S-8.

It is proposed to amend Form S-8 in the following respects:

The language of the rule as to the use of the form would be simplified and clarified. The transmittal of annual reports and other material to employees would be required by undertakings set forth at the end of the form and the provisions making such transmittal conditions to the use of the form would be deleted.

General Instruction E which defines the term "transactions within one year" as previously used in the third clause of section 4(1) of the Securities Act would be amended to define the term "transactions prior to the expiration of 40 days", which is the present language of the statute.

Item 3 of the form would be amended to eliminate from that item certain data which would be called for as a part of the financial statements of the plan.

The Commission has under consideration a proposed amendment to Regulation S-X which would prescribe the form and content of financial statements filed for employee stock purchase, savings and similar plans. It is proposed to add a new Item 18 to Form S-8 to specify the financial statements to be filed for such plans as a part of registration statements on that form and to provide that such statements shall comply with the proposed new provisions of Regulation S-X (17 CFR Part 210).

It is proposed to change the reference to "equity securities" in various places in the form to "securities". The effect of this change would be to make the form available for use in certain cases where securities other than equity securities are to be offered to employees pursuant to the plan.

The last paragraph of the form relates to identifying statements required by Rule 414. It is proposed to delete this paragraph since Rule 414 is no longer in effect.

The text of the proposed amendments to the form is set forth below:

I. The rule as to the use of the form would be amended to read as follows:

A. *Rule as to use of Form S-8.* (a) Any issuer which files reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 may use this form for registration under the Securities Act of 1933 of securities to be offered to employees of such issuer of its subsidiaries pursuant to a stock purchase, savings or similar plan, provided the plan meets the following conditions:

(1) Periodic cash payments are made, or periodic payroll deductions are authorized, by participating employees in an amount not to exceed a specified percentage of the employee's compensations or a specified maximum annual amount;

(2) Contributions are made by the employer at least annually in cash, securities of the issuer or other substantial benefits, in accordance with a specified formula or arrangement;

(3) Securities purchased with funds of the plan are acquired in amounts which, at the time of the payment of the purchase price, do not exceed the funds deposited or otherwise available for such payment: *Provided,* That such purchases are made periodically, or from time to time upon a reasonably current basis, and at prices not in excess of the current market price at the time of purchase;

(4) Prior to the time the employee becomes entitled to withdraw all funds or securities allocable to his account, he may withdraw at least that portion of the cash and securities in his account representing his contributions.

(b) If interests in the plan constitute securities and are required to be registered under the Act, this form may also be used for registration of such interests.

II. Instruction E of the General Instructions to the form would be amended to read as follows:

E. *Definition of transaction prior to the expiration of forty days.* The term "transactions prior to the expiration of forty days" wherever used in the third clause of section 4(1) of the Securities Act of 1933 is hereby defined not to include transactions by a dealer in securities of the issuer registered on this form.

III. Item 3 would be amended to read as follows:

[1] Pan American Petroleum Corp. v. Superior Court of Delaware For New Castle County et al., 366 U.S. 656 (1961).

Item 3. Contributions under the plan. (a) State the amount each employee is required or permitted to contribute or, if not a fixed amount, the percentage of wages or salaries or other basis of computing contributions. State when and the manner in which contributions are made.

(b) State when contributions are made by the employers and the amount and nature of each contribution or, if not a fixed amount, the basis of computing contributions.

(c) State as of the latest practicable date the approximate number or participating employees of each employer who participates in the plan.

(d) State the nature and frequency of any reports to participating employees as to the amount and status of their accounts.

IV. A new Item 18 would be added reading as follows:

Item 18. Financial statements of the plan. (a) The following financial statements shall be furnished for any plan the interests in which are being registered hereunder.

(1) A certified statement of financial condition as of the end of the latest fiscal year of the plan.

(2) A certified statement of income and changes in plan equity for the latest fiscal year of the plan.

(b) If certified financial statements substantially meeting the above requirements have been furnished to all employees who receive a copy of the prospectus, such statements may be incorporated by reference in the prospectus.

Instructions. The statements required by this item shall be prepared and certified in accordance with the applicable provisions of Regulation S–X (17 CFR Part 210) and shall be accompanied by the schedules specified in that regulation.

V. Under the heading "Undertakings" a new form of undertaking would be inserted, following paragraph B, reading as follows:

C. *To transmit annual report with prospectus.* The undersigned issuer of the securities to be registered hereunder hereby undertakes to deliver or cause to be delivered with the prospectus to each eligible employee a copy of the issuer's annual report to stockholders for its last fiscal year, unless such employee otherwise receives a copy of such report. If the last fiscal year of the issuer has ended within 90 days prior to the use of the prospectus, the annual report for the preceding fiscal year may be so delivered, but in such case the annual report for the last fiscal year will be furnished promptly to each such employee when available.

VI. The word "equity" would be deleted from the form in the following places: the facing page (paragraph B and C and the first note to the fee table); the last sentence of General Instruction B; and Item 15 (caption and text).

VII. The following paragraph set forth at the end of the form would be deleted: "Notwithstanding Rule 414, no form of identifying statement need be filed with the registration statement."

It is further proposed to amend § 239.16b of Title 17 of the Code of Federal Regulations to include the complete amended text of Form S–8, so as to read:

§ 239.16b Form S–8, registration statement under the Securities Act of 1933.

(a) *Identification.* (1) Full title of the plan and the address of the employer sponsoring the plan; (2) Name of issuer of the securities being offered pursuant to the plan and the address of its principal executive office; (3) Name and address of agent for service for the employer and for the issuer of the securities; (4) Approximate date of proposed public offerings.

(b) *Calculation of registration fee.*

Column 1. Title of securities[1] being registered.

Column 2. Amount[1] being registered.

Column 3. Proposed maximum aggregate offering price.[2]

Column 4. Amount of registration fee.[2]

(c) *General instructions*—(1) *Rule as to use of Form S–8.* (i) Any issuer which files reports pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 may use this form for registration under the Securities Act of 1933 of securities to be offered to employees of such issuer of its subsidiaries pursuant to a stock purchase, savings or similar plan, provided the plan meets the following conditions:

(*a*) Periodic cash payments are made, or periodic payroll deductions are authorized, by participating employees in an amount not to exceed a specified percentage of the employee's compensations or a specified maximum annual amount;

(*b*) Contributions are made by the employer at least annually in cash, securities of the issuer or other substantial benefits, in accordance with a specified formula or arrangement;

(*c*) Securities purchased with funds of the plan are acquired in amounts which, at the time of the payment of the purchase price, do not exceed the funds deposited or otherwise available for such payment; provided, that such purchases are made periodically, or from time to time upon a reasonably current basis, and at prices not in excess of the current market price at the time of purchase;

(*d*) Prior to the time the employee becomes entitled to withdraw all funds or securities allocable to his account, he may withdraw at least that portion of the cash and securities in his account representing his contributions.

(ii) If interests in the plan constitute securities and are required to be registered under the Act, this form may also be used for registration of such interests.

(2) *Application of general rules and regulations.* Before undertaking the preparation of the registration statement, reference should be made to the General Rules and Regulations under the Act, particularly those comprising Regulation C (§§ 230.400 to 230.494 of this chapter). That regulation contains general requirements regarding the preparation and filing of the registration statement. The definitions contained in § 230.405 should be especially noted. For purposes of this form, however, the term "employee" includes any director, trustee, officer or other employee. The term "issuer" as used in this form means the company whose securities are to be offered pursuant to the plan.

(3) *Documents comprising registration statement.* The registration statement shall consist of the facing sheet of the form, the prospectus, the required undertakings, signatures, consents of experts and exhibits and any other information or documents filed as a part of the registration statement.

(4) *Form and content of prospectus.* The prospectus shall contain the information called for by all of the items of the form, except that no reference need be made to inapplicable items, and negative answers to any items may be omitted. The information required should be presented in clear, concise, understandable fashion. Avoid unnecessary and irrelevant details, repetition or the use of unnecessary technical language. None of the other information or documents filed as a part of the registration statement need be included in the prospectus.

(5) *Definition of transaction prior to the expiration of forty days.* The term "transactions prior to the expiration of forty days" wherever used in the third clause of section 4(1) of the Securities Act of 1933 is hereby defined not to include transactions by a dealer in securities of the issuer registered on this form.

(d) *Information required in the prospectus.*

Item (1): General information regarding the plan. (*i*) Give the title of the plan and the name and address of the issuer and each participating employer. State when the plan was created, the parties thereto and the manner in which it was created. (*ii*) Describe generally the purposes of the plan.

Item (2): Who may participate in the plan. Indicate each class or group of employees entitled to participate in the plan. State the terms and conditions upon which initial participation by each such class or group is permitted.

Item (3): Contributions under the plan. (*i*) State the amount each employee is required or permitted to contribute or, if not a fixed amount, the percentage of wages or salaries or other basis of computing contributions. State when and the manner in which contributions are made.

(*ii*) State when contributions are made by the employers and the amount and nature of each contribution or, if not a fixed amount, the basis of computing contributions.

(*iii*) State as of the latest practicable date the approximate number or participating employees of each employer who participates in the plan.

(*iv*) State the nature and frequency of any reports to participating employees as to the amount and status of their accounts.

Item (4): Withdrawal from the plan—assignment of interest. (*i*) Describe the terms and conditions under which a participating

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[1] State separately the interests or participations in the plan and the securities offered pursuant to the plan.

[2] The aggregate offering price and the amount of the fee shall be computed only with respect to the aggregate employee contributions.

employee may (*a*) withdraw from the plan and terminate his interest therein, or (*b*) withdraw funds or investments held for his account without terminating his interest in the plan.

(*ii*) State the nature and amount of all charges or deductions, other than for taxes, which may be made upon the termination of an employee's interest in the plan or upon the partial withdrawal of his account thereunder. Indicate clearly who will receive the amounts so charged or deducted.

(*iii*) State whether, and the terms and conditions upon which, the plan permits an employee to assign or hypothecate his interest in the plan.

Item (5): Defaults under the plan. State separately every event of default with which a participating employee or employer may be charged and describe fully the consequences thereof, including any forfeiture or penalty which may be thereby incurred.

Item (6): Administration of the plan. (*i*) Give the name and complete address of the persons who administer the plan and state the capacity in which they act (such as trustees or managers) and the functions which they perform. State the nature of any material relationship between the administrators and the employee, the issuer of its affiliates.

(*ii*) Describe the manner in which the administrators of the plan are selected, their term of office and the manner in which they may be removed from office.

(*iii*) State the annual amount of compensation, if any, received by the administrators of the plan from assets of the plan.

Item (7): Investment of funds. (*i*) If a custodian, administrator or the employer or any of its affiliates has discretion with respect to the investment or disposition of all or any part of the assets of the plan, describe the policies followed and to be followed in respect of the type and proportion of securities or other property in which the assets may be invested.

(*ii*) If the participating employee may direct or elect a procedure to be followed with respect to the investment or disposition of all or part of the assets of the plan, describe the provisions of the plan with respect thereto.

(*iii*) If any investments are purchased otherwise than in the open market, state from whom such investments are purchased and describe the charges paid directly or indirectly from funds held under the plan. If the employer or any of its affiliates, or any person having a material relationship with the employer or any of its affiliates, directly or indirectly receives any part of the aggregate purchase price (including fees, commissions or other charges), explain fully.

Item (8): Liens on funds or property. State whether or not under the plan or any contract in connection therewith any person has or may create a lien on any funds, securities or other property held under the plan. If so, describe fully the circumstances under which the lien was or may be created.

Item (9): Termination and extension of the plan. State the circumstances under which the plan will terminate and the conditions under which it may be extended.

Item (10): Other charges and deductions. Describe all charges and deductions, other than taxes, not called for above which may be made against employees participating in the plan or against funds, securities, or other property held under the plan and indicate who will receive, directly or indirectly, any part thereof.

Item (11): Summary of earnings. Furnish in comparative columnar form a summary of earnings of the issuer for each of at least the last five fiscal years of the issuer (or for the life of the issuer and its immediate predecessor, if less). If the issuer includes in its annual report filed pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 a profit and loss statement of the issuer and its subsidiaries consolidated, the summary of earnings shall be prepared on a consolidated basis. The summary shall be certified for at least the last three fiscal years included therein.

Instructions. 1. The summary shall cover a representative period and, subject to appropriate deviation to correspond to significant characteristics of the issuer, the following items shall be included: net sales or operating revenues; cost of goods sold or operating expenses (or gross profit); interest charges; income taxes; net income; special items; net income and special items. The summary shall reflect the retroactive adjustment of any material items affecting the comparability of the results.

2. Appropriate footnotes to the summary shall be furnished whenever necessary to reflect information or explanations of material significance to investors in appraising the results shown.

3. If common stock or securities convertible into common stock are being registered, the summary shall be prepared to present earnings applicable to common stock. Earnings and dividends declared per share for each year of the summary shall also be included when appropriate.

4. If the annual report of the issuer which accompanies the prospectus includes a summary of earnings substantially meeting the above requirements, such summary may be incorporated by reference in the prospectus.

Item (12): Market prices of the issuer's securities. State the range of market prices of the securities of the issuer being registered for each year for which earnings data are supplied in response to item 11. Indicate whether such prices represent prices on a securities exchange, naming such exchange. If the range is otherwise obtained, state the nature of the market and the source of the prices.

Item (13): Description of certain significant developments in the last five years. If within the past five years there has been any bankruptcy, receivership or similar proceeding or any material reorganization, capital readjustment or succession or the acquisition or disposition of any material amount of assets, otherwise than in the ordinary course of business, involving the issuer or any of its significant subsidiaries, describe briefly the nature and results of such events upon the business of the issuer.

Item (14): Capital stock being registered. If capital stock is being registered, state the title of the class and furnish the following information: (*i*) Outline briefly (*a*) dividend rights; (*b*) voting right; (*c*) liquidation rights; (*d*) pre-emptive rights; (*e*) conversion rights; (*f*) redemption provisions; (*g*) sinking fund provisions; and (*h*) liability to further calls or to assessment by the issuer.

(*ii*) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(*iii*) Outline briefly any restriction on the repurchase or redemption of shares by the issuer while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

Instructions. 1. Only a brief summary of the pertinent provisions from an investment standpoint is required. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct resume is required.

2. If the rights evidenced by the securities being registered are materially limited or qualified by the rights of any other class of securities, include such information regarding such other securities as will enable investors to understand the rights evidenced by securities being registered.

Item (15): Other securities being registered. If securities other than capital stock are being registered, outline briefly the rights evidenced thereby.

Instruction. Information comparable to that called for by Item 14 and the instructions thereto shall be furnished.

Item (16): Principal holders of equity securities. Furnish the following information, in substantially the tabular form indicated, as to all equity securities of the issuer, and all options to purchase such securities, owned by each person who owns of record, or is known by the issuer to own beneficially, more than 10 percent of any class of securities or options. The information shall be furnished as of a specified date within 90 days prior to the date of filing.

(1) *Name and address*	(2) *Title of class*	(3) *Type of ownership*	(4) *Amount owned*	(5) *Percent of class*

Instruction. Indicate in column (*3*) whether the securities are owned both of record and beneficially, or record only, or beneficially only, and show separately in columns (*4*) and (*5*) the respective amounts and percentages owned in each such manner. The percentages are to be calculated on the basis of the amount of outstanding securities or options of the class.

Item (17): Financial statements. (*i*) Include the certified financial statements of the issuer required to be included in the annual report which the issuer has filed or is required to file for its last fiscal year pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934. If the issuer includes in its annual report certified financial statements of the issuer and its subsidiaries consolidated, the latter shall be furnished in lieu of the financial statements of the issuer. No schedules need be included.

(*ii*) If the annual report of the issuer to its security holders for its last fiscal year includes certified financial statements substantially meeting the (*i*) of this subparagraph, such statements may be incorporated by reference in the prospectus.

Item (18): Financial statements of the plan. (*i*) The following financial statements shall be furnished for any plan the interests in which are being registered hereunder.

(*a*) A certified statement of financial condition as of the end of the latest fiscal year of the plan.

(*b*) A certified statement of income and changes in plan equity for the latest fiscal year of the plan.

(*ii*) If certified financial statements substantially meeting the above requirements have been furnished to all employees who receive a copy of the prospectus, such statements may be incorporated by reference in the prospectus.

Instructions. The statements required by this item shall be prepared and certified in accordance with the applicable provisions of Regulation S–X (17 CFR Part 210) and shall be accompanied by the schedules specified in that regulation.

(e) *Undertakings*—(1) *To file reports.* Subject to the terms and conditions of section 15(d) of the Securities Exchange Act of 1934, the undersigned registrants hereby undertake to file with the Securities and Exchange Commission such supplementary and periodic information, documents and reports as may be prescribed by any rule or regulation of the Commission heretofore or hereafter duly adopted pursuant to authority conferred in that section.

(2) *To transmit certain material.* The undersigned employer hereby undertakes to transmit to all employees participating in the plan at the time and in the manner as such material is sent to stockholders of the issuer, copies of all reports, proxy statements and other communications distributed to its stockholders generally. The employer also undertakes to transmit copies of such material to the Commission for its information but such material shall not be deemed to be "filed" as part of the registration statement.

(3) *To transmit annual report with prospectus.* The undersigned issuer of the securities to be registered hereunder hereby undertakes to deliver or cause to be delivered with the prospectus to each eligible employee a copy of the issuer's annual report to stockholders for its last fiscal year, unless such employee otherwise receives a copy of such report. If the last fiscal year of the issuer has ended within 90 days prior to the use of the prospectus, the annual report for the preceding fiscal year may be so delivered, but in such case the annual report for the last fiscal year will be furnished promptly to each such employee when available.

(f) *Signatures.*

The employer. Pursuant to the requirements of the Securities Act of 1933, the employer has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of _____, and State of _____ on the _____ day of _____, 19__.

_____
(Issuer)

By _____
(Signature and title)

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed below by the following persons in the capacities and on the dates indicated.

(Signature)	(Title)	(Date)

The issuer. Pursuant to the requirements of the Securities Act of 1933, the issuer has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of _____, and State of _____, on the _____ day of _____, 19__.

_____
(Issuer)

By _____
(Signature of title)

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed below by the following persons in the capacities and on the dates indicated.

(Signature)	(Title)	(Date)

The plan. Pursuant to the requirements of the Securities Act of 1933, the plan has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of _____, and State of _____, on the _____ day of _____, 19__.

_____
(The plan)

By _____
(Signature and title)

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed below by the following persons in the capacities and on the dates indicated.

(Signature)	(Title)	(Date)

Instructions. 1. The registration statement shall be signed by the issuer, the employer(s) (and where there is created under the plan an unincorporated association, a trust, committee or other legal entity, by such association, trust, committee or other legal entity), their respective principal executive officers, principal financial officers, controllers or principal accounting officers and by at least the majority of the respective board of directors or persons performing similar functions.

2. The name of each person who signs the registration statement shall be typed or printed beneath his signature. Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the registration statement.

(g) *Instructions as to exhibits.* Subject to the rules as to incorporation by reference, the exhibits specified below shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing.

(1) Copies of the plan as presently in effect.

(2) Copies of all constituent instruments (other than the plan itself) defining the rights of employees who participate in the plan.

(3) Copies of all material contracts not made in the ordinary course of business, which are now in effect or were made within two years prior to the date of filing, relating to the plan.

(4) An opinion of counsel as to the legality of the interests and the equity securities being registered, indicating whether they will when sold be legally issued, fully paid and non-assessable.

(5) Copies of the issuer's annual report to stockholders for its last fiscal year. Such report, except for those portions thereof which are incorporated by reference in the registration statement, it is to be furnished for the information of the Commission and is not to be deemed "filed" as part of the registration statement. If the financial statements in the report have been incorporated by reference in the registration statement, the accountants' certificate shall be manually signed in one copy.

(6) Copies of all summaries of the plan or other written communications intended to be used in connection with the offering or sale of the securities being registered.

(Sections 6 and 7, 48 Stat. 78, 15 U.S.C. 77f, 77g; sec. 10, 48 Stat. 81, as amended, 15 U.S.C. 77j; and sec. 19(a), 48 Stat. 85, as amended, 15 U.S.C. 77s)

All interested persons are invited to submit their views and comments on the above proposals, in writing, to the Securities and Exchange Commission, Washington 25, D.C., on or before March 5, 1962. Except where nondisclosure is requested, all such communications will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

FEBRUARY 8, 1962.

[F.R. Doc. 62-1496; Filed, Feb. 13, 1962; 8:50 a.m.]

Notices

GENERAL SERVICES ADMINISTRATION

Defense Materials Service

REPORT OF PURCHASES UNDER PURCHASE REGULATIONS

DECEMBER 31, 1961.

Regulation	Termination date	Unit	Program limitation (quantity)	Purchases during quarter[1]		Cumulative purchases through end of quarter[1]	
				Quantity	Amount	Quantity	Amount
ACTIVE PROGRAMS							
Public Law 206, 83d Cong.							
Beryl	June 30, 1962	Short dry tons, beryl ore	4,500	58	$33,374	3,030	$1,688,183
Mica	June 30, 1962	Short tons, hand-cobbed mica or equivalent	25,000	540	612,352	24,032	24,886,464
COMPLETED PROGRAMS							
Public Law 206, 83d Cong.							
Asbestos	Oct. 1, 1957	Short tons, crude No. 1 and/or crude No. 2 Asbestos	1,500			1,499	1,762,541
		Short tons, crude No. 3				850	340,070
Columbium Tantalum	Dec. 31, 1958	Pounds, contained combined pentoxide	15,000,000			15,567,912	60,637,262
Manganese:							
Butte-Phillipsburg	June 30, 1958	Long ton units, recoverable manganese	6,000,000			6,020,471	9,074,869
Deming	June 30, 1958	do	6,000,000			6,215,258	12,036,388
Wenden	June 30, 1958	do	6,000,000			6,108,316	10,743,179
Domestic small producers	Jan. 1, 1961	Long ton units, contained manganese	28,000,000			28,069,901	71,398,922
Tungsten	July 1, 1958	Short ton units, tungsten trioxide	3,000,000			2,996,280	189,212,786
Public Law 520, 79th Cong.							
Chrome	June 30, 1959	Long dry tons, chrome ore and/or chrome concentrates	200,000			199,961	18,588,036
Defense Production Act							
Mercury:							
Domestic	Dec. 31, 1957	Flasks, Prime Virgin Mercury	125,000			9,428	2,121,300
Do	Dec. 31, 1958	do	30,000			17,463	3,938,879
Mexican	Dec. 31, 1957	do	75,000			766	172,317
Do	Dec. 31, 1958	do	20,000			2,508	570,797

[1] Quantities represent deliveries.

BERNARD L. BOUTIN,
Administrator.

FEBRUARY 8, 1962.

[F.R. Doc. 62-1477; Filed, Feb. 13, 1962; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1961 Rev. Supp. No. 22]

ANCHOR CASUALTY COMPANY, ST. PAUL, MINN.

Termination of Authority To Qualify as Surety on Federal Bonds

FEBRUARY 8, 1962.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to Anchor Casualty Company, St. Paul, Minnesota, under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6-13), to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States has been terminated effective as of midnight December 31, 1961.

The Agricultural Insurance Company, a New York corporation, holds a certificate of authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States. Pursuant to Agreement of Merger, effective midnight December 31, 1961, approved by the Superintendent of Insurance of the State of New York, September 27, 1961, and the Commissioner of Insurance of the State of Minnesota, October 26, 1961, the Anchor Casualty Company, St. Paul, Minnesota, was merged into Agricultural Insurance Company, Watertown, New York, the surviving company. Agricultural Insurance Company acquired all of the assets and assumed all of the liabilities of Anchor Casualty Company. A copy of the Agreement of Merger is on file in the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

No action need be taken by bond approving officers, by reason of the merger, with respect to any bond or other obligations in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before December 31, 1961, by Anchor Casualty Company pursuant to the certificate of authority issued to the company by the Secretary of the Treasury.

The merger of the companies will not affect the underwriting limitation of the surviving corporation, Agricultural Insurance Company, which will remain at $1,924,000.00.

[SEAL] W. T. HEFFELFINGER,
Fiscal Assistant Secretary.

[F.R. Doc. 62-1489; Filed, Feb. 13, 1962; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-90]

AEROJET-GENERAL NUCLEONICS

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to March 1, 1964 the latest completion date specified in Construction Permit No. CPRR-24 for the construction of nuclear reactors Model AGN-201, Serial Numbers 126 through 130.

Copies of the Commission's order and of the application by Aerojet-General Nucleonics are available for public inspection at the Commission's Public

Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 7th day of February 1962.

For the Atomic Energy Commission.

R. L. KIRK,
Director, Division of Licensing and Regulation.

[F.R. Doc. 62–1504; Filed, Feb. 13, 1962; 8:51 a.m.]

[Docket No. 50–54]

UNION CARBIDE CORP.

Notice of Issuance of Amendment to Utilization Facility License

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on January 23, 1962, 27 F.R. 672, the Atomic Energy Commission has issued Amendment No. 2 to Facility License No. R–81. The amendment authorizes Union Carbide Corporation to conduct certain additional experiments in its pool-type nuclear reactor located in Sterling Forest, New York.

Dated at Germantown, Md., this 8th day of February 1962.

For the Atomic Energy Commission.

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

[F.R. Doc. 62–1490; Filed, Feb. 13, 1962; 8:49 a.m.]

AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE COMMONWEALTH OF KENTUCKY FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE COMMONWEALTH

Whereas, The United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass, and;

Whereas, The Governor of the Commonwealth of Kentucky is authorized under section 152.115 of the Kentucky Revised Statutes to enter into this Agreement with the Commission; and

Whereas, The Governor of the Commonwealth of Kentucky certified on January 31, 1962, that the Commonwealth of Kentucky (hereinafter referred to as the Commonwealth) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the Commonwealth covered by this Agreement, and that the Commonwealth desires to assume regulatory responsibility for such materials, and;

Whereas, The Commission found on February 1, 1962, that the program of the Commonwealth for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, The Commonwealth recognizes the desirability and importance of maintaining continuing compatibility between its program and the program of the Commission for the control of radiation hazards in the interest of public health and safety; and

Whereas, The Commission and the Commonwealth recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, This Agreement is entered into and is subject to the provisions of the Atomic Energy Act of 1954, as amended, and the applicable regulations of the Atomic Energy Commission which may be issued from time to time pursuant thereto;

Now, therefore, it is hereby agreed between the Commission and the Governor of the Commonwealth, acting in behalf of the Commonwealth, as follows:

ARTICLE I

Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the Commonwealth under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE V

The Commonwealth will use its best efforts to maintain continuing compatibility between its program and the program of the Commission for the regulation of like materials. To this end the Commonwealth will use its best efforts to keep the Commission informed of proposed changes in its rules and regulations, and licensing, inspection, and enforcement policies and criteria, and of proposed requirements for the design and distribution of products containing source, byproduct, or special nuclear material, and to obtain the comments and assistance of the Commission thereon.

ARTICLE VI

The Commission will use its best efforts to keep the Commonwealth informed of proposed changes in its rules and regulations, and licensing, inspection, and enforcement policies and criteria and to obtain the comments and assistance of the Commonwealth thereon.

ARTICLE VII

The Commission and the Commonwealth agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the Commonwealth agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the Commonwealth, or upon request of the Governor of the Commonwealth, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination of suspension is required to protect the public health and safety.

ARTICLE IX

This Agreement shall become effective on March 26, 1962, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VIII.

Done at Washington, District of Columbia, in duplicate, this eighth day of February, 1962.

For the United States Atomic Energy Commission.

GLENN T. SEABORG,
Chairman.

For the Commonwealth of Kentucky.

BERT COMBS,
Governor.

[F.R. Doc. 62-1499; Filed, Feb. 13, 1962; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

LOUIS A. SCHLUETER

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: No change.
B. Additions: No change.

This statement is made as of February 1, 1962.

LOUIS A. SCHLUETER.

FEBRUARY 1, 1962.

[F.R. Doc. 62-1485; Filed, Feb. 13, 1962; 8:48 a.m.]

JAMES P. WHITLOCK

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: No change.
B. Additions: No change.

This statement is made as of January 30, 1962.

JAMES P. WHITLOCK.

JANUARY 30, 1962.

[F.R. Doc. 62-1486; Filed, Feb. 13, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11238 et al.]

SHULMAN, INC., ET AL., INTERNATIONAL AIRFREIGHT FORWARDER INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on March 7, 1962 at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., February 9, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-1500; Filed, Feb. 13, 1962; 8:50 a.m.]

[Docket 13337]

NEVADA AIRMOTIVE CORP. AND TRANS WORLD AIRLINES, INC.

Order Denying Motion and Granting Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of February 1962.

In the matter of the purchase by Nevada Airmotive Corp. from Trans World Airlines, Inc. of certain aircraft, and motion to withhold certain information from public disclosure.

By application filed January 17, 1962, Nevada Airmotive Corporation (Nevada) and Trans World Airlines, Inc. (TWA) jointly requested the Board to rule that section 408 of the Federal Aviation Act of 1958 (the Act) is not applicable to the purchase of 25 Lockheed L-049 aircraft and related engines, parts, tools and fixtures by Nevada from TWA at a cost of $700,000, or to exempt the parties from the provisions of the Act to the extent necessary to permit consummation of the transaction, or to approve the transaction pursuant to the provisions of section 408 of the Act. The parties field concurrently a motion to withhold from public disclosure the information contained in the purchase contract.

In support of the merits of the application, the parties state that Nevada is engaged in the purchase, sale and leasing of surplus aircraft, that the aircraft have been retired by TWA in connection with its jet re-equipment program, and that the importance to TWA of disposing of the aircraft and the public interest to be served thereby are self evident.

The Board, upon consideration of the application, finds that the 25 Lockheed L-049 aircraft to be purchased by Nevada constitute a substantial portion of the properties of TWA within the meaning of section 408 of the Act. Accordingly, the Board will not grant the requested disclaimer of jurisdiction, nor is an exemption appropriate since Nevada, against whom the prohibition in section 408 runs in this transaction, is not an air carrier and hence may not be exempted pursuant to section 416 of the Act. However, the Board has concluded tentatively that the purchase of the aircraft by Nevada from TWA does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not tend to restrain competition. Furthermore, the Board notes that no person disclosing a substantial interest is currently requesting a hearing. Although the 25 aircraft presently constitute a substantial portion of TWA's aircraft fleet, they are being replaced by modern jet aircraft with increased capacity and speed. It would therefore appear that approval of the transaction would not be inconsistent with the public interest.

In view of the foregoing, the Board tentatively finds that the transaction should be approved and intends to approve it without hearing under the provisions of section 408(b) of the Act. In accordance therewith, this order constituting notice of such intention will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to comment on the Board's tentative decision.

In support of the motion, the parties state that (1) their interests would be adversely affected by advance public disclosure of the agreement, (2) until such time as the Board acts the parties will remain uncertain as to the status of their contractual relationship, (3) in the interim competitors of TWA and Nevada may be advantaged by disclosure, (4) the contract is of sole concern to them, and (5) advance disclosure is not required in the interest of the public.

Upon careful consideration of this matter, the Board has decided to deny the motion.[1] It seems clear that the position of the parties essentially concerns disclosure of the information during the period between the filing of the application and the time of action by the Board, and not after the issuance of a decision. Even if this were not the case, it appears that disclosure may well be in the public interest, and certainly the parties have not made a contrary showing.

Therefore, it is ordered:

1. That the motion to withhold the contract between Nevada and TWA from public disclosure be and it hereby is denied;

2. That the order be published in the FEDERAL REGISTER.

3. That the Attorney General of the United States be furnished a copy of this order within one day of its publication; and

4. That interested persons are afforded a period of 15 days within which to file comments or request a hearing with respect to the Board's proposed action on the application in Docket 13337.[2]

By the Civil Aeronautics Board:

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-1501; Filed, Feb. 13, 1962; 8:51 a.m.]

[1] The agreement of sale, which is the subject of the motion, inter alia, identifies the aircraft, describes the nature of the parts and equipment being sold, specifies the mechanical condition of the aircraft, and sets forth the financial terms and other responsibilities of the parties.

[2] Such comments shall in all respects conform to the requirements of the Board's rules of practice for the filing of documents.

[Docket 13249]

BRANIFF AIRWAYS, INCORPORATED AND PAN AMERICAN WORLD AIRWAYS, INC.

Interchange; Notice of Prehearing Conference

In the matter of the application of Braniff Airways, Incorporated and Pan American World Airways, Inc., for approval of an equipment interchange lease agreement.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 20, 1962, at 10 a.m. (eastern standard time) in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., February 9, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-1502; Filed, Feb. 13, 1962; 8:51 a.m.]

CIVIL SERVICE COMMISSION

POSITIONS FOR WHICH THERE IS DETERMINED TO BE A MANPOWER SHORTAGE

Notice of Listing

Under the provisions of Public Law 86-587, the Civil Service Commission has determined that there is a manpower shortage for the following:

1. Positions in the following Series under the Classification Act of 1949, as amended, or comparable positions not subject to the Classification Act:

GS-1220-0 Patent Administration
GS-1222-0 Patent Attorney
GS-1223-0 Patent Classifying
GS-1225-0 Patent Interference Examining

Geographic coverage. Nationwide.
Effective date. January 4, 1962.

2. The position of Program Coordinator (Aircraft Depot Maintenance), GS-1101-15, Headquarters U.S. Army Transportation Aeronautical Depot Maintenance Center, Corpus Christi, Texas.

Effective date. October 26, 1961.

Travel and transportation expenses may be paid for appointees to their first duty station for the positions as listed above. Any such payments as a result of these determinations must be made in accordance with travel regulations issued by the Bureau of the Budget.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-1453; Filed, Feb. 13, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14482; FCC 62M-182]

ASHEBORO BROADCASTING CO. (WGWR)

Order Following Prehearing Conference

In re application of Asheboro Broadcasting Company (WGWR), Asheboro, North Carolina, Docket No. 14482, File No. BP-14051; for construction permit.

A prehearing conference in the above-entitled matter having been held on February 6, 1962, and it appearing that certain agreements were reached therein which properly should be formalized in an order;

Accordingly, it is ordered, This 6th day of February 1962, as follows:

(1) Copies of all proposed exhibits of the applicant shall be supplied to counsel for the Broadcast Bureau and the Hearing Examiner by February 26, 1962;

(2) Notification as to those witnesses required to be present at the hearing on March 14, 1962 for cross-examination by Bureau Counsel shall be given by March 9, 1962; and

(3) The hearing heretofore scheduled to commence March 6, 1962, is continued to March 14, 1962, at 10:00 a.m., at the offices of the Commission in Washington, D.C.

Released: February 8, 1962.

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

[F.R. Doc. 62-1505; Filed, Feb. 13, 1962; 8:51 a.m.]

[Docket No. 14393; FCC 62M-186]

W. E. BAYSDEN

Order Continuing Hearing

In re application of W. E. Baysden, Jacksonville, North Carolina, Docket No. 14393, File No. BP-12300; for construction permit.

Pursuant to agreement reached by counsel for all the parties at the further prehearing conference held on January 26, 1962,

It is ordered, This 7th day of February 1962, that the hearing in this proceeding, which was scheduled for commencement on February 5, 1962, is continued to 10:00 a.m., February 26, 1962.

Released: February 8, 1962.

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

[F.R. Doc. 62-1506; Filed, Feb. 13, 1962; 8:51 a.m.]

[Docket No. 14506]

BRANDON TIRE & BATTERY CO.

Order To Show Cause

In the matter of T. E. Brandon, d/b as Brandon Tire & Battery Co., Chickasaw, Alabama, Docket No. 14506, order to show cause why there should not be revoked the license for Business Radio Station KIR-938.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Business radio station KIR-938;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation mailed on June 19, 1961, alleging that on May 24, 1961, Business Radio Station KIR-938 was observed in violation of the Commission's rules, viz:

Section 11.160(a)—No record of transmitter measurements made within the last year;
Section 11.52(a)—Station was not being identified after each transmission or once each 15 minutes;
Section 11.702—No provision made for receipt of CONELRAD alerts;
Section 11.156(b)—The current station license not posted at the principal control point of the station;
Section 11.156(a)—Executed transmitter identification card (FCC Form 452-C) was not affixed to each mobile transmitter;
Section 11.160(c)—Names of radio operators with the period of their duty each day was not included in station records;
Non-compliance with the terms of the station license—Base transmitter was authorized at 11 North Broad Street, Mobile, Alabama; it had ben installed at 307 North Craft Highway, Chickasaw, Alabama.

It further appearing, that, the above-named licensee received the Official Notice of Violation, but did not make satisfactory reply thereto; whereupon the Commission by letter of October 19, 1961, and sent by Certified Mail—return receipt requested (Certified No. 814847) again brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt, stating the measures which had been taken or were being taken in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the station license; and

It further appearing, that, receipt of the Commission's letter was acknowledged by the signature of the licensee on October 20, 1961, to a Post Office Department return receipt card; and

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

It is ordered, This 8th day of February 1962, pursuant to section 312(a)(4) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by Certified Mail, return receipt requested, to the said licensee at 306 North Craft Highway, Chickasaw, Alabama.

Released: February 9, 1962.

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

[F.R. Doc. 62–1507; Filed, Feb. 13, 1962; 8:51 a.m.]

[Docket Nos. 14085, 14290; FCC 62–143]

COMMUNITY SERVICE BROADCASTERS, INC., ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Community Service Broadcasters, Incorporated, Ypsilanti, Michigan, Docket No. 14085, File No. BP–13846; Geneco Broadcasting, Inc., Marion-Jonesboro, Indiana, et al., Docket No. 14290, File No. BP–13975; for construction permits.

1. The Commission has before it for consideration (1) a petition to enlarge issues filed November 8, 1961, by Radio One Five Hundred, Inc., Indianapolis, Indiana (Docket No. 14288); (2) an opposition filed November 22, 1961, by Geneco Broadcasting, Inc., Marion-Jonesboro, Indiana (Docket No. 14290); and (3) a reply to Opposition filed December 4, 1961, by Radio One Five Hundred, Inc. The Broadcast Bureau filed no pleading.

2. Radio One Five Hundred, Inc., seeks enlargement of issues to inquire into whether Geneco is financially qualified to construct and operate the proposed station, and whether the Geneco directional antenna would be sufficiently stable to operate within the proposed maximum expected operating values (MEOV) or achieve the minimum radiation levels required by § 3.189 of the rules. Petitioner contends that Geneco's finances are inadequate by a minimum of $34,425 of which $30,000 is allegedly needed for legal and engineering expenses to be incurred in completing and licensing the directional array. Comparing Geneco's proposal with the present eight element directional array of Station WJBK, Detroit, Michigan, which encountered adjustment problems, petitioner argues that Geneco's nine element array would also involve adjustment problems; that it is more critical; and that Geneco has not proposed special equipment and techniques to be used for the adjustment of the array or submitted data on the suitability of the proposed site.

3. It is found that the petitioner's allegation of unstable operation of Geneco's proposed nine element directional antenna is based on the opinion of its consulting engineer that a large number of towers used in the array would result in unstable operation. The petitioner's affidavits are couched in phrases which are conjectural and do not factually show the basis for its many allegations of possible instability in the operation of the proposed directional array. Donald W. Huff, 18 RR 355, 362 (1959); Hirsch Broadcasting Co., 19 RR 544, 545 (1959). For instance, it alleges that if certain variations should occur in the operating parameters, the radiation in certain directions would exceed the maximum expected operating values, but it does not indicate the direction or the combination of the variations of parameters nor submit any computations supporting such allegations. § 1.141(c) of the rules states that motions to enlarge the issues, oppositions thereto, and replies to oppositions shall contain specific allegations of fact sufficient to support the action requested, and that such allegations of fact, except for those of which official notice may be taken, shall be supported by affidavits of a person, or persons, having personal knowledge thereof. The affidavits should contain factual engineering showings rather than bare opinions as to the "unreasonableness" of the proposal. (Alkima Broadcasting Company, Docket No. 12414, FCC 61–1462). In any event, the applicant, if granted a construction permit, must construct its station in accordance with the terms of the construction permit, and any deviation therefrom would be considered with the application for license to cover construction permit. Kansas Broadcasters, Inc., 18 RR 607 (1959). Thus, we will deny the request for enlargement of issues to inquire into the Geneco directional antenna proposal.

4. The Commission has considered petitioner's request that a financial issue be added relative to Geneco and also the arguments for and against this request advanced by the parties. We are convinced that the financial issue relative to Geneco should be added. It is noted that Geneco estimates its cost of construction at $56,700 and its cost of operation for the first three months at $13,500. After consideration is given to the deferred payment agreement in the amount of $34,275, we find that Geneco will require cash in the amount of $35,925 to construct its station and operate it for at least three months without the benefit of revenue. Geneco has shown that it has only $31,500 in available funds. This does not meet the requirements of our established policy and thus the issue will be added.

Accordingly, it is ordered, This 6th day of February, 1962, that the petition to enlarge the issues, filed November 8, 1961, by Radio One Five Hundred, Inc., is granted to the extent indicated herein and in all other respects, is denied;

It is further ordered, That existing Issue 9 is amended by adding "Geneco Broadcasting, Inc. (BP–13975)."

Released: February 9, 1962.

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

[F.R. Doc. 62–1508; Filed, Feb. 13, 1962; 8:51 a.m.]

[Docket No. 14166 etc.; FCC 62–133]

EASTERN BROADCASTING SYSTEM, INC., ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Eastern Broadcasting System, Inc., Brookfield, Connecticut, et al., Docket No. 14166, File No. BP–13017, etc.; for construction permits.

1. The Commission has before it for consideration a petition by Eastern Broadcasting System, Inc., to enlarge issues, filed November 7, 1961, together with pleadings properly filed in response thereto.

2. Petitioner, the Eastern Broadcasting System, Inc., one of several applicants in the above-caption proceeding, requests enlargement of the issues as to the mutually-exclusive application of Fairfield Broadcasting Company, which proposes a new Class II station at Easton, Connecticut, 940 kc, 5 kw, DA, D. (Docket No. 14171). The Commission has previously refused to enlarge the issues as to Fairfield,[1] but petitioner alleging newly discovered evidence, requests enlargement of the issues.

3. Petitioner has submitted the transcript of a hearing before a local Zoning Board in which Fairfield sought a special exception to authorize the construction and maintenance of radio broadcasting towers and transmission equipment. Emphasis is placed by petitioner on certain representations counsel for Fairfield made before the Zoning Board which are in conflict with Fairfield's application pending before the Commission. The representations fall into two classes: First, that Fairfield Broadcasting's proposal was primarily intended to serve the town of Fairfield, Connecticut; and second, that the main studio would not be located at the transmitter site. Fairfield responds that its local counsel before the Zoning Board was a last-minute substitute who, because of the shortness of time for preparation, was not able to familiarize himself with the application pending before the Commission; and that his representations were based on misconceptions regarding Fairfield's proposal. However, petitioner replies that the representations went to the substance of the questions before the Zoning Board, and that Fairfield's principals were present at the Zoning Board and did not correct the attorney's mis-

[1] Eastern Broadcasting System, Inc., released December 18, 1961 (FCC 61–1459).

statements. The Broadcast Bureau supports petitioner's request, but proposes different phrasing of the issues.

4. Petitioner's request for enlargement of the issues is filed subsequent to the period specified in 47 CFR 1.141. However, good cause has been shown for the late filing in that the transcript of the hearing before the Zoning authorities did not become available until seventeen days before the petition was filed.

5. Fairfield does not challenge the allegation that a substantial variance exists between the representations made to the Commission, and those made to the Zoning Board. Unsupported by affidavits, it declares that its attorney was not completely familiar with the application pending before the Commission. Even if this pleading complied with the requirements of 47 CFR 1.141(c) which states that allegations of facts "shall be supported by affidavits of a person or persons having personal knowledge thereof", it would not completely explain the variance. The transcript of the hearings reveals that the attorney made the representation in his opening statement, and that Fairfield's principals were present when the representations were made. The transcript also reveals that Fairfield's attorney later in the hearing made a closing statement but that he did not, then, correct the erroneous representations. These conflicts can best be resolved following an evidentiary hearing.

Accordingly, it is ordered, That a petition by Eastern Broadcasting, Inc., to enlarge issues, filed November 7, 1961, is granted to the extent indicated herein; and

It is further ordered, That on the Commission's own motion, the designation Order corrected on June 28, 1961 (FCC 61-791) is hereby amended by renumbering Issue 11 as Issue 15, and by the addition of the following issues:

11. To determine whether the proposal made by Fairfield Broadcasting Company to establish a station in Easton was made to the Commission in good faith.

12. To determine whether Fairfield Broadcasting Company has misrepresented its proposal for the location of its main studio to the Commission or to any other official governmental agency, body or representative.

13. To determine whether the Fairfield Broadcasting Company has misrepresented to the Commission or to any other governmental agency, body or representative the town which the station it proposes is primarily designed to serve.

14. To determine, in the light of the foregoing, whether Fairfield Broadcasting Company has the character qualifications to be entrusted with an authorization for a broadcast facility.

Adopted: February 6, 1962.

Released: February 9, 1962.

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

[F.R. Doc. 62-1509; Filed, Feb. 13, 1962; 8:51 a.m.]

[Docket Nos. 14519-14521; FCC 62-160]

K & H TELEVISION STATION (KFUR-TV) ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Raymond F. Hayes and Milford Kay, d/b as K & H Television Station (KFUR-TV), Santa Fe, New Mexico, Docket No. 14519, File No. BMPCT-5601, for modification of construction permit; Thunderbird Entertainment Enterprises, Incorporated, Santa Fe, New Mexico, Docket No. 14520, File No. BPCT-2898, and New Mexico Broadcasting Company, Inc., Santa Fe, New Mexico, Docket No. 14521, File No. BPCT-2927; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of February 1962;

The Commission having under consideration the above-captioned applications: that of K & H Television Station requesting a modification of construction permit for Station KFUR-TV to specify Channel 2 in lieu of Channel 11, and those of Thunderbird Entertainment Enterprises, Incorporated and New Mexico Broadcasting Co., Inc., each requesting a construction permit for a new television broadcast station to operate on Channel 2, Santa Fe, New Mexico; and

It appearing that the applications of Raymond F. Hayes and Milford Kay, d/b as K & H Television Station, Thunderbird Entertainment Enterprises, Incorporated, and New Mexico Broadcasting Co., Inc., are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing that the following matters are to be considered in connection with the issues specified below:

(a) The proposal of Thunderbird Entertainment Enterprises, Incorporated (BPCT-2898).

Based on information contained in the application, it appears that cash in the approximate amount of $306,872 will be required for the construction and initial operation of the proposed station. The applicant has failed to make the financial showing required since the stock subscriptions in Exhibit 4 of the application have not been supported by balance sheets of the subscribers as required by paragraph 4, section III of the application form and the information submitted is insufficient. Accordingly, it cannot be determined that Thunderbird Entertainment Enterprises, Incorporated, is financially qualified.

(b) The proposal of New Mexico Broadcasting Co., Inc. (BPCT-2927).

1. The applicant is licensee of Television Broadcast Station KGGM-TV, Channel 13, Albuquerque, New Mexico. In the event the present application were to be granted, it appears that substantial overlap would result. Under such circumstances, it appears appropriate to consider the size, extent and location of the areas served and to be served; the extent of the overlap involved; the number of persons served; the number of persons residing within the overlap area; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present, with particular reference to the particular need of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that the overlap involved will not be in contravention of § 3.636(a)(1) of the Commission's rules.

2. The applicant proposes to operate the proposed station as a satellite of Station KGGM-TV, with the exception of one daily 15 minute news program directed to Santa Fe. In these circumstances, it appears appropriate to consider whether the type and character of the program service proposed will meet the needs of Santa Fe.

It further appearing that the Commission is of the view that the above question raised with respect to the proposed programming of New Mexico Broadcasting Co., Inc., should be explored within the framework of comparative issue "3(c)" as specified herein, rather than as a separate issue; and

It further appearing that on August 7, 1961, New Mexico Broadcasting Co., Inc., filed a "Statement of Interest" regarding the Thunderbird Entertainment Enterprises, Incorporated application; that such allegations of fact as are made are not supported by affidavit of a person or persons with personal knowledge thereof as required by section 309(d)(1) of the Communications Act of 1934, as amended, and that such allegations as have been made have been considered by the Commission but do not provide sufficient facts to raise issues; and

It further appearing, that each of the applicants herein proposes operation from substantially different sites and with different power so that there will be appreciable differences in the areas and populations to which they propose service; and

It further appearing, that, upon due consideration of the above-captioned applications and the amendments thereto, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that Raymond F. Hayes and Milford Kay, d/b as K & H Television Station and New Mexico Broadcasting Co., Inc., are legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station and that Thunderbird Entertainment Enterprises, Incorporated, is legally, technically and otherwise qualified to construct, own and operate the proposed television broadcast station;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Raymond F. Hayes and Milford Kay, d/b, as K & H Television Station, New Mexico Broadcasting Co., Inc., and Thunderbird Entertainment

Enterprises, Incorporated, are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, on the following issues:

1. To determine whether Thunderbird Entertainment Enterprises, Incorporated, is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine whether a grant of New Mexico Broadcasting Co., Inc's application would contravene the provisions of § 3.636(a)(1) of the Commission's rules and, if so, whether a waiver of these provisions would be warranted.

3. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in the light of the significant differences between the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming services proposed in each of the above-captioned applications.

(d) The engineering proposals of the applicants including the areas and populations which may be expected to receive service within the Grade A, and Grade B contours of the operations proposed.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of the facts in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard Raymond F. Hayes and Milford Kay, d/b as K & H Television Station, Thunderbird Entertainment Enterprises, Incorporated, and New Mexico Broadcasting Co., Inc., pursuant to § 1.140(c) of the rules, in person or by attorney, shall within twenty (20) days of the mailing of this Order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the rules, give notice of the hearing, either individually, or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: February 9, 1962.

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

[F.R. Doc. 62-1510; Filed, Feb. 13, 1962; 8:51 a.m.]

[Docket Nos. 14480, 14481; FCC 62M-181]

LORD BERKELEY BROADCASTING CO., INC., AND GRAND STRAND BROADCASTING CO.

Statement and Order After Prehearing Conference

In re applications of Lord Berkeley Broadcasting Company, Inc., Moncks Corner, South Carolina, Docket No. 14480, File No. BP-14123; Frank P. Larson, Jr., Charles T. Tilghman and John H. Nye, d/b as Grand Strand Broadcasting Company, Myrtle Beach, South Carolina, Docket No. 14481, File No. BP-14403; for construction permits.

At a prehearing conference today, the transcript of which, when available, will be incorporated by reference, the following timetable was set:

Exchange of affirmative direct written cases of applicants by March 7, 1962.

Receipt of notification of witnesses desired for cross-examination, by March 14, 1962.

Hearing—Rescheduled from March 7 to March 21, 1962 at 10 a.m., in the offices of the Commission, Washington, D.C.

So ordered, This 6th day of February 1962.

Released: February 8, 1962.

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

[F.R. Doc. 62-1511; Filed, Feb. 13, 1962; 8:51 a.m.]

[Docket Nos. 14473, 14474; FCC 62M-187]

PENINSULA TELEVISION RELAY CORP. AND EASTERN SHORE MICROWAVE RELAY CO.

Order Continuing Hearing

In re applications of Peninsula Television Relay Corporation, Salisbury, Maryland, Docket No. 14473, File Nos. 2604/2605-C1-P-60; Eastern Shore Microwave Relay Company, Salisbury, Maryland, Docket No. 14474, File No. 3423-C1-P-60; for construction permits for common carrier point-to-point microwave relay stations.

Pursuant to agreement reached by counsel for all the parties at the prehearing conference held on February 6, 1962,

It is ordered, This 7th day of February 1962, that the hearing in this proceeding, now scheduled to commence on March 6, 1962, is continued to 10:00 a.m., April 16, 1962; and

It is further ordered, That the agreements and understandings entered into between the parties concerning the future conduct of the hearing are approved as set forth in the transcript of the prehearing conference which to this extent is incorporated by reference herein.

Released: February 8, 1962.

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

[F.R. Doc. 62-1512; Filed, Feb. 13, 1962; 8:52 a.m.]

[Docket No. 14504; FCC 62-147]

PIONEER STATES BROADCASTERS, INC.

Order Designating Application for Hearing on Stated Issues

In re application of Pioneer States Broadcasters, Inc., West Hartford, Connecticut, has 990 kc, 1 kw, Day (WBZY) Torrington, Connecticut, req 990 kc, 500 w, DA-D, West Hartford, Connecticut, Docket No. 14504, File No. BP-14060; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of February 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that, although in form an application for a new station at West Hartford, Connecticut, the application is, in fact, a proposal to modify and move the applicant's existing facility at Torrington, Connecticut (WBZY), to West Hartford; and [1]

It further appearing, that in support of its request to move the WBZY facilities to West Hartford, the applicant states that WBZY has been operating for over ten years at Torrington without being able to show a profit; that this situation has continued to exist despite the efforts of four different owners and numerous station managers; that Torrington has one other existing station in addition to service from other stations in nearby cities; that the proposed move appears to be the only way in which the station can continue to survive; and that West Hartford was chosen as a proposed site because of its greater population and present lack of local service; and

It further appearing that Torrington, Connecticut, has a population (1960 census) of 30,045 and, in addition to WBZY, one existing facility (WTOR) with an authorized power of 250 watts, unlimited

[1] The applicant has not proposed to relinquish its facilities in Torrington on 990 kc, until such time as its 990 kc application or West Hartford is granted and program tests are authorized. Under these circumstances, the Commission must treat the subject application as a proposal to modify the WBZY facilities rather than a proposal for a new station.

time; that the station WTOR has filed to change its facilities to 610 kc, 500 w, 1 kw-LS, DA-2; that West Hartford, population 62,382 is contiguous to Hartford, population 162,178, and is part of the greater Hartford urbanized area; that Hartford has four existing local standard broadcast stations; and that West Hartford has no existing stations and one other application for a new station (on a different frequency and not involved in this proceeding); and

It further appearing, that it cannot be concluded, on the basis of the limited facts set forth above, that a grant of the subject application would be in the public interest; that on the basis of such additional facts as may be developed in hearing, it will be necessary to determine whether the "fair, efficient, and equitable distribution" standard set forth by section 307(b) of the Act would best be met by the addition of a new service to the Hartford area and a new local service to West Hartford, or by the retention of the existing WBZY facility at Torrington; and that in essence, the determination to be made is equivalent to that which would be involved between two competing applications for new stations, one proposing operation at Torrington and the other at West Hartford. See Ark-Valley Broadcasting Co., Inc. 7 R.R. 77 (1951); and

It further appearing, that, an additional question raised by the proposed change in location involves the ownership interest in the applicant of Aldo DeDominicis; that Mr. DeDominicis, owner of a 7.9 percent interest in WBZY owns controlling interest in Station WHAY, New Britain, Connecticut; that New Britain is approximately five miles from West Hartford and each station would provide primary service to the other city; that accordingly, it will be necessary to determine whether a grant of the subject application would be in contravention of § 3.35(a) of the Commission's rules; and that in reaching this determination, it appears appropriate to consider the size, extent and location of the areas served; the extent of the overlap involved; the number of persons residing within the overlap area; the classes of stations involved; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present with particular reference to the needs of the communities they are designated to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that the overlap involved will or will not be in contravention of § 3.35(a) of the Commission's rules; and

It further appearing, that, although the subject application proposes values of radiation less than that notified for Station WBZY (previously WLCR) in accordance with the North American Regional Broadcasting Agreement (NARBA), such proposed radiation values are in excess of the maximum radiation permitted toward the Canadian border pursuant to the provisions of the proposed United States-Canadian bilateral agreement concerning the assignment of Class II stations on Class I–A channels, Docket No. 10453; and that since the subject application proposes a change in antenna site, the proposed directional radiation pattern was referred to the Canadian authorities by letter dated December 29, 1961, for consideration pursuant to the aforementioned agreement; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would gain or lose primary service from the instant applicant and the availability of other primary service to such areas and populations.

2. To determine whether a grant of the instant application would be in contravention of § 3.35(a) of the Commission's rules.

3. To determine the comparative needs of the areas now served by Station WBZY, including the city of Torrington, Connecticut, and the areas to be served by Station WBZY operating as proposed, including West Hartford, Connecticut, for broadcast service and, in view thereof, whether a grant of the subject application would be in accordance with section 307(b) of the Communications Act of 1934, as amended.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience, and necessity.

It is further ordered, That if, pursuant to the foregoing issues, a grant of the subject application is recommended, final action will be withheld pending receipt of a reply from Canadian authorities to the Commission's letter of December 29, 1961, and that, in the event Canadian approval is not obtained the subject application will be placed in the Commission's pending file.

It is further ordered, That to avail itself of the opportunity to be heard, the applicant, pursuant to section 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: February 9, 1962.

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

[F.R. Doc. 62-1513; Filed, Feb. 13, 1962; 8:52 a.m.]

[Docket No. 14505; FCC 62-148]

VICTORIA BROADCASTING SYSTEM

Order Designating Application for Hearing on Stated Issues

In re application of George H. Puder tr/as Victoria Broadcasting System, Redfield, South Dakota, requests 1380kc, 500w, Day, Docket No. 14505, File kc, 500w, Day, Docket No. 14505, File No. BP-14366; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of February 1962;

The Commission having under consideration the above-captioned and described application,

It appearing, that, except as indicated by the issues set forth below the applicant appears to possess the requisite qualifications to construct and operate the subject proposal;

It further appearing, that, according to data submitted with the subject application, the proposed operation would cause adjacent channel interference to the existing operation of Station KJAM, Madison, South Dakota, involving a population loss of 2.02 percent; and

It further appearing, that, by letter dated December 9, 1960, the licensee of Station KJAM objected to a grant of the application and requested that the application be designated for hearing; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable interference to Station KJAM, Madison, South Dakota, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine if the geographical coordinates specified accurately describe the location of the proposed antenna site.

4. To determine, in the light, of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, in the event of a grant of the instant application permittee shall complete Federal Aviation Agency (FAA) Form 117 and submit same to the FAA, and the construction permit issued shall contain the following condition:

The finding made by the Commission that the proposed antenna structure is acceptable under Federal Aviation Agency criteria (§ 626.12, FAA Regulations) is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That, Madison Broadcasting Company, Inc., licensee of Station KJAM, Madison, South Dakota, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362 (g) of the rules.

Released: February 8, 1962.

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

[F.R. Doc. 62-1514; Filed, Feb. 13, 1962; 8:52 a.m.]

[Docket Nos. 14351-14353; FCC 62M-180]

WOLVERINE BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of John C. Lane, Elizabeth B. Barrett and Edward Fitzgerald, d/b as Wolverine Broadcasting Company, Wyoming, Michigan, Docket No. 14351, File No. BP-13842; William Kuiper, William Eugene Kuiper and Peter J. Vanden Bosch, d/b as Muskegon Heights Broadcasting Company, Muskegon Heights, Michigan, Docket No. 14352, File No. BP-14039; Wayne Stebbins, tr/as Grand Valley Broadcasting Company, Saranac, Michigan, Docket No. 14353, File No. BP-14487; for construction permits.

The Hearing Examiner having under consideration a "Petition to Reschedule Hearing" filed February 2, 1962, by Grand Valley Broadcasting Company, an applicant in this matter, and

It appearing that all counsel agree to the granting of the aforesaid petition,

It is ordered, This 6th day of February 1962, that the date for the exchange of exhibits is changed to March 13, 1962; that the date for the notification of witnesses for cross-examination is changed to April 6, 1962; and that the hearing now scheduled for March 20, 1962, is hereby rescheduled to commence at 10:00 a.m., April 23, 1962, in the Commission's offices in Washington, D.C.

Released: February 8, 1962.

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

[F.R. Doc. 62-1515; Filed, Feb. 13, 1962; 8:52 a.m.]

FEDERAL MARITIME COMMISSION

CONTRACTS, AGREEMENTS, AND UNDERSTANDINGS OF COMMON CARRIERS BY WATERS

Notice of Reversal of Order as to Certain Carriers

On April 11, 1960, the Federal Maritime Board issued an order entitled "Section 21 Order, Contracts, Agreements and Understandings of Common Carriers By Water." The order was directed to every common carrier by water subject to the provisions of the Shipping Act, 1916, and required them to file with the Board certain information.

Many of the carriers to whom the order of April 11, 1960 was directed filed petitions for judicial review in the United States Court of Appeals for the District of Columbia Circuit, and also obtained a stay of the order pending the Court's decision. On June 30, 1961, in Montship Lines, Ltd. et al. v. United States, 295 F. 2d 147, the Court vacated the order and remanded it to the Board for further proceedings, because it failed to state the purpose for which issued.

Other carriers to whom the Board's order of April 11, 1960 was directed petitioned for judicial review in the Court of Appeals for the Second Circuit. On October 31, 1960, in Kerr Steamship Company, Inc., et al. v. United States, 284 F. 2d 61, the Second Circuit affirmed the Board's order and dismissed that case. Thereafter, Kerr et al. petitioned the Supreme Court of the United States for a writ of certiorari, and this petition is currently pending. A similar suit, States Marine Lines, et al. v. United States, No. 26,328 is pending and unacted upon in the Second Circuit.

The District of Columbia Circuit's decision vacating the order as to the great majority of the carriers who sought judicial review, makes it necessary for the Federal Maritime Commission, as successor to the Board, to consider what further action should be taken. The Commission's consideration and treatment of the matter should, of course, be uniform, since all of the carriers involved, those who sued in the Second Circuit as well as those who sued in the District of Columbia Circuit, are affected by the same order. In furtherance of this purpose, the Commission deems it advisable to reverse and thus vacate the order as to the carriers who brought suit in the Second Circuit.

Therefore, it is ordered, Pursuant to section 25 of the Shipping Act, 1916 (46 U.S.C. 824), That the Federal Maritime Board's order dated April 11, 1960 and entitled "Section 21 Order, Contracts, Agreements and Understandings of Common Carriers by Water", is hereby reversed and vacated as to the following named common carriers by water:

States Marine Lines, Inc.;
Global Bulk Transport Corporation;
Global Transport, Ltd.;
Isthmian Lines, Inc.;
Kerr Steamship Company, Inc.;
Compania Maritima del Nervion;
Naviera Aznar S.A.;
Rex Line Rederiaktiebolaget; and
Skibsaktieselskapet Arizona [1]
Skibsaktieselskapet Astrea [1]
Skibsaktieselskapet Aruba [1]
Skibsaktieselskapet Noruega [1]
Skibsaktieselskapet Abaco,[1] and
A/S Atlantica.[1]

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-1472; Filed, Feb. 13, 1962; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-19115 etc.]

HASSIE HUNT TRUST ET AL.

Notice of Applications, Consolidation of Proceedings and Setting Date for Hearing

FEBRUARY 7, 1962.

Hassie Hunt Trust, Operator, et al., Docket No. G-19115; H. L. Hunt, Operator, et al., Docket No. G-19116; Hunt Oil Company, Docket No. G-19117; William Herbert Hunt Trust Estate, Operator, Docket No. G-19118; Lamar Hunt Trust Estate, Docket No. G-19119; George W. Graham, Inc., Operator, et al., Docket No. G-19123; Placid Oil Company, Operator, et al., Docket No. G-19124 and G-19125; H. L. Hunt, Operator, et al., Docket No. CI61-1221; H. L. Hunt, Docket No. CI61-1282; Hassie Hunt Trust, Operator, et al., Docket No. CI61-1283; Caroline Hunt Sands, Docket No. CI61-1343; Caroline Hunt Trust Estate, Docket No. CI61-1344; Lamar Hunt Trust Estate, Docket No. CI61-1345; Nelson Bunker Hunt, Docket No. CI61-1346; Lamar Hunt, et al., Docket No. CI61-1736.

By order issued December 28, 1961, the matters involved in Docket Nos. G-19115, G-19116, G-19117, G-19118, G-19119, G-19123, G-19124, and G-19125 were set for hearing commencing March 28, 1962, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission. (27 F.R. 132.)

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[1] Conducting a joint common carrier service pursuant to FMC Agreement No. 7593, under the name Høegh Lines.

Take notice that each of the following listed Applicants has filed 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 facilities and the sale of natural gas in interstate commerce, as hereinafter described, all as more fully set forth in the respective applications which are on file with the Commission and open to public inspection.

Each applicant herein proposes to sell natural gas to Natural Gas Pipeline Company of America for transportation in interstate commerce for resale as indicated below:

Docket No.; Seller; Date Application Filed; Field and Location

CI61–1221; H. L. Hunt, Operator, et al.; February 15, 1961; Alvin City Field, Brazoria County, Tex.

CI61–1282; H. L. Hunt; February 27, 1961; Alta Loma Area, Galveston County, Tex.

CI61–1283; Hassie Hunt Trust, Operator, et al.; February 27, 1961; Alta Loma Area, Galveston County, Tex.

CI61–1343; Caroline Hunt Sands; March 15, 1961; Chenango Field, Brazoria County, Tex.

CI61–1344; Caroline Hunt Trust Estate; March 15, 1961; Chenango Field, Brazoria County, Tex.

CI61–1345; Lamar Hunt Trust Estate; March 15, 1961; Chenango Field, Brazoria County, Tex.

CI61–1346; Nelson Bunker Hunt; March 15, 1961; Chenango Field, Brazoria County, Tex.

CI61–1736; Lamar Hunt, et al.; June 6, 1961; Zoller Field, Arkansas and Calhoun Counties, Tex.

Applicants propose to make each of the above sales at an initial price of 20 cents per Mcf (including tax reimbursement) at 14.65 psia.

The public convenience and necessity require that the matters listed in the caption above be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take 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 commencing on March 28, 1962, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the above-listed applications.

Those parties who have been permitted to intervene in Docket Nos. G–19115, G–19116, G–19117, G–19118, G–19119, G–19123, G–19124, and G–19125 are considered interveners in those matters only.

Further, protests, petitions to intervene or notices of intervention 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) in Docket Nos. CI61–1221, CI61–1282, CI61–1283, CI61–1343, CI61–1344, CI61–1345, CI61–1346 and CI61–1736 on or before February 28, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–1459; Filed, Feb. 13, 1962; 8:45 a.m.]

[Docket No. RI61–220]

OWEN PRODUCTION CO.[1]

Order Substituting Respondent, Accepting Successor's Corporate Surety Bond and Redesignating Proceeding

FEBRUARY 7, 1962.

Owen Production Company by assignment of oil and gas leases dated May 22, 1961, acquired all of the undivided interests owned by J. P. Owen in leases covered by gas sales contract between J. P. Owen and The Preston Oil Company, Sellers, and United Fuel Gas Company, Buyer, dated August 5, 1959, for the sale of gas from the Duson Field, Lafayette Parish, Louisiana. J. P. Owen on October 3, 1960, filed Supplement No. 1 to J. P. Owen's FPC Gas Rate Schedule No. 3, proposing to increase the rate and charge for natural gas subject to the Commission's jurisdiction covered by the subject contract. Subsequent to suspension by the Commission on November 2, 1960, the proposed new rate became effective as of April 3, 1961, subject to refund and the filing of a bond by J. P. Owen. The Commission by letter dated June 2, 1961, extended the time for filing of a bond to thirty days to June 30, 1961 as requested by J. P. Owen.

On June 26, 1961, Owen Production Company filed a motion requesting substitution of Owen Production Company in the place of J. P. Owen as Respondent in the proceeding under Docket No. RI61–220, the posting of a bond by the successor, the adopting of J. P. Owen's letter request for extension of time for the filing of a bond, and the approval of a corporate surety bond in the amount of $5,100 conditioned on the payment of refunds and compliance with the Commission's notice issued May 1, 1961 in Docket No. RI61–220, and the provisions of the Natural Gas Act relating thereto.

Owen Production Company filed a corporate surety bond in the amount of $5,100 on June 26, 1961 to secure the payment of refunds as provided in the notice referred to above.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that Owen Production Company be substituted for J. P. Owen in the above-designated proceeding, that said proceeding be redesignated accordingly, and that the successor's bond be accepted for filing.

The Commission orders:

(A) Owen Production Company is hereby substituted for J. P. Owen as Respondent in the proceeding in Docket No. RI61–220 and the proceeding is accordingly redesignated.

[1] Successor to J. P. Owen.

(B) The corporate surety bond filed in this proceeding on June 26, 1961, by Owen Production Company, as successor to J. P. Owen, is hereby accepted for filing.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–1460; Filed, Feb. 13, 1962; 8:45 a.m.]

NATURAL GAS ADVISORY COUNCIL

Establishment

FEBRUARY 8, 1962.

It is hereby determined, in connection with the performance of duties imposed on the Federal Power Commission, that it is in the public interest that a Natural Gas Advisory Council be, and it hereby is established.

1. *Purpose.* The Natural Gas Advisory Council (Council) shall advise and make recommendations to the Commission on matters concerning the regulation of the natural gas industry. The Council shall not advise or make recommendations with respect to any case or controversy pending before the Commission.

2. *Membership of the Council.* The Council shall consist of members from the following organizations, as indicated below:

American Gas Association, two members.

American Municipal Association, one member.

American Petroleum Institute and Mid-Continent Oil & Gas Association, one member jointly.

Independent Natural Gas Association of America, two members.

Independent Petroleum Association of America, one member.

National Association of Railroad and Utilities Commissioners, two members.

United States Conference of Mayors, one member.

The Chairman of the Commission may also appoint one or two members-at-large. In addition, there shall be an alternate appointed for each Council member. Council members will be permitted to bring technical advisors to the meeting with the advance permission of the Chairman of the Commission. The members of the Commission and such staff members as the Chairman of the Commission shall designate will also attend Council meetings.

3. *Selection of Council members.* All Council members and alternates shall be selected by the Chairman of the Commission. The Council members and alternates from each of the organizations listed in Paragraph 2, *Membership of the Council,* shall be selected from lists (containing at least the number of names requested by the Chairman of the Commission) submitted by the president or other authorized officer of each organization.

4. *Chairman and Secretary for Council meetings.* The Chairman of the Commission, or in his absence, the Vice Chairman of the Commission, shall act as Chairman of the Council meetings and

shall be responsible for opening and conducting the meeting and for adjourning the meeting when, in his judgment, adjournment is in the public interest.

The Chairman of the Commission shall appoint a Secretary from among the members of the Commission staff who shall be responsible for preparing summary minutes of the Council meetings, preparing agenda, notifying members of the meetings, and maintaining all records related to organization, membership and operations of the Council.

5. *Preparation of the agenda.* Suggestions for agenda items by Council members shall be submitted to the Secretary of the Council and transmitted to the Commission for its consideration. Suggestions received by the Commission from persons other than Council members may, at the option of the Commission, be placed on the agenda. The final selection of items for Council consideration shall be made solely by the Commission.

6. *Notification of meetings.* The Secretary shall notify each Council member and alternate at least 15 days in advance of scheduled meetings and simultaneously request notification if the member or his alternate does not plan to attend. A copy of the agenda shall be forwarded to each Council member and alternate as far in advance of the meeting as possible, but in any event no later than the date of the notification letter.

7. *Location and timing of meetings.* All meetings will convene at the office of the Federal Power Commission, located at 441 G Street NW., Washington 25, D.C., unless otherwise directed by the Chairman of the Commission. Ordinarily, these meetings will be held during the regular working hours of the Federal Power Commission. The Council shall meet in October of each year and at other times upon the call of the Chairman of the Commission.

8. *Advice and recommendations offered by the Council.* The advice and recommendations of the members of the Council may be presented to the Commission at Council meetings either orally or in written form. Ultimate decisions based on the Council's advice or recommendations are reserved to the Federal Power Commission.

9. *Duration of the Council.* The Natural Gas Advisory Council shall terminate not later than two years subsequent to its date of establishment, unless the Commission determines in writing, not more than 60 days prior to the expiration of such two-year period, that its continued existence is in the public interest. A like determination by the Commission shall be required not more than 60 days prior to the end of each subsequent two-year period to continue the existence of such Council thereafter.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1462; Filed, Feb. 13, 1692; 8:46 a.m.]

[Docket No. RI62-308, etc.]

SOCONY MOBIL OIL COMPANY, INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

FEBRUARY 7, 1962.

In the order providing for hearings on and suspension of proposed changes in rates, issued January 26, 1962, and published in the FEDERAL REGISTER on February 2, 1962 (F.R. Doc. 62-1082; 27 F.R. 994), in the first line of the last paragraph appearing in the first column on page 995 of the FEDERAL REGISTER, insert after the word "rates", "except the one described in the paragraph, last above".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1461; Filed, Feb. 13, 1962; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION IV (CHICAGO)

Redelegation of Authority With Respect to Loans for Housing for the Elderly

The Regional Director of Community Facilities Activities, Region IV (Chicago), Housing and Home Finance Agency, with respect to the program of loans for housing for the elderly authorized under section 202 of the Housing Act of 1959, as amended (73 Stat. 667, as amended, 12 U.S.C. 1701q), is hereby authorized within such Region:

To execute loan agreements and amend or modify any such loan agreement.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), (12 U.S.C. 1701c); Housing and Home Finance Administrator's delegation effective December 22, 1961 (26 F.R. 12787, 12-30-61))

Effective as of the 14th day of February 1962.

[SEAL] JOHN P. MCCOLLUM,
Regional Administrator,
Region IV.

[F.R. Doc. 62-1522; Filed, Feb. 13, 1962; 8:52 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION II (PHILADELPHIA)

Redelegation of Authority With Respect to Loans for Housing for the Elderly

The Regional Director of Community Facilities Activities, Region II (Philadelphia), with respect to the program of loans for housing for the elderly authorized under section 202 of the Housing Act of 1959, as amended (73 Stat. 667, 12 U.S.C.A. 1701q), is hereby authorized within such Region:

1. To execute loan agreements;
2. To amend or modify any such loan agreement.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c); Housing and Home Finance Administrator's delegation effective December 22, 1961 (26 F.R. 12787, 12-30-61))

Effective as of the 2d day of February 1962.

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

[F.R. Doc. 62-1523; Filed, Feb. 13, 1962; 8:52 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 197]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 9, 1962.

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 222 (Deviation No. 4), NEW YORK CONSOLIDATED FREIGHTWAYS CORPORATION, 715 South 25th Avenue, Bellwood, Ill., filed January 29, 1962. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route between Toledo, Ohio, and Detroit, Mich., over Interstate Highway 75, 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 Toledo over U.S. Highway 25 to Detroit, and return over the same route.

No. MC 6894 (Deviation No. 2), MELVIN TRUCKING COMPANY, 1818 South Washington Street, Peoria 2, Ill., filed

January 31, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between East Peoria and Morton, Ill., over Interstate Highway 74, 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 East Peoria over U.S. Highway 150 to Morton, and return over the same route.

No. MC 28675 (Sub-No. 2) (Deviation No. 1), W. FORD JOHNSON CARTAGE, INC., 117½ West Grand River, Howell, Mich., filed January 4, 1962. Attorney Eugene C. Ewald, Guardian Building, Detroit 26, Mich. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Detroit, Mich., over Interstate Highway 96 to junction U.S. Highway 127, thence over U.S. Highway 127 to Lansing, Mich., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Detroit over U.S. Highway 16 to Lansing, and return over the same route.

No. MC 39763 (Deviation No. 2), G. E. GROGER TRUCK LINE, INC., Walton, Ky., filed January 31, 1962. Attorney Fred F. Bradley, P.O. Box 127, Frankfort, Ky. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 25 and Kentucky Highway 17, at Covington, Ky., over U.S. Highway 25 to junction Kentucky Highway 16, at Walton, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Walton over Kentucky Highway 16 to junction Kentucky Highway 17, thence over Kentucky Highway 17 to junction U.S. Highway 25, thence over U.S. Highway 25 to Cincinnati, Ohio, and return over the same route.

No. MC 40858 (Deviation No. 6), THE SILVER FLEET MOTOR EXPRESS, INC., Eastman Road, Kingsport, Tenn., filed February 1, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Louisville, Ky., over Interstate Highway 64 to junction Kentucky Highway 151, approximately 2 miles south of Graefenburg, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Louisville over U.S. Highway 60 to Graefenburg, thence over Kentucky Highway 151 to a point approximately 2 miles south of Graefenburg, and return over the same route.

No. MC 40858 (Deviation No. 7), THE SILVER FLEET MOTOR EXPRESS, INC., Eastman Road, Kingsport, Tenn., filed February 1, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Knoxville, Tenn., over Interstate Highway 40 to junction U.S. Highway 70, approximately 2 miles west of Kingston, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Knoxville over U.S. Highway 70 to Crossville, Tenn., thence over U.S. Highway 70N to Nashville, Tenn., and return over the same route.

No. MC 60393 (Deviation No. 1), CENTRAL TRANSFER COMPANY, 2118 South Griswold Street, Peoria, Ill., filed January 30, 1962. Attorney Edward G. Bazelon, 39 South LaSalle Street, Chicago 3, Ill. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Peoria and Morton, Ill., over Interstate Highway 74, 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 Peoria over U.S. Highway 150 to Bloomington, Ill., and return over the same route.

No. MC 66562 (Deviation No. 8), RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y., filed September 25, 1961. Attorney William H. Marx, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, moving in express service, over a deviation route between Cincinnati and Findlay, Ohio, over Interstate Highway 75, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Detroit, Mich., over U.S. Highway 25 to junction Michigan Highway 85, thence over Michigan Highway 85 to junction Alternate U.S. Highway 24, thence over Alternate U.S. Highway 24 to Maumee, Ohio, thence over U.S. Highway 25 to junction U.S. Highway 68, thence over U.S. Highway 68 to Springfield, Ohio, thence over Ohio Highway 4 to Cincinnati; and from Springfield, Ohio, over U.S. Highway 68 to Xenia, Ohio, thence over U.S. Highway 42 to Cincinnati, and return over the same routes.

No. MC 69116 (Deviation No. 11), SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill., filed February 1, 1962. 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 Detroit, Mich., over Interstate Highway 94, for operating convenience only, serving no intermdiate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago over U.S. Highway 12 to Detroit, and return over the same route.

No. MC 106456 (Deviation No. 6), SUPER SERVICE MOTOR FREIGHT COMPANY, INC., Fessler Lane, Nashville, Tenn., filed January 31, 1962. Attorney J. R. Browder, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Hillsboro, Tenn., over U.S. Highway 41 to junction Interstate Highway 24, northwest of Pelham, Tenn., thence over Interstate Highway 24 to junction U.S. Highway 64, thence over U.S. Highway 64 to Monteagle, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Nashville, Tenn., over U.S. Highway 41 to Chattanooga, Tenn., and return over the same route.

No. MC 109780 (Deviation No. 8), TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex., filed January 31, 1962. Attorney C. Zimmerman, P.O. Box 730, Wichita, Kans. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From Abilene, Kans., over Interstate Highway 70 to junction U.S. Highway 81, approximately 1½ miles north of Salina, Kans., thence over U.S. Highway 81 to Salina, Kans., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From McPherson, Kans., over U.S. Highway 81, via Salina to Concordia, Kans.; and from Salina over U.S. Highway 40 to Abilene, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-1480; Filed, Feb. 13, 1962; 8:48 a.m.]

[Notice 421]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 9, 1962.

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 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 263 (Sub-No. 135), filed November 20, 1961. Applicant: GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives* (but excluding those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Lewiston, Idaho, and Missoula, Mont.; from Lewiston over Idaho Highway 9 to the Idaho-Montana State line, thence over unnumbered highway to the junction of unnumbered highway with U.S. Highway 93 at or near Lolo, Mont., thence over U.S. Highway 93 to Missoula, and return over the same route, serving all intermediate points.

HEARING: March 19, 1962, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 79, or, if the Joint Board waives its right to participate before Examiner Richard White.

No. MC 3094 (Sub-No. 13), filed January 26, 1962. Applicant: SERVICE MOTOR FREIGHT, INC., Atlantic Avenue, Lawnside, N.J. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials and supplies used in the installation and erection of fiberglas materials and products, fibrous glass mineral wool products, fibrous glass textile materials and products, plastic materials and products*, in mixed shipments with such materials and products, between Barrington, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, the District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, and the lower peninsula of Michigan.

NOTE: Applicant states the above requested authority to be limited to a transportation service to be performed under a continuing contract, or contracts, with Owens-Corning Fiberglas Corp., of Toledo, Ohio. Applicant also states that it is under common control with Atlas Freight Lines, Inc., and B & L Motor Freight, Inc.

HEARING: March 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry C. Darmstadter.

No. MC 10183 (Sub-No. 4), filed January 29, 1962. Applicant: SALLY BRAZDON, Rosenhayn (Cumberland County), N.J. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glassware* (other than cut), *Bottles* (not ampoules), *Carboys, Demijohns, Jars*, and *Packing Glasses, with or without their equipment of caps, covers, stoppers or tops*, from Salem, N.J., to Hurlock, Md.

NOTE: Applicant advises that the transportation in the proposed service, will be limited to that performed under a continuing contract or contracts with the American Stores Company.

HEARING: March 29, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 283.

No. MC 10183 (Sub-No. 5), filed January 29, 1962. Applicant: SALLY BRAZDON, Rosenhayn (Cumberland County), N.J. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, canned, preserved and prepared*, from Aberdeen, Hampstead, Greenmount, Frederick, Gaithersburg, Bel Air, Darlington, Havre de Grace, Westminster, and Perryman, Md., and St. Georges, Del., to Forty Fort, Pa., Kearny, N.J., and Philadelphia, Pa.

NOTE: Applicant advises that the transportation in the proposed service, will be limited to that performed under a continuing contract or contracts with the American Stores Company.

HEARING: March 28, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 22254 (Sub-No. 33), filed December 8, 1961. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Eugene L. Cohn, 1 North LaSalle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled passenger or property carrying golf buggies*, or *commercial adaptations thereof*, uncrated, weighing not more than 1,500 pounds, and *parts and accessories therefor* when accompanying said vehicles, between points in the United States, including the District of Columbia, but excluding Alaska and Hawaii.

NOTE: Applicant refers to application for joint control, with others, of T. E. K. Van Lines, Inc. (MC–F–7252).

HEARING: March 21, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Charles J. Murphy.

No. MC 26377 (Sub-No. 12), filed December 4, 1961. Applicant: LEONARDO TRUCK LINES, INC., Granger, Wash. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, pressed board, fibreboard*, and *wallboards*, from points in Benton, Linn, Marion, and Polk Counties, Oreg., to points in Yakima and Benton Counties, Wash.

HEARING: March 26, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner Richard White.

No. MC 28956 (Sub-No. 5), filed December 14, 1961. Applicant: G. P. RYALS, doing business as RYALS TRUCK SERVICE, P.O. Box 234, Albany, Oreg. Applicant's attorney: Earll V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers*, dry, in bags and in bulk, from Tacoma, Wash., to points in Oregon.

HEARING: March 27, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner Richard White.

No. MC 29116 (Sub-No. 9), filed February 2, 1962. Applicant: DIRECT TRANSPORTS, INCORPORATED, 801 East 17 Street, Kansas City, Mo. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Milan, Marshall, Carrollton, Moberly, and Macon, Mo., to points in Iowa, Nebraska, Minnesota, North Dakota, and South Dakota.

HEARING: March 21, 1962, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Garland E. Taylor.

No. MC–42261 (Sub-No. 62), filed February 6, 1962. Applicant: LANGER TRANSPORT CORP., Route 1, Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Cleveland, Ohio, to points in Illinois, Minnesota, Wisconsin, and St. Louis, Mo., and *rejected shipments*, on return.

HEARING: February 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 42487 (Sub-No. 534), filed January 9, 1962. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Donald A. Schafer, 12321 Southeast Evergreen Highway, Vancouver, Wash. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except liquid petroleum products in bulk in tank trucks), (1) between Lewiston, Idaho, and Missoula, Mont.; from Lewiston over Idaho Highway 9 to the Idaho-Montana State line, thence over an unnumbered highway to the junction of the unnumbered highway with U.S. Highway 93 at or near Lolo, Mont., thence over U.S. Highway 93 to Missoula, and return over the same route, serving no intermediate points; and (2) between Grangeville, Idaho, and Kooskia, Idaho; from Grangeville over Idaho Highway 13 to Kooskia (the junction of Idaho Highways 13 and 9), and return over the same route, serving no intermediate points, and with service at Grangeville

and Kooskia for the purpose of joinder only.

HEARING: March 19, 1962, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 79, or, if the Joint Board waives its right to participate, before Examiner Richard White.

No. MC 47323 (Sub-No. 11), (AMENDED AND CLARIFIED), filed November 6, 1961, published FEDERAL REGISTER issue December 20, 1961, republished as amended and clarified this issue. Applicant: TAJON TRUCKING CO., a Corporation, Route 5, Mercer, Pa. Applicant's attorney: Donald E. Cross, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in dump vehicles, between points in Illinois, Indiana, Kentucky, Maryland, Michigan, New York, Ohio, Pennsylvania, Virginia, and West Virginia.

NOTE: The purpose of this republication is to remove from the application the tank trailer phase of the case, thus restricting it to the phase involving dump vehicles.

HEARING: Reassigned on March 21, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 52458 (Sub-No. 161), filed December 14, 1961. Applicant: T. I. McCORMACK TRUCKING COMPANY, INC., U.S. Route 9, Woodbridge, N.J. Applicant's attorney: Chester A. Zyblut, 1700 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Washing compounds*, in bulk, in tank vehicles, from Paterson, N.J., to points in Illinois, Indiana, and Michigan and (2) *fatty acids, esters of vegetable oils, vegetable oils* and *vegetable oil products*, in bulk, in tank vehicles, from Boonton, N.J. to points in Illinois, and *rejected shipments* of the above-specified commodities, on return.

HEARING: March 23, 1962, at 346 Broadway, New York, N.Y., before Examiner Parks M. Low.

No. MC 52709 (Sub-No. 157), filed January 25, 1962. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol, neutral spirits*, and *alcoholic liquor*, in bulk, in tank vehicles, between points in Maryland, Pennsylvania, Ohio, Indiana, and Kentucky, on the one hand, and, on the other, points in California.

NOTE: Applicant states that it controls United Freight, Inc., and Inter State Express, Inc., both of which are wholly-owned by applicant.

HEARING: March 14, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Armin G. Clement.

No. MC 52751 (Sub-No. 27), filed December 4, 1961. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Sterling, Ill., to points in Minnesota, North Dakota, and South Dakota.

HEARING: March 27, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Charles J. Murphy.

No. MC 52751 (Sub-No. 28), filed December 7, 1961. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel roof deck, rib form and floor deck*, from Milwaukee, Wis., to points in North Dakota, South Dakota, and Nebraska.

HEARING: March 26, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Charles J. Murphy.

No. MC 56270 (Sub-No. 9), filed December 15, 1961. Applicant: LEICHT TRANSFER & STORAGE COMPANY, a corporation, 1401–55 State Street, Green Bay, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Indelible salt*, in bulk, from Green Bay, Wis., to points in Alger, Baraga, Delta, Dickinson, Houghton, Iron, Keeweenaw, Marquette, Menominee, Ontonagon, and Gogebic Counties, Mich.

HEARING: April 25, 1962, at Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 95.

No. MC 58813 (Sub-No. 41), filed January 11, 1962. Applicant: SELMAN'S EXPRESS, INC., 460 West 35th Street, New York, N.Y. Applicant's attorney: Solomon Granett, 1740 Broadway, New York 19, 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*, between points in the New York, N.Y., Commercial Zone, on the one hand, and, on the other, Jackson, Tenn., and points in North Carolina, South Carolina, Georgia, and Alabama.

NOTE: Applicant states all duplication of authority to be eliminated.

HEARING: March 29, 1962, at 346 Broadway, N.Y., before Examiner Parks M. Low.

No. MC 59531 (Sub-No. 86), filed January 22, 1962. Applicant: AUTO CONVOY CO., 3020 South Haskell, Dallas, 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: *New automobiles, trucks, and chassis*, in truckaway service, in secondary movements, from Shreveport, La., to points in Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Delta, Franklin, Gregg, Hardin, Harrison, Henderson, Hopkins, Houston, Jasper, Lamar, Marion, Morris, Nacogdoches, Newton, Orange, Panola, Polk, Rains, Red River, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, and Wood Counties, Tex.

HEARING: March 20, 1962, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 60580 (Sub-No. 25), (CORRECTION), filed November 27, 1961, published in the FEDERAL REGISTER, issue of February 7, 1962, and republished as corrected, this issue. Applicant: HIGHWAY EXPRESS LINES, INC., 236 North 23d Street, Philadelphia 3, Pa. Applicant's attorneys: V. Baker Smith, Harold S. Shertz, 226 South 16th Street, Philadelphia 9, Pa. 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, magazines and newspapers, and films and articles associated with the exhibition of motion pictures as described in the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 766), from the plant site of John Lucas Co., Inc., at Gibbsboro, N.J., to East Butler, Pa., and *rejected shipments of the above-specified commodities*, on return.

NOTE: The purpose of this republication is to correctly reflect the exceptions to the general commodities proposed to be transported.

HEARING: Remains as assigned March 16, 1962, in Room 300, U.S. Customs Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Parks M. Low.

No. MC 61403 (Sub-No. 73), filed December 12, 1961. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 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: *Chemicals*, in bulk, in tank vehicles, from Tuscola, Ill., and points within ten (10) miles thereof, to points in Georgia, North Carolina, and South Carolina.

NOTE: Applicant states it is "under control of The Mason & Dixon Lines, Inc."

HEARING: March 23, 1962, at 346 Broadway, New York, N.Y., before Examiner Parks M. Low.

No. MC 61403 (Sub-No. 75), filed January 22, 1962. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 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: (1) *Phenol*, in bulk, in tank vehicles, from Siloam, Ky., and points within ten (10) miles thereof, to Tonawanda, N.Y., and to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Minnesota, North Carolina, Ohio, South Carolina, Tennessee,

Texas, and Wisconsin; and (2) *Benzene*, in bulk, in tank vehicles, from points in Alabama, Indiana, Illinois, Ohio, Michigan, and Missouri, to Siloam, Ky., and points within ten (10) miles thereof.

HEARING: March 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Joseph A. Reilly.

No. MC 62896 (Sub-No. 8), filed January 23, 1962. Applicant: CHARLES W. POOLE AND BRERETON POOLE, a partnership doing business as, POOLE'S DRAYAGE CO., 1619 Eckington Place NE., Washington 2, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: I. (a) *Meats, meat products, and meat byproducts*, (b) *dairy products*, (c) *articles distributed by packinghouses*, (d) *packinghouse products*, including but not limited to those defined in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 706, and (e) *frozen fruits, berries, vegetables* and *exempt agricultural commodities* (at the same time in the same vehicle). 1. From Washington, D.C., to Martinsburg and Charles Town, W. Va. 2. Between Hagerstown, Md., and Martinsburg and Charles Town, W. Va. II. (a) *Dairy products*, (b) *packinghouse products* including but not limited to those as defined in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 706 and, (c) *frozen fruits, berries, vegetables* and *exempt agricultural commodities* (at the same time in the same vehicle). From Washington, D.C., to Hagerstown, Md. III. Return of *rejected and returned shipments* of the above commodities to Washington, D.C.

NOTE: Applicant is now authorized to engage in operations from Washington, D.C., to points in Maryland and Virginia within 50 miles of Washington, D.C., and from Washington, D.C., to Hagerstown, Md.

HEARING: March 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 63562 (Sub-No. 41), filed December 11, 1961. Applicant: NORTHERN PACIFIC TRANSPORT COMPANY, a corporation, 176 East Fifth Street, St. Paul, Minn. Applicant's representative: Lelland M. Cowan, 425 Burlington Avenue, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives and household goods as defined by the Commission). This application is for appropriate authority to amend or modify the second restriction appearing on Sheet 6 of the "Corrected Certificate of Public Convenience and Necessity," No. MC 63562 (Sub-No. 32), dated December 3, 1959, insofar as said restriction applies on shipments transported by carrier to or from Portland, Oreg. No change in routes, commodities, key points or other named restrictions or conditions is proposed. The application proposes the modification of the second restriction, appearing on Sheet 6 of Corrected Certificate MC 63562 (Sub-No. 32), by eliminating therefrom Portland, Oreg., thereby permitting the use of this authority to transport shipments, in substituted truck-for-rail service, which originate at Portland, Oreg., or have a final destination at Portland, Oreg. The service to be performed by the applicant to or from Portland, Oreg., shall be limited to that which is auxiliary to, or supplemental of, rail service of the Railways, and no service shall be rendered by the applicant from or to, or interchange traffic at any point not a station on the lines of the railways and moving on rail bill of lading or express receipt, *but not requiring an immediately prior or immediately subsequent movement by railroad.*

NOTE: Applicant states it is controlled by Northern Pacific Railway Company through stock ownership to wit, 5,000 shares of stock issued and held by said Railway Company, Northern Pacific Railway Company joins in this application.

HEARING: March 29, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner Richard White.

No. MC 79695 (Sub-No. 22), filed December 13, 1961. Applicant: STEEL TRANSPORTATION CO., INC., 4000 Cline Avenue, East Chicago, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, Descriptions in Motor Carrier Certificates, Ex Parte MC–45, from points in Kankakee County, Ill., to points in North Dakota, South Dakota, Minnestota, Nebraska, Iowa, Kentucky, Indiana, Wisconsin, Michigan, Ohio, Pennsylvania, and West Virginia, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

HEARING: March 23, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Charles J. Murphy.

No. MC 83617 (Sub-No. 2), filed January 5, 1962. Applicant: MARSHALLTOWN FREIGHTERS, INC., Laurel, Iowa. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household laundry appliances*, namely *dryers, washers and dryers combined*, gas and electric, from Newton, Iowa, to Chicago, Ill.

NOTE: Applicant states the proposed operation is for Maytag Chicago Company, 1230 South Western Avenue, Chicago, Ill.

HEARING: April 20, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 53.

No. MC 95180 (Sub-No. 9), filed January 17, 1962. Applicant: HARRY SMOLOWITZ AND MORRIS SMOLOWITZ, doing business as SMOLOWITZ BROS., 909 Utica Avenue, Brooklyn, 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 goods*, as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in Minnesota, North Dakota, South Dakota, Kansas, Nebraska, Oklahoma, Arkansas, Louisiana, Colorado, and Mississippi.

NOTE: Since applicant holds contract authority under MC–109890, dual operations may be involved.

HEARING: March 28, 1962, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner William A. Royall.

No. MC 95212 (Sub-No. 33), filed December 11, 1961. Applicant: HELEN R. HENDERSON, doing business as H. R. HENDERSON, P.O. Box 327, Seneca, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sponge rubber products*, from the site of the Sponge Cushion, Inc., plant located at Morris, Ill., to points in Illinois, Wisconsin, Minnesota, Missouri, Kansas, Texas, Nebraska, Iowa, Arkansas, Oklahoma, Indiana, Michigan, Ohio, Louisiana, Kentucky, Tennessee, and Pennsylvania, and (2) *raw materials used to make sponge rubber products*, from points in Illinois, Wisconsin, Minnesota, Missouri, Kansas, Texas, Nebraska, Iowa, Arkansas, Oklahoma, Indiana, Michigan, Ohio, Louisiana, Kentucky, Tennessee, and Pennsylvania, to the site of the Sponge Cushion, Inc., plant located at Morris, Ill.

HEARING: March 22, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Charles J. Murphy.

No. MC 95540 (Sub-No. 390) (AS AMENDED AND CORRECTED), filed December 6, 1961, published FEDERAL REGISTER, issue of January 24, 1962, and republished as corrected, this issue. 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: *Food and foodstuffs*, frozen and unfrozen, from points in Maine, Massachusetts, New Hampshire, New Jersey, New York, and Pennsylvania to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

NOTE: The purpose of this republication is to include the entire State of New York in the origin territory, originally sought and shown in previous publication as New York, N.Y., and to show that the commodities food and foodstuffs will be frozen or unfrozen.

HEARING: Remains as assigned February 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William K. Royall.

No. MC 95540 (Sub-No. 398), filed February 5, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *com-*

mon carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except frozen citrus products), from points in Florida to points in Illinois, Iowa, and Missouri.

NOTE: Common control may be involved. Since this publication is effected the day following the hearing on the subject application, any person or persons who may have been prejudiced by the lack of sufficient notice prior to hearing, may file a protest against the application within 20 days from the date of this publication in the FEDERAL REGISTER.

HEARING: February 13, 1962, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Examiner James H. Gaffney.

No. MC 103051 (Sub-No. 122), filed January 22, 1962. 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., 1424 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages, fruit juices, fruit juice concentrates and byproducts thereof*, in bulk, in tank vehicles, between points in Georgia on the one hand, and on the other, points in Connecticut, Kentucky, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and Virginia.

NOTE: Applicant states that M. J. Baggett of Atlanta, Ga., owns all of the outstanding stock of applicant and 50 percent of the outstanding stock of Gasoline Transport, Inc., the other 50 percent of the latter being owned by R. L. Walker of Waycross, Ga.; and that Mr. Baggett is president of both the applicant carrier and Gasoline Transport, Inc.

HEARING: March 22, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Lacy W. Hinely.

No. MC 103051 (Sub-No. 123), filed January 22, 1962. Applicant: WALKER HAULING CO., INC., P.O. Box 13444, Station K, 340 Amour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages, fruit juices, fruit juice concentrates* and *byproducts thereof*, in bulk, in tank vehicles, between points in Georgia on the one hand, and, on the other, points in California, Florida, Louisiana, and Texas.

NOTE: Applicant states that M. J. Baggett of Atlanta, Ga., owns all of the outstanding stock of applicant. He also owns 50 percent of the outstanding stock of Gasoline Transport, Inc., the other 50 percent being owned by R. L. Walker of Waycross, Ga. Mr. Baggett is President of both applicant and Gasoline Transport, Inc., and that arrangement has been sanctioned by the Commission in prior finance proceedings in Docket Nos., MC–F 3518 and MC–F 4236 and MC–F 6014.

HEARING: March 23, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Lacy W. Hinely.

No. MC 103647 (Sub-No. 1), filed December 4, 1961. Applicant: OWL TRANSFER & STORAGE CO., INC., 3623 Sixth Avenue, South, Seattle, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Theatrical equipment, including scenery, wardrobes, properties and electrical supplies used for theatrical productions*, between points in California, Nevada, Utah, Montana, Arizona, Wyoming, Colorado, and New Mexico.

NOTE: Applicant holds common carrier authority under MC 1367 so dual operations may be involved.

HEARING: April 10, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 103880 (Sub-No. 244), filed January 19, 1962. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied Petroleum products*, in bulk, in tank vehicles, from the plant site of the Century Refining Company, near New Baltimore, Mich., to points in Indiana and Ohio.

HEARING: April 18, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 9.

No. MC 103435 (Sub-No. 105), filed November 16, 1961. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, a corporation, East 915 Springfield Avenue, Spokane 2, Wash. Applicant's attorney: George LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467), Between Pasco, Wash., and Lewiston, Idaho; (1) from Pasco over U.S. Highway 395 to its junction with U.S. Highway 410 at or near Wallula, Wash., thence over U.S. Highway 410 to Lewiston, and return over the same route, serving all intermediate points, (2) from Pasco over Washington Highway 3D to its junction with Washington Highway 3E at or near Prescott, Wash., thence over Washington Highway 3E to its junction with U.S. Highway 410, thence over U.S. Highway 410 to Lewiston and return over the same route, serving all intermediate points, and (3) serving points in Umatilla County, Oreg., as off-route and intermediate points in connection with the above and the carrier's otherwise authorized regular-route operations.

HEARING: March 21, 1962, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 81, or, if the Joint Board waives its right to participate before Examiner Richard White.

No. MC 106297 (Sub-No. 30), filed October 16, 1961. Applicant: MID-STATES TRAILER TRANSPORT, INC., 9330 South Constance Avenue, Chicago, Ill. Applicant's attorney: Mitchell Jenkins, Suite 1000 Blue Cross Building, Wilkes-Barre, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers* (mobile homes), from points in Lackawanna and Northumberland Counties, Pa., to points in the United States, and *rejected trailers, (empty containers) or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: March 30, 1962, at the Federal Building, Scranton, Pa., before Examiner William A. Royall.

No. MC 107107 (Sub-No. 194), filed January 25, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery, and ingredients thereof, chocolate, cocoa, coating syrup;* (2) *advertising, promotional* and *display materials* and *premiums*, from points in Warren County, N.J., to points in Florida.

HEARING: March 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William N. Culbertson, Jr.

No. MC 107403 (Sub-No. 376), filed January 23, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Isopropyl percarbonate, unstabilized*, from Barberton, Ohio to points in Connecticut, Delaware, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Missouri, New Hampshire New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia, and ports of entry on the International Boundary line between the United States and Canada located in New York.

NOTE: Applicant holds contract authority under MC–117637; therefore dual operation may be involved. Also applicant states that it is authorized to control Reader Brothers, Inc. (MC–F 6886), and Clark Bulk Transfer (MC–F–7909).

HEARING: March 22, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Francis A. Welch.

No. MC 107654 (Sub-No. 3), filed January 22, 1962. Applicant: GLENN E. TRIPP, doing business as SPECIAL SERVICE, 502 North Court Street, Medina, Ohio. Applicant's attorney: Paul F. Berry, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and preserved foods*, (a) from Medina, Ohio to Baltimore, Md., Wilmington, Del., and Washington, D.C., and (b) from Albion, N.Y., to points in Pennsylvania and Ohio; (2) *matches*, from Wadsworth, Ohio, to points in Connecticut, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, Missouri, Minnesota, New Jersey, New York, Kentucky, Pennsylvania, Rhode Island, Tennessee, Virginia, and Wisconsin, and *commodities, used in the manufacture of matches*, on return, and (3) *Cooking and salad oils, vegetable oil shortening*,

shortening not in packages, (a) from Chicago, Ill., to points in Indiana and Ohio, and (b) from Bayonne, N.J., to points in New York, Pennsylvania, and Ohio.

NOTE: Applicant states the proposed service will be performed under continuing contracts with Hunt Foods and Industries, Inc., and The H. W. Madison Co.

HEARING: March 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 110525 (Sub-No. 489), filed February 5, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals,* in bulk, in tank vehicles, from the site of the B. F. Goodrich plant located thirteen (13) miles east of Fort Wayne (in Milan Township, Allen County), Ind., to points in Illinois, Michigan, Ohio, Wisconsin, and West Virginia.

NOTE: Applicant holds contract carrier auauthority in MC 117507 and Subs thereunder, therefore dual operations may be involved.

HEARING: March 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 110988 (Sub-No. 67), filed January 12, 1962. Applicant: KAMPO TRANSIT, INC., 200 Cecil Street, West, Neenah, Wis. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals,* in bulk, in tank vehicles, from Lemont, Ill., to points in Wisconsin.

HEARING: April 25, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 13.

No. MC 112020 (Sub-No. 144), filed December 8, 1961 . Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Ft. Worth, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Vinegar,* in bulk, in tank vehicles, from points in California to points in Texas.

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

HEARING: April 11, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner E. Roy Linn.

No. MC 112020 (Sub-No. 145), filed December 8, 1961. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton, Street, Fort Worth, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Juices, juice concentrates, wines,* and *brandies,* in bulk, in tank vehicles, from points in California to points in Nebraska, Minnesota, Wisconsin, Illinois, Missouri, Iowa, Kansas, Arkansas, Oklahoma, Colorado, Texas, New Mexico, Tennessee, and Louisiana.

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

HEARING: April 11, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 112617 (Sub-No. 107), filed January 24, 1962. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Flour,* in bulk, from Ashland, Ky., to points in Kentucky, Ohio, Virginia, West Virginia, Tennessee, and North Carolina.

HEARING: March 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 112617 (Sub-No. 108), filed January 29, 1962. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Phenol,* in bulk, in tank vehicles, from Siloam, Ky., and points within ten (10) miles thereof to North Tonawanda, N.Y., and points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Texas, and Wisconsin and (2) *Benzene,* in bulk, in tank vehicles, from points in Alabama, Illinois, Indiana, Ohio, Michigan, and Missouri to Siloam, Ky., and points within ten (10) miles thereof.

HEARING: March 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Joseph A. Reilly.

No. MC 112750 (Sub-No. 87), filed December 7, 1961. Applicant: ARMORED CARRIER CORPORATION, DeBevoise Building, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: James K. Knudson, 1821 Jefferson Place, N.W., Washington, D.C. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except coin, currency, bullion and negotiable securities) *as are used in the conduct of the business of banks and banking institutions,* between Chicago, Ill., on the one hand, and, on the other, points in Brown, Calumet, Dane, Fond du Lac, Kewaunee, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Rock, Sheboygan, Washington, Waukesha, and Winnebago Counties, Wis.

HEARING: April 24, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 17.

No. MC 113678 (Sub-No. 17), filed January 18, 1962. Applicant: CURTIS, INC., 770 East 51st Street, Denver 16, Colo. Applicant's attorney: Duane W. Acklie, Box 2041, 605 South 12th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Montezuma, Ga., and Baltimore, Md., to points in Arkansas, California, Colorado, Idaho, Missouri, Nebraska, New Mexico, Utah, and Wyoming.

HEARING: March 21, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Laurence E. Masoner.

No. MC 114019 (Sub-No. 71), filed December 5, 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 foods,* (1) from Carrollton, Macon, Marshall, Moberly, Milan and St. Louis, Mo., to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, New Hampshire, Vermont, Ohio, Pennsylvania, Rhode Island and the District of Columbia, and (2) from Carrollton and St. Louis, Mo., to points in Illinois (except Chicago), Iowa, Kentucky, Tennessee, Minnesota, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant states it and Midwest Transfer Company of Illinois are commonly controlled and managed pursuant to authority granted by the Commission.

HEARING: March 19, 1962, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Garland E. Taylor.

No. MC 115322 (Sub-No. 26), filed December 7, 1961. Applicant: J. M. BLYTHE, doing business as J. M. BLYTHE MOTOR LINES, P.O. Box 489, 2939 Orlando Drive, Sanford, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* frozen and unfrozen, from points in Chautauqua County, N.Y., and Erie County, Pa., to points in North Carolina.

HEARING: March 28, 1962, at 346 Broadway, New York, N.Y., before Examiner Parks M. Low.

No. MC 115841 (Sub-No. 95), filed February 5, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs,* from points in Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, and New York, N.Y., including points in the Commercial Zone, as defined by the Commission, to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

HEARING: February 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William K. Royall.

No. MC 115841 (Sub-No. 96), filed Feburary 5, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs, frozen and unfrozen*, from points in Maine, New Hampshire, and Massachusetts to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

HEARING: February 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 115841 (Sub-No. 97), filed February 5, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, (1) from New Orleans, La., and Gulfport, Miss., to points in Illinois and (2) from Gulfport, Miss., to Birmingham, Ala., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: February 27, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner J. Thomas Schneider.

No. MC 115917 (Sub-No. 10), filed January 12, 1962. Applicant: UNDERWOOD & WELD COMPANY, INC., P.O. Box 348, Crossnore, N.C. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feldspar, feldspar by-products, feldspar waste materials, including sand and silica sand*, in bags and in bulk, from points in Mitchell and Yancey Counties, N.C., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. (2) *Dry ground mica*, in bulk and in bags, from points in Avery, Mitchell, and Yancey Counties, N.C., to points in Connecticut, Iowa, Kentucky, Maine, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, and Washington. (3) *Salt and salt products*, in bags and in bulk, from points in Fort Bend and Harris Counties, Tex., to points in North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, and Kentucky.

HEARING: March 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 116077 (Sub-No. 117), filed January 8, 1962. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, Esperson Building, Suite 1535, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Titanium tetrachloride*, in bulk, in tank vehicles from Lake Charles, La., to points in Texas.

HEARING: March 28, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 116544 (Sub-No. 17), filed January 19, 1962. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Street, Carthage, Mo. Applicant's attorney: Robert R. Hendon, 3200 Cummings Lane, Chevy Chase 15, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, as described in Section B of Appendix I, to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 273; and (2) *empty containers*, for packaging of the commodities, specified in (1) above, between points in Missouri, Oklahoma, Arkansas, and Kansas.

NOTE: Applicant states that in performing the proposed operations as shown above, the State of Tennessee will be traversed for operating convenience only.

HEARING: March 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 116893 (Sub-No. 6), filed December 26, 1961. Applicant: MARTEL EXPRESS, LTD., 614 Rue Principale, Farnham (Quebec), Canada. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, frozen vegetables, frozen berries, frozen fruits*, and *frozen juices*, from Seabrook, N.J., and Marlboro and Milton, N.Y., to Ports of Entry on the International Boundary line between the United States and Canada at or near Champlain, N.Y.

NOTE: Applicant states the proposed operation is restricted to shipments originating in the United States and destined to points in Canada. Applicant also states the proposed operation will be performed in mechanically refrigerated vehicles for the account of Seabrook Farms Co., Seabrook, N.J.

HEARING: March 27, 1962, at 346 Broadway, New York, N.Y., before Examiner Parks M. Low.

No. MC 117119 (Sub-No. 42), filed December 6, 1961. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chicago and Deerfield, Ill., to points in Arkansas, Tennessee, Kentucky, Alabama, Georgia, Mississippi, Louisiana and Indiana, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodity, on return.

HEARING: March 19, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Charles J. Murphy.

No. MC 117574 (Sub-No. 63), filed January 31, 1962. Applicant: DAILY EXPRESS, INC., Box 311, R.D. No. 1, Carlisle, Pa. 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: *Cooling and freezing machinery and equipment, materials, equipment and supplies used in and incidental to the installation of such cooling and freezing machinery and equipment*, from La Crosse, Wis., to points in Ohio, Pennsylvania, New York, New Jersey, West Virginia, Maryland, Delaware, Rhode Island, Connecticut, Massachusetts, Virginia, Kentucky, and New Hampshire.

HEARING: March 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 117774 (Sub-No. 1), filed December 13, 1961. Applicant: GEORGE A. TAYLOR, INC., 244 Spring Street, Avon, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool, in mixed shipments only with gypsum products, plaster retarder, plaster accelerator, plasterboard joint system, tape* and *wallboard*, from Wheatland, N.Y., to points in Ohio, points in Pennsylvania on the west of U.S. Highway 15, and points in Macomb, Monroe, Wayne, and Oakland Counties, Mich., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity and *rejected shipments*, on return.

NOTE: Applicant states the proposed operation is restricted to movements under continuous contract with the Ruberiod Co., shipper. Carrier holds authority in Permit MC 117774 to transport the commodities named above from Wheatland, N.Y., to the above-described destination territory. This application seeks authority to transport mineral wool in mixed shipments only with those commodities.

HEARING: March 26, 1962, at 346 Broadway, New York, N.Y., before Examiner Parks M. Low.

No. MC 117823 (Sub-No. 5) (AMENDMENT), filed January 4, 1962, published FEDERAL REGISTER issue February 7, 1962, amended February 6, 1962, and republished this issue. Applicant: RALPH F. DUNKLEY, doing business as DUNKLEY DISTRIBUTING COMPANY, 240 California Avenue, Salt Lake City, Utah. Applicant's attorney: Lon Rodney Kump, 716 Newhouse Building, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in less-than truckload shipments not to exceed 10,000 pounds when shipped in connection with frozen fruits, frozen vegetables and frozen berries, (1) from points in Los Angeles, Orange, Ventura, San Bernardino, and Riverside Counties, Calif., to points in

Utah, Wyoming, Montana, and points in Idaho south of the southern boundary of Idaho County, and (2) from Ogden, Salt Lake City, and Provo, Utah, to points in Idaho south of the southern boundary of Idaho County.

NOTE: The purpose of this republication is to add route (2) to the authority previously sought.

HEARING: Remains as assigned, March 28, 1962, at the Federal Building, Los Angeles, Calif., before Examiner Charles B. Heinemann.

No. MC 118039 (Sub-No. 1), filed January 19, 1962. Applicant: A. V. EDMONDSON, Box 195, Forrest Park, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products* (fresh and cured), in mechanically equipped refrigerated vehicles, from Lovejoy, Ga., and points in Henry and Clayton Counties, Ga., to points in South Carolina, Florida, Alabama, Mississippi, and Louisiana, and *bananas and exempt commodities*, on return.

HEARING: March 21, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Lacy W. Hinely.

No. MC 118567 (Sub-No. 1), filed January 12, 1962. Applicant: NYAD MOTOR FREIGHT, INC., Pier 22, East River, New York, N.Y. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are handled, used, sold or dealt in by chain or department stores*, between New York, N.Y., and Metuchen, N.J., on the one hand, and, on the other, Washington, D.C., and points in Delaware, Virginia, and Maryland.

NOTE: Applicant states the proposed operation is restricted solely to the service of W. T. Grant Co.

HEARING: March 27, 1962, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner William A. Royall.

No. MC 118898 (Sub-No. 4) (AMENDMENT), filed October 4, 1962, published in FEDERAL REGISTER, issue of October 25, 1961, republished this issue as amended February 7, 1962. 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 packages*, and *urea, dry, in packages*, from Canton, Greenville, Hattiesburg, Magee, Meridian, Pascagoula, and Yazoo City, Miss., to points in Alabama, Arkansas, Florida, Louisiana, Tennessee, and Texas.

NOTE: Applicant states that the transportation is to be limited to service performed under a continuing contract with Coastal Chemical Corporation, Yazoo City, Miss. The purpose of this republication is to remove "in bulk" from the descriptions of the commodities proposed to be transported, thereby limiting the movements to manufactured fertilizer and urea, "dry, in packages", and to add five origin points, Canton, Greenville, Hattiesburg, Magee and Meridian, Miss.

HEARING: Remains as assigned March 8, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Francis A. Welch.

No. MC 119164 (Sub-No. 12), filed January 15, 1962. Applicant: J-E-M TRANSPORTATION CO., INC., P.O. Box 444, Middletown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, and *potassium carbonate*, in bulk, in tank vehicles, in hopper and pneumatic type equipment, from Niagara Falls, and Solvay, N.Y., to Wellsboro, Pa., and *returned and rejected shipments*, on return.

HEARING: March 26, 1962, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner William A. Royall.

No. MC 119531 (Sub-No. 12), filed December 7, 1961. Applicant: DIECKBRADER EXPRESS, INC., 5391 Eastern Avenue, Cincinnati 26, Ohio. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tin cans* and *tin can ends* from Chicago, Ill., to Caro, Mich., and points in that portion of Ohio on, north and west of a line beginning at the Indiana-Ohio state line along U.S. Highway 36 to its junction with Ohio Highway 4, and thence along Ohio Highway 4 to Sandusky, Ohio.

HEARING: March 20, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Charles J. Murphy.

No. MC 119777 (Sub-No. 5) (CORRECTION), filed December 20, 1961, published in FEDERAL REGISTER issue of January 24, 1962, republished as corrected this issue. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, regardless of how equipped (except tractors used for pulling highway trailers); *scrapers; motor graders*, regardless of how equipped; *wagons; engines; generators; engines and generators combined; welders; road rollers and compactors; cranes*, regardless of how equipped; *power sweepers; ditchers; pavers; asphalt plants; conveyors;* and *parts, attachments and accessories for the above commodities*, from Peoria, Joliet, Decatur, Aurora, Morton, and Mossville, Ill., and points within ten (10) miles of each, to points in Kentucky, Tennessee, Indiana, Ohio (except Columbus), Pennsylvania, West Virginia, and in the New York, N.Y., Commercial Zone.

NOTE: The purpose of this republication is to indicate that the operation will be conducted over "irregular routes" rather than "regular routes" as erroneously shown in the original publication.

HEARING: Remains as assigned February 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel C. Shoup.

No. MC 119917 (Sub-No. 8), filed January 22, 1962. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta 16, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Chattanooga, Tenn., to Atlanta, Ga.

NOTE: Applicant already holds permanent authority to transport bakery products from Atlanta, Ga., to Chattanooga, Tenn.

HEARING: March 19, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 238, or, if the Joint Board waives its right to participate before Examiner Lacy W. Hinely.

No. MC 123081 (Sub-No. 3), filed December 21, 1961. Applicant: MACRAY MOVERS, INC., 21–12 Newton Avenue, Long Island City, New York, 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: *New furniture, used, repaired, refinished and reupholstered furniture*, all uncrated, between New York, N.Y., on the one hand, and, on the other, points in New Jersey, those in Connecticut on and South of U.S. Highway 6 from the New York-Connecticut State line running east to Middletown, Conn., and on and west of Connecticut Highways 17 and 77, running from Middletown, Conn., south to Long Island Sound, and those in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and Bucks, Montgomery, Delaware, and Chester Counties, Pa.

NOTE: Applicant states, the proposed service will all be in a retail consumer delivery only.

HEARING: March 22, 1962, at 346 Broadway, New York, N.Y., before Examiner Parks M. Low.

No. MC 123304 (Sub-No. 3) (CORRECTION), filed October 31, 1961, published FEDERAL REGISTER, issue of January 24, 1962, corrected January 30, 1962, and republished, as corrected, this issue. Applicant: SOUTHERN COURIERS, INC., 1316 North Carroll Street, Dallas, Tex. Applicant's attorney: Val Sanford, 811 Third National Bank Building, Nashville 3, Tenn. Notice of the filing of the application was published in the FEDERAL REGISTER, issue of January 24, 1962. That portion of the commodity description reading: "Documentary replacement film" should read "complimentary replacement film". The county described as "Eutaw" in Part B is correctly spelled "Etowah". That portion of the territorial description reading: "Lying on *the* north should read "lying on *and* north.

HEARING: Remains as assigned March 15, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Francis A. Welch.

No. MC 123909 (Sub-No. 1) (AMENDMENT), filed December 21, 1961, published in FEDERAL REGISTER, issue of January 17, 1962, republished as amended February 8, 1962, this issue. Applicant: LE MAR CORPORATION, P.O. Box 165,

Winchester, Va. Applicant's attorney: Francis W. McInerny, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Finished and unfinished rocket and missile inert components* and *raw materials used in the assembly thereof*, for the account of Hercules Powder Company, Inc., between the Allegeny Ballistics Laboratory at Pinto, W. Va., near Cumberland, Md., on the one hand, and on the other, points in Connecticut, Delaware, Florida, Indiana, Maine, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Utah, Virginia, West Virginia, and the District of Columbia.

NOTE: The purpose of this republication is to add the destination states of Maine and Indiana.

HEARING: Remains as assigned February 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examineer Dallas Russell.

No. MC 124059 (Sub-No. 1), filed January 29, 1962. Applicant: REJER TRANSPORT, INC., 212 Pike Street, Marietta, Ohio. Applicant's attorney: James M. Burtch, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, from points in Waterford Township, Washington County, Ohio, to points in Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Delaware, Pennsylvania, Wisconsin, and West Virginia, and *scrap metals, wood chips, coke* and *lime*, on return trips.

NOTE: Applicant states that R. O. Wetz, its president and a shareholder, holds common carrier authority (as R. O. Wetz Transportation) under MC–31438.

HEARING: March 29, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D Moran.

No. MC 124073, filed November 28, 1961. Applicant: ROY S. SARGEANT, INC., Barkers Mill Road, Vienna, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Frozen meat* from Moosic, Pa., to Erie, Pa., Buffalo, Jamestown, Rochester, Olean, Norwich, Syracuse, Schenectady, Albany, Troy, Kingston, and Monticello, N.Y., Newark and Paterson, N.J., Stamford and Bridgeport, Conn., Woonsocket, R.I., and Pittsfield, Springfield, Boston, and Watertown, Mass.; (b) *pizza pies*, from Scranton, Pa., to New York, N.Y., and Springfield, Denville, and Westwood, N.J.; (c) *fish, breaded or unbreaded, cooked or uncooked* (when transported in the same vehicle with one or more of the following commodities: frozen meat or pizza pies, for which authority is sought in (1) (a) and (b) herein); from Exeter, Pa., to Buffalo, Fulton, Syracuse, Troy, and New York, N.Y., New Brunswick, Newark, Jersey City, and Paterson, N.J., Bridgeport and Hamden, Conn., Woonsocket and Pawtucket, R.I., and Pittsfield, Springfield and Boston, Mass.; (2) (a) *pizza pie shells*, from New York, N.Y., to Scranton, Pa.; (b) *canned tomatoes* from Glassboro and Swedesboro, N.J., to Scranton, Pa.: (c) *frozen meat* from New York, N.Y., and Newark, Jersey City, and Secaucus, N.J., to Moosic, Pa.; (d) *breading* from Union, N.J., to Moosic and Exeter, Pa., and from Jersey City, N.J., to Exeter, Pa.; (e) *pickled fish*, and *French fried potatoes* from New York, N.Y., to Exeter, Pa.; (f) *frozen fish* (when transported in the same vehicle with one or more of the following commodities: pizza pie shells, frozen meat, breading, pickled fish, French fried potatoes, or poultry, for which authority is sought in (2) (a), (c), (d), (e), and (g) herein) from Gloucester and Boston, Mass., Jersey City, N.J., and New York, N.Y., to Exeter, Pa.; and (g) *poultry* (when transported in the same vehicle with one or more of the following commodities: pizza pie shells, frozen meat, breading, pickled fish, French fried potatoes, or frozen fish, for which authority is sought in (2) (a), (c), (d), (e), and (f), herein), from New York, N.Y., to Exeter, Pa.

HEARING: March 29, 1962, at the Federal Building, Scranton, Pa., before Examiner William A. Royall.

No. MC 124088 (Sub-No. 1), filed December 29, 1961. Applicant: OHIO COURIERS, INC., 601 Broadway, Cincinnati, Ohio. Applicant's attorney: James K. Knudson, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition), between Cleveland, Ohio, on the one hand, and, on the other, points in Ohio.

NOTE: Common control may be involved.

HEARING: April 10, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 124113, filed December 18, 1961. Applicant: McGAHREN HAULAGE CORP., 704 East 11th Street, New York City, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General department store merchandise*, from points in the New York, N.Y., Commercial Zone to Carlstadt, N.J., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

NOTE: Applicant states the proposed operation is restricted to traffic having a prior movement via water and/or air.

HEARING: March 26, 1962, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner William A. Royall.

No. MC 124118, filed December 22, 1961. Applicant: GEORGE BLUNK, doing business as BLUNK'S TOWING SERVICE, 5901 West 87th Street, Oak Lawn, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed and stolen motor vehicles* and *buses, tractors, trailers* and *trucks for replacement of wrecked, disabled, repossessed and stolen motor vehicles*, between Chicago, Ill., on the one hand, and, on the other, points in Indiana, Ohio, Michigan, Wisconsin, and Iowa.

HEARING: March 22, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Charles J. Murphy.

No. MC 124125, filed December 27, 1961. Applicant: A&P EQUIPMENT & SUPPLY CORP., Morton Boulevard, Kingston, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stone and aggregate*, from points in Ulster County, N.Y., to points in Connecticut, Massachusetts, New Hampshire, New Jersey, Pennsylvania, on and east of the Susquehanna River, Rhode Island, and Vermont.

HEARING: March 26, 1962, at 346 Broadway, New York, N.Y., before Examiner Parks M. Low.

No. MC 124136, filed January 4, 1962. Applicant: TROPICAL TRANSPORT, INC., 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorney: John Andrew Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in bags, from the plant site of the Lehigh Portland Cement Company at Bunnell, Fla., to points in Lowndes County, Ga., and *rejected and returned shipments* of the commodity specified above, on return.

NOTE: Common control may be involved. Applicant has contract authority under MC 118952 and Sub 1 thereunder, therefore, dual operations may be involved.

HEARING: March 19, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC–124142, filed January 10, 1962. Applicant: BULK TRANSPORT COMPANY, a corporation, Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Dubuque, Iowa, to points in Wisconsin.

NOTE: Applicant advises the applicant corporation and Quality Carriers, Inc., are commonly controlled. Also, dual operations may be involved, since carrier holds common carrier authority in MC–112893 and subs thereunder.

HEARING: April 26, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 111.

No. MC 124146, filed January 15, 1962. Applicant: L. G. INC., doing business as L. G. TRUCKING, Route 2, Box 1003, San Jose, Calif. Applicant's representative: Pete H. Dawson, 1261 Drake Avenue, P.O. Box 1007, Burlingame, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, in cans, bottles, kegs, and barrels, between San Jose, Calif., on the one hand, and on the other, San Francisco, Oakland, Alameda, Richmond, and the Port of Redwood City (near Redwood City), Calif.

HEARING: April 9, 1962, at the Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 124154, filed January 16, 1962. Applicant: W. D. WINGATE, doing business as WINGATE TRUCKING COMPANY, 417 Lipsey Drive, Albany, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber* and *wooden pallets*, from points in Georgia to points in Florida, Alabama, South Carolina, North Carolina, Tennessee, Virginia, West Virginia, Maryland, Delaware, New York, Kentucky, Ohio, Michigan, Illinois, Indiana, Wisconsin, and New Jersey, (2) *Fertilizer* and *fertilizer materials*, between points in Georgia, Florida, Alabama, South Carolina, and North Carolina, (3) *Insecticides* and *insecticide material*, between points in Georgia, Florida, Alabama, South Carolina, and North Carolina, (4) *Clay products*, from points in Georgia to points in Alabama, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Florida, South Carolina, North Carolina, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, Tennessee, and Kentucky, (5) *steel fabricated buildings*, from Milwaukee, Wis., Cincinnati, Ohio, Galesburg, Ill., and Birmingham, Ala., to points in Kentucky, Tennessee, Mississippi, Arkansas, Louisiana, Texas, Alabama, Georgia, North Carolina, South Carolina, West Virginia, Florida, and Georgia, (6) *road building machinery and equipment requiring special equipment*, between Albany, Ga., on the one hand, and, on the other, points in Florida, Alabama, Mississippi, Louisiana, Arkansas, Tennessee, Kentucky, South Carolina, North Carolina, Virginia, and West Virginia, (7) *steel*, from Birmingham, Ala., to Albany, Ga., (8) *concrete ready mix plant*, knocked down and assembled, between Albany, Ga., on the one hand, and, on the other, points in South Carolina, North Carolina, Alabama, Mississippi, Florida, Louisiana, and Arkansas and (9) *fabricated concrete* and *concrete material*, from Albany, Ga., to points in Florida, South Carolina, North Carolina, Virginia, Alabama, Mississippi, Louisiana, Arkansas, Tennessee, and Kentucky, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: March 20, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Lacy W. Hinely.

MOTOR CARRIERS OF PASSENGERS

No. MC 58915 (Sub-No. 44), filed February 1, 1962. Applicant: LINCOLN TRANSIT CO., INC., U.S. HIGHWAY 46, East Paterson, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, and newspapers*, in the same vehicle with passengers; (1) Between Woodbridge and Wall Township, N.J. In Woodbridge, N.J., from the junction of U.S. Highway 1 and U.S. Highway 9 along U.S. Highway 9 to the junction of New Jersey Highway 34 in Madison Township, thence along New Jersey Highway 34 to the junction of Garden State Parkway Interchange Road 96, thence along Garden State Parkway Interchange Road 96 to the junction of Garden State Parkway, Wall Township, N.J., thence return from the junction of Garden State Parkway and Garden State Parkway Interchange Road 97 along Garden State Parkway Interchange Road 97 to the junction New Jersey Highway 38, thence along New Jersey Highway 38 to the junction of New Jersey Highway 34 in Wall Township, N.J., thence along New Jersey Highway 34 to the junction of U.S. Highway 9 in Madison Township, N.J., thence along U.S. Highway 9 to the junction of U.S. Highway 1 in Woodbridge, N.J., serving all intermediate points on the above described routes; (2) Between Holmdel Township and Middletown Township, N.J. In Holmdel Township, N.J., from the junction of New Jersey Highway 34 and Monmouth County Road 520 along Monmouth County Road 520 to the junction of Garden State Parkway Interchange Road 109, thence along Garden State Parkway Interchange Road 109 to the junction of Garden State Parkway in Middletown Township, N.J., and return over the same route serving all intermediate points; (3) Between Matawan Township and Wall Township, N.J. Along Garden State Parkway from the Middlesex County-Monmouth County boundary line in Matawan Township to the Monmouth County-Ocean County boundary line in Wall Township, N.J., and return over the same route serving all intermediate points.

NOTE: Applicant presently is authorized to operate on the Garden State Parkway but is restricted from picking up and discharging passengers in Monmouth County. Applicant proposes to remove said restriction.

HEARING: February 19, 1962, at Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 58915 (Sub-No. 45), filed February 2, 1962. Applicant: LINCOLN TRANSIT CO., INC., U.S. Highway 46, East Paterson, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express* and *newspapers*, in the same vehicle with passengers, (1) between points in Howell Township and Lakewood Township, N.J.; from junction U.S. Highway 9 and Aldrich Road, Howell Township, N.J., over Aldrich Road to junction of New Prospect Road, Jackson Township, thence over New Prospect Road to junction County Line Road, Lakewood thence over County Line Road to junction of U.S. Highway 9 (Madison Avenue), Lakewood, N.J., and return over the same route, serving all intermediate points and (2) within Jackson Township, N.J.; from junction Aldrich Road and New Prospect Road, Jackson Township, N.J., over Bennetts Mills-Hyson Road and Bennetts Mills-Vanhiseville Road to junction Cooks Bridge Road, thence over Cooks Bridge Road to junction Hope Chapel Road, thence over Hope Chapel Road to junction Lakewood-New Egypt Road (County Road 528), Jackson Township, N.J., and return over the same route, serving all intermediate points.

HEARING: February 16, 1962, at the State Office Building, Room 212, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 84112 (Sub-No. 2), filed January 2, 1962. Applicant: S & S BUS SERVICE, INC., Box 6, R.D. 1, Rensselaer, N.Y. Applicant's attorney: Edward L. Merrigan, 425 13th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter and special service operations, from Rensselaer, N.Y., and points within thirty (30) miles of Rensselaer (excluding the City and County of Schenectady, N.Y.), to points in California, Connecticut, Delaware, Florida, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, Wyoming, and the District of Columbia.

HEARING: March 15, 1962, at the Federal Building, Albany, N.Y., before Examiner William E. Messer.

No. MC 111778 (Sub-No. 3), filed December 29, 1961. Applicant: COCHRANS' BUS COMPANY, INC., Warwick Road, Middletown, Del. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Migrant agricultural workers and their baggage*, in the same vehicle with passengers, (1) between points in New Castle and Kent Counties, Del., on the one hand, and, on the other, points in Cecil, Kent, and Queen Anne Counties, Md., and (2) between points in New Castle and Kent Counties, Del., and points in Cecil, Kent, and Queen Anne Counties, Md., on the one hand, and, on the other, Glassboro, N.J., and points within ten (10) miles thereof.

HEARING: March 28, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 283.

No. MC 124023, filed November 2, 1961. Applicant: MIDWEST TRANSPORTATION, INC., 1003 West Second Street, Ames, Iowa. Applicant's attorney: Stephen Robinson, 412 Equitable Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their bag-*

gage, in the same vehicle with passengers, in round-trip charter operations, between points in Story County, Iowa, on the one hand, and, on the other, points in Illinois, Missouri, Minnesota, Wisconsin, Kansas, Nebraska, Colorado, New York, Pennsylvania, Arkansas, Alabama, Arizona, California, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wyoming, and the District of Columbia.

HEARING: March 29, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Charles J. Murphy.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12782, filed November 24, 1961. Applicant: AAA WORLD WIDE TRAVEL DEPT. OF CEDAR RAPIDS AUTO CLUB, 517 Fourth Avenue SE., Cedar Rapids, Iowa. For a license (BMC 5) to engage in operations as a *broker* at Cedar Rapids, Iowa, in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage,* both as individuals and groups, in sightseeing tours, between points in the United States, including Ports of Entry on the International Boundary Lines between the United States and Canada and the United States and Mexico.

HEARING: March 28, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 12783, filed November 22, 1961. Applicant: JACK W. FRY AND NORMAN A. ROUGH, a partnership, doing business as SIERRA TRAVEL SERVICE, 813 West Lancaster Boulevard, Lancaster, Calif. For a license (BMC 5) to engage in operations as a broker at Lancaster, Calif., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage,* both as individuals and groups, in all-expense tours, beginning and ending at Los Angeles, Calif., and extending to points in Nevada and California.

HEARING: March 19, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 12785, filed December 5, 1961. Applicant: KING & RICHARDS ENTERPRISES, doing business as K & R TOURS, 414 13th Street, Oakland 12, Calif. Applicant's attorney: George King (same address as applicant). For a license (BMC 5) to engage in operations as a *broker* at Oakland, Calif., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage,* both as individuals and in groups, between points in the United States, including Ports of Entry on the International Boundaries between the United States and Canada and the United States and Mexico.

HEARING: March 20, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 12788, filed January 4, 1962. Applicant: HAROLD SAGER, doing business as BEST VALU TRAVEL AND TOURS, 435 South Chicago Avenue, Freeport, Ill. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. For a license (BMC 5) to engage in operations as a *broker* at Freeport, Ill., in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage* in the same vehicle with passengers, both as individuals and in groups, beginning and ending at points in Carroll, DeKalb, Jo Daviess, Ogle, Stephenson, Whiteside, Winnebago, and Boone Counties, Ill., and Green, Rock, and Walworth Counties, Wis., and extending to points in the United States, including Ports of Entry on the International Boundaries between the United States and Canada and the United States and Mexico.

HEARING: April 16, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149.

No. MC 12789, filed January 4, 1962. Applicant: HOWARD D. DUNN, doing business as DUNRITE TRAVEL & TOUR SERVICE, 2219 Ohio Parkway, Rockford, Ill. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. For a license (BMC 5) to engage in operations as a *broker* at Rockford, Ill., in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage* in the same vehicle as passengers, both as individuals in groups, beginning and ending at points in Green, Rock, and Walworth Counties, Wis., and Boone, De Kalb, Kane, Kendall, La Salle, McHenry, Ogle, Stephenson, and Winnebago Counties, Ill., and extending to points in the United States, including Ports of Entry on the International Boundaries between the United States and Canada and the United States and Mexico.

HEARING: April 16, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149.

No. MC 12791, filed January 10, 1962. Applicant: MEYER AND DIETEL TOURS, INC., 231 West Wisconsin Avenue, Milwaukee 3, Wis. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. For a license (BMC 5) to engage in operations as a *broker* at Milwaukee, Wis., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *Passengers and their baggage,* in the same vehicle with passengers, both as individuals and in groups, in charter operations, (1) beginning and ending at points in Wisconsin, and extending to Chicago, Ill., and (2) beginning and ending at Washington, D.C., and Baltimore and Silver Spring, Md., and extending to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia.

HEARING: April 23, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 3009 (Sub-No. 44), filed February 5, 1962. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between New Orleans, La., and Jackson, Miss., as follows: From New Orleans over U.S. Highway 61 to junction U.S. Highway 51, thence over U.S. Highway 51 to Jackson, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only and subject to the condition that shipments transported over such route shall be limited to those which are moving over carrier's line between New Orleans or points beyond on the one hand and Jackson or points beyond on the other, in either single or joint line service; (2) Between New Orleans, La., and Mendenhall, Miss., as follows: From New Orleans over U.S. Highway 61 to junction of Causeway Boulevard, thence over Causeway Boulevard to Lake Pontchartrain Causeway Bridge to junction of northern approaches to Causeway Bridge and U.S. Highway 190, thence over U.S. Highway 190 to Covington, La., thence over Louisiana Highway 21 to Mississippi-Louisiana line, thence over Mississippi Highway 35 to Columbia, Miss., thence over Mississippi Highway 13 to junction U.S. Highway 49 at Mendenhall, Miss., and return over the same route, serving no intermediate points as an alternate route for operating convenience only and subject to the condition that shipments transported over such route shall be limited to those which are moving over carrier's line between New Orleans, or points beyond on the one hand and Mendenhall or points beyond on the other, in either single or joint line service; (3) Between Pearl River, La., and Mendenhall, Miss., as follows: From Pearl River over Louisiana Highway 41 to junction Louisiana Highway 21, one mile west of Bush, La., thence over Louisiana Highway 21 to Louisiana-Mississippi State Line, thence over Mississippi Highway 35 to Columbia, Miss., thence over Mississippi Highway 13 to junction Mississippi Highway 13 and U.S. Highway 49 at Mendenhall, Miss., and return over the same route serving no intermediate points as an alternate route for operating convenience only and subject to the condition that shipments transported over such route shall be limited to those which are moving over carrier's line between Pearl River, La., or points beyond on the one hand and Mendenhall, Miss., or

points beyond on the other, in either single or joint line service.

No. MC 72770 (Sub-No. 3), filed January 16, 1962. Applicant: OLEAN HAULING CORP., 99 North Main Street, Franklinville, N.Y. Applicant's attorney: Albert J. Tener, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats;* and, when shipped in a mixed shipment with boats, *the accessories of such boats and the literature relating thereto*, (1) Between points in Yates County, N.Y., on the one hand, and, on the other, points in New York; (2) Between the City of Peekskill (Westchester County), N.Y., on the one hand, and, on the other, points in New York; and (3) From the Village of Freeport (Nassau County), N.Y., to points in Nassau, Suffolk, Westchester, Putnam, Dutchess, Orange, and Sullivan Counties, N.Y., and *returned, refused and rejected shipments of the above-described commodities*, on return.

NOTE: Applicant states it seeks to acquire by transfer a Second Proviso operation of Marine Distributors, Inc., in Docket MC 120658, and to convert said authority to a full Certificate of Public Convenience and Necessity, contingent upon the approval of the transfer application of the New York intrastate rights by the New York Public Service Commission and the approval of the Interstate Commerce Commission for operating authority similar to that described in the Second Proviso operation of Marine Distributors, Inc.

No. MC 107276 (Sub-No. 3), filed January 30, 1962. Applicant: VERA E. BENNETT, JAMES K. GLENN, J. K. GLENN, INC., CORINNA J. BENNETT, LOUISE G. GLENN, JOE H. GLENN (WACHOVIA BANK AND TRUST COMPANY, TRUSTEE), AND JAMES K. GLENN (WACHOVIA BANK AND TRUST COMPANY, TRUSTEE), a partnership, doing business as QUALITY OIL TRANSPORT, 1540 Lockland Avenue, Winston-Salem, N.C. 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: *Aviation fuels*, in bulk, in tank vehicles, from Wilmington, N.C., to Roanoke, Va.

No. MC 107403 (Sub-No. 378), filed February 1, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Coshocton, Ohio, to Granite City, Ill.

NOTE: Applicant is authorized to control Reader Brothers, Inc., and Edwin E. Clarke, doing busines as, Clarke Bulk Transfer. It is further noted that applicant has contract carrier authority under MC 117637 Subs 2 through 9 thereunder, therefore, dual operations may be involved.

No. MC 119422 (Sub-No. 9) (CORRECTION), filed January 18, 1962, published issue of January 31, 1962, corrected February 6, 1962, and republished as corrected this issue. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, Ill. Applicant's attorney: Joseph H. Goldenhersh, 406 Missouri Avenue, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum wax*, in temperature controlled tank vehicles, from East St. Louis, Ill., to points in Minnesota and Wisconsin, and *damaged and defective shipments*, on return.

NOTE: The purpose of this republication is to reflect a from and to movement in lieu of a between movement.

No. MC 123322 (Sub-No. 9), filed February 6, 1962. Applicant: BEATTY MOTOR EXPRESS, INC., Jefferson Avenue Extension, Washington, Pa. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Baby supplies*, Between the plant site of Gerber Products Company, at Rochester, N.Y., and Pittsburgh, Pa.; from Rochester over New York Highway 33 to junction New York Highway 78, thence over New York Highway 78 to Depew, N.Y., thence over U.S. Highway 20 to Silver Creek, N.Y., thence over U.S. Highway 20 via Erie, Pa., to Fairview, Pa. (also from Silver Creek, N.Y., over New York Highway 5 to the Pennsylvania-New York State line, over Pennsylvania Highway 5 to Erie, Pa.), thence over Pennsylvania Highway 98 to Kerrtown, Pa., thence over U.S. Highway 19 to Pittsburgh, Pa., and return over the same route, serving no intermediate points.

No. MC 124078 (Sub-No. 2), filed February 5, 1962. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement;* from the plant site of the Penn-Dixie Cement Corporation in or near Kingsport, Tenn., to points in Casey, Russell, Cumberland, and Clinton Counties, Ky.

NOTE: Applicant presently holds contract carrier authority in MC 113832 and subs thereto, therefore, dual operations may be involved.

No. MC 124147 (Sub-No. 1), filed January 30, 1962. Applicant: ALAN P. GEREG, 32 Holley Street, Danbury, Conn. Applicant's attorney: Sidney L. Goldstein, 109 Church Street, New Haven, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt bituminous products, sand, stone, gravel and brick*, in bulk, in dump vehicles, from Danbury, Brookfield, New Milford, and Woodbury, Conn., to points in New York as follows: New York City and that part of New York bounded on and East of U.S. Highway 9 from New York to Mt. Vernon; thence on and East of U.S. Highway 9W to Albany, N.Y.; thence on and South of U.S. Highway 20, to the New York-Massachusetts State line, thence along the New York-Massachusetts State line, to the New York-Connecticut State line, thence along the New York-Connecticut State line, to the Long Island Sound, and *rejected shipments*, of the commodities specified above, on return.

No. MC 124177, filed January 31, 1962. Applicant: MATTHEW C. & RICHARD A. ZIMA, doing business as R. & M. TRUCKING COMPANY, 1408 North 23d Street, Manitowoc, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities for Racing Pigeon Clubs*, such as *homing pigeons, crates, cages, pens, feeds, banding and shipping machines* and *club house facilities*, such as *tables, chairs and benches*, between Sheboygan, Manitowoc, Two Rivers, Green Bay, Kaukauna, Appleton, Menasha, Neosho, Oshkosh, and Fond du Lac., Wis., and "release stations" in Chilton, Omro, New Lisbon, Sparta, and Wisconsin Rapids, Wis., Winona, Red Wing, Rochester, Mankato, and New Ulm, Minn., Britt, Iowa, Norfolk, Nebr., and Mitchell, Webster, Huron, and Pierre, S. Dak.

NOTE: Applicant states the proposed operation will be seasonal, between April 15 and October 15.

MOTOR CARRIERS OF PASSENGERS

No. MC 59238 (Sub-No. 48), filed February 6, 1962. Applicant: VIRGINIA STAGE LINES, INCORPORATED, 114 Fourth Street SE., Charlottesville, Va. Applicant's attorney: Raymond H. Warns, Court Square Building, Charlottesville, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between junction U.S. Highway 50 and Interstate Highway 495 and junction Interstate Highway 495 and Virginia Highway 350; from junction U.S. Highway 50 and Interstate Highway 495 (Washington Circumferential Highway) over Interstate Highway 495 to junction Virginia Highway 350 with service at the termini for purpose of joinder only, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations.

NOTE: Common control may be involved.

NOTICE OF FILING OF PETITIONS

No. MC 15473 (Sub-No. 7) (PETITION FOR MODIFICATION OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY), filed, January 19, 1962. Petitioner: BEST TRUCK LINES, INC., Ottawa, Kans. Petitioner's attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. By petition filed January 19, 1962, petitioner states that its Certificate No. MC 15473 (Sub-No. 7), covers authority, pursuant to certain transfer proceedings, covering a transportation service between Kansas City, Mo., and points in the State of Kansas. Petitioner avers that certain of the authority it purchased, specifically Certificate No. MC 62852, authorized operations between Kansas City, Mo., and Olathe, Kans., between Kansas City, Mo., and Olathe Naval Air Station, and between Kansas City, Mo., and the other points authorized to those predecessors in in-

terest. Petitioner states that it appears that the Commission deprived the owner of Certificate No. MC 62852 of authority improperly and without action taken as provided by law in that the Certificate issued to Mid-Kansas Truck Lines pursuant to a transfer proceeding in MC-FC-57034 changed the language of the previous certificates so as to authorize operations from Kansas City instead of a between movement. Proceeding No. MC-FC 63958 transferred the Certificates in question to petitioner, and docket No. MC 15473 (Sub-No. 7) was assigned to cover the transfer proceedings. Petitioner requests the Commission enter an order stating that petitioner has authority to operate between the various points set forth in Certificate No. MC 15473 (Sub-No. 7), and requests modification of said Certificate to reflect authority to operate between Kansas City, Mo., and the Kansas points shown in that Certificate. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 85130 PETITION UNDER RULE 102 FOR REOPENING, HEARING, RECONSIDERATION, AND FOR WAIVER OF RULE 101(e), filed July 24, 1961. Petitioner: ANNA BRADLEY, doing business as BRADLEY'S EXPRESS, Middletown, Conn. Petitioner's attorney: Milton E. Diehl, 1383 National Press Building, Washington, D.C. By petition dated July 24, 1961, petitioner states that in accordance with the Commission's regulations, Robert Bradley filed a "grandfather" application under section 206, dated February 6, 1936, known as Form BMC-A, describing his operations as including points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania. The original applicant, Robert Bradley, died and his Widow, Anna Bradley, petitioner, inherited the business. Petitioner contends that the Certificate issued in No. MC 85130 does not cover the operations conducted by petitioner on, prior, and continuously, before and after the enactment of the Motor Carrier Act of 1935. Petitioner has attached to the petition of July 24, 1961, an abstract of the evidence now available, to-wit, documentary proof (shipping documents) from 1927 to date, and states that the abstract does not contain all, but only a sample of the documentary proof now available which will be submitted at a hearing. Petitioner requests that the proceeding in MC 85130 be reopened for hearing. An Order issued pursuant to a General Session of the Commission, held January 10, 1962, in the subject proceeding recites that since some doubt has arisen as to the meaning of the Order of November 28, 1961, previously issued in this proceeding, it is ordered that the said order of November 28, 1961, to the extent it reopens the proceeding for oral hearing, be, and it is hereby vacated and set aside. The Order of January 10, 1962, further orders that the subject petition of July 24, 1961, be, and it is hereby assigned for oral hearing, and that notice of the time and place of such hearing, together with a summary of the issues raised by the petition be given by publication in the FEDERAL REGISTER.

HEARING: March 20, 1962, at the Bond Hotel, Hartford, Conn., before Examiner William A. Royall.

No. MC 109095 (PETITION TO WAIVE RULE 101(e) AND FOR REOPENING AND RECONSIDERATION), and (PETITION FOR MODIFICATION OR CLARIFICATION OF CERTIFICATE), filed January 17, 1962. Petitioner: ANDERSON MOTOR SERVICE, INC., St. Louis, Mo. Petitioner's attorney: G. M. Rebman, 1230 Boatmen's Bank Building, St. Louis 2, Mo. The subject petitions were filed January 17, 1962, and petitioner states it is a holder of a Certificate of Public Convenience and Necessity in No. MC 109095 which authorizes the transportation of general commodities, with the usual exceptions, over regular routes, between St. Louis, Mo., Indianapolis and Fort Wayne, Ind., Toledo, Cleveland, and Akron, Ohio, among other operations. The routes here pertinent as authorized in the said Certificate are as follows: "(4)(a) From St. Louis over U.S. Highway 40 to Indianapolis, Ind., thence over U.S. Highway 36 to Piqua, Ohio, thence over U.S. Highway 25 to Beaverdam, Ohio, thence over U.S. Highway 30N to Mansfield, Ohio, thence over U.S. Highway 42 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Ohio Highway 5, and thence over Ohio Highway 5 to Akron;", and "(4)(b) From Pendleton over Indiana Highway 9 to Huntington, Ind., thence over U.S. Highway 24 via Maumee, Ohio, to Toledo, Ohio, thence over Ohio Highway 2 to Cleveland, Ohio, and thence over Ohio Highway 8 to Akron; From Pendleton to Maumee, Ohio, as specified above, thence over U.S. Highway 20 to Cleveland, Ohio, and thence to Akron as specified above; and return over these routes to Pendleton. Service is authorized to and from the intermediate points of Fort Wayne, Ind., Toledo and Cleveland, Ohio, and points and places in Ohio within ten miles of Cleveland." Petitioner requests the Commission issue an order construing Certificate No. MC 109095 as authorizing joinder of routes described in (4)(a) and (4)(b) above so as to remove any and all doubt concerning petitioner's authority. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

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

MOTOR CARRIERS OF PROPERTY

No. MC 99798 (Sub-No. 1), filed February 1, 1962. Applicant: DODDS TRUCK LINE, INC., 623 Lincoln Street, West Plains, Mo. Applicant's attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and 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); (1) Between St. Louis, Mo., and Thayer, Mo., from St. Louis over U.S. Highway 66 and Interstate Highway 44 to Rolla, Mo., thence over U.S. Highway 63 to Thayer, and return over the same route, serving the intermediate and off-route points of Cuba, Licking, Houston, Cabool, Willow Springs, West Plains, and Koshkonong, Mo.; (2) Between the intersection of U.S. Highway 66 and Missouri Highway 19, and Thayer, Mo., from the intersection of U.S. Highway 66 and Missouri Highway 19, over Missouri Highway 19 to Thayer, and return over the same route, serving the intermediate points of Cuba, Steelville, Salem, Eminence, Winona, and Alton, Mo., and serving the intersection of Missouri Highway 19 and U.S. Highway 60 for purposes of joinder; (3) Between Houston, Mo., and Mountain View, Mo., from Houston over U.S. Highway 63 to junction Missouri Highway 137, thence over Missouri Highway 137 to its intersection with Missouri Highway 17, thence over Missouri Highway 17 to its intersection with U.S. Highway 60, thence over U.S. Highway 60 to Mountain View, and return over the same route, serving the intermediate point of Summersville, Mo., and serving the intersection of Missouri Highway 17 and U.S. Highway 60 for purposes of joinder; (4) Between Willow Springs, Mo., and St. Louis, Mo., from Willow Springs over U.S. Highway 60 to its intersection with Missouri Highway 21, thence over Missouri Highway 21 to its intersection with Missouri Highway 34, thence over Missouri Highway 34 to intersection with U.S. Highway 67, thence over U.S. Highway 67 to St. Louis, and return over the same route, serving the intermediate and off-route points of Mountain View, Birch Tree, Fremont, Van Buren, South Van Buren, Garwood, Leeper, and Mill Spring, Mo., and serving the intersection of U.S. Highway 60 and Missouri Highway 19 for purposes of joinder; (5) Between Springfield, Mo., and Cabool, Mo., from Springfield over U.S. Highway 60 to Cabool, and return over the same route, serving the intermediate and off-route points of Rogersville, Fordland, Diggins, Seymour, Mansfield, Norwood, and Mountain Grove, Mo., and serving the intersection of Missouri Highway 5 and U.S. Highway 60 for purposes of joinder; (6) Between Gainesville, Mo., and Doniphan, Mo., from Gainesville over U.S. Highway 160 to Doniphan, and return over the same route, serving the intermediate points of West Plains, Alton, Riverton, and Briar, Mo., and serving the intersection of Missouri Highway 101 and U.S. Highway 160 for purposes of joinder; (7) Between Ava, Mo. and Hartville, Mo., from Ava over Missouri Highway 5 to Hartville, and return over the same route, serving no intermediate points, and serving the intersection of Missouri Highway 5 and U.S. Highway 60 for purposes of joinder; (8) Between Bakersfield, Mo., and the intersection of Missouri Highway 101 and U.S. Highway 160, from Bakersfield over Missouri Highway 101 to its intersection with U.S. Highway 160, and return over the same route, serving no intermediate

points; (9) Between Birch Tree, Mo., and Thomasville, Mo., from Birch Tree over Missouri Highway 99 to Thomasville, and return over the same route, serving no intermediate points; (10) Between Salem, Mo., and the intersection of Missouri Highway 32 and U.S. Highway 63, from Salem over Missouri Highway 32 to its intersection with U.S. Highway 63, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (11) Between Salem, Mo., and Rolla, Mo., from Salem over Missouri Highway 72 to Rolla, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (12) *Irregular route:* Between points in Phelps, Dent, Crawford, Shannon, Texas, and Reynolds Counties, Mo.

NOTE: The application is directly related to an application filed under section 5 of the Act, No. MC–F–8069, published in the FEDERAL REGISTER, this issue.

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–8066. Authority sought for purchase by TREDWAY'S EXPRESS, INC., 512 Myrtle Avenue, Boonton, N.J., of a portion of the operating rights of DUSOR MOTOR LINE, INC., Tor Avenue, Haverstraw, N.Y., through James A. O'Hara, Director of Internal Revenue, Albany, N.Y., and for acquisition by TRUCKING ENTERPRISES, INC., 744 Broad Street, Newark, N.J., and in turn by RALPH SALDUTTI, JOSEPH E. SALDUTTI, and ALBERT SALDUTTI, all of 744 Broad Street, Newark, N.J., of control of such rights through the purchase. Applicants' attorney: Bernard F. Flynn, Jr., York-Flynn Building, East Blackwell Street, Dover, N.J. Operating rights described in Certificate Nos. MC–78430 and MC–78430 Sub 1, by order of the Temporary Authorities Board, dated January 23, 1962, to be revoked effective 45 days from the date of said order. Operating rights sought to be transferred in Certificate No. MC–78430: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between points in Dutchess, Orange, Putnam, Rockland, Sullivan, and Ulster Counties, N.Y., on the one hand, and, on the other, New York, N.Y., and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8068. Authority sought for control and merger by GLOBAL VAN LINES, INC., P.O. Box 3313, Terminal Annex, Los Angeles 54, Calif., of the operating rights and property of MIDWEST MOVING SERVICE, 3412 Fairlane Drive, Des Moines, Iowa, and for acquisition by E. W. SCHUMACHER, D. D. HEYDLAUFF, MAX OLSAN, and WILLIAM C. MOEN, all of 9100 East Garvey Boulevard, South San Gabriel, Calif., of control of such rights and property through the transaction. Applicants' attorney and representative respectively: Max G. Morgan, 443 American National Building, Oklahoma City 2, Okla., and William A. Landau, 1307 East Walnut, Des Moines, Iowa. Operating rights sought to be controlled and merged: *Household goods,* as defined by the Commission, as a *common carrier* over irregular routes between points in Iowa, on the one hand, and, on the other, points in Illinois, Missouri, Nebraska, and Minnesota, between Des Moines, Iowa, on the one hand, and, on the other, points in Illinois, Indiana, Kansas, Colorado, Missouri, Minnesota, Nebraska, and Wisconsin, and between points in Hardin County, Iowa, on the one hand, and, on the other, points in Illinois, Iowa, Kansas, Minnesota, Nebraska, North Dakota, and South Dakota, and, *livestock, agricultural commodities, poultry, coal, lumber, posts, household goods* as defined by the Commission, and *emigrant movables,* between Alliance, Nebr., and points within 30 miles thereof, on the one hand, and, on the other, points in Colorado, Wyoming, and South Dakota. GLOBAL VAN LINES, INC., is authorized to operate as a *common carrier* in Alabama, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Delaware, Utah, Oregon, Idaho, Montana, Washington, Nevada, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8069. Authority sought for purchase by DODDS TRUCK LINE, INC., 623 Lincoln, West Plains, Mo., of the operating rights of WALLACH STRAIN and VIOLA STRAIN, a partnership, doing business as STRAIN TRUCK LINE, Alton, Mo., and for acquisition by PAUL D. DODDS, 623 Lincoln, West Plains, Mo., of control of such rights through the purchase. Applicants' attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes from St. Louis, Mo., to Mammoth Spring, Ark., serving the intermediate points of Briar, Alton, and Thayer, Mo., and the off-route points of Bradley, Greer, Thomasville, Koshkonong, Couch, and Myrtle, Mo., without restriction, and East St. Louis, Ill., restricted to the pickup of stoves, feed, tankage, fertilizer, and meat scraps, and *fertilizer,* from East St. Louis, Ill., to Myrtle, Mo., serving the intermediate point of Couch, Mo., *livestock,* over irregular routes, from Alton, Mo., and points within 15 miles of Alton, to East St. Louis, Ill. Vendee is authorized to operate under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act in the State of Missouri. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC–99798 Sub 1 is a matter directly related.

No. MC–F–8070. Authority sought for control by EDWARD J. HAND, 590 Elk Street, Buffalo 10, N.Y., of M. & G. CONVOY, INC., and HULBERT FORWARDING COMPANY, INC., also of Buffalo, N.Y. Applicants' representative: Edward J. Hand, 590 Elk Street, Buffalo 10, N.Y. Operating rights sought to be controlled: (M. & G.) *New automobiles, new trucks, new bodies, new cabs, new chassis,* and *automobile parts,* restricted to initial movements, in truckaway service, as a *common carrier* over irregular routes from places of manufacture and assembly in Wayne County, and Warren Township, Macomb County, Mich., to points in Delaware, Maryland, New Jersey, Pennsylvania, New York, and the District of Columbia, traversing Ohio and West Virginia for operating convenience only, *the commodities indicated above,* restricted to secondary movements, during the season of open navigation on the Great Lakes, in truckaway service, from Buffalo, N.Y., to points in Delaware, Maryland, New Jersey, Pennsylvania, New York, and the District of Columbia, *the commodities indicated above,* restricted to secondary movements, during the season of open navigation on the Great Lakes, when navigation from the port of Buffalo is closed, in truckaway service, from Cleveland, Ohio, to points in Delaware, Maryland, New Jersey, Pennsylvania, New York, and the District of Columbia, traversing West Virginia for operating convenience only, *automobiles, trucks,* and *chassis,* new, used, or unfinished, restricted to secondary movements, in truckaway service, between all points as described above, traversing West Virginia, for operating convenience only, *new automobiles, new trucks, new bodies, new cabs, new chassis,* and *automobile parts,* restricted to initial movements, in driveaway service, from places of manufacture and assembly in Wayne County and Warren Township, Macomb County, Mich., to points in Delaware, Maryland, New Jersey, Pennsylvania, New York, and the District of Columbia, traversing Ohio and West Virginia for operating convenience only, *the commodities indicated above,* restricted to secondary movements, during the season of open navigation on the Great Lakes, in driveaway service, from Buffalo, N.Y., to points in Delaware, Maryland, New Jersey, Pennsylvania, New York, and the District of Columbia, *the commodities indicated above,* restricted to secondary movements, during the season of open navigation on the Great Lakes, when navigation from the port of Buffalo is closed, in driveaway service from Cleveland, Ohio, to points in New Jersey, traversing West Virginia and Pennsylvania for operating convenience only, *automobiles, trucks,* and *chassis,* new, used, or unfinished, restricted to secondary movements, in

driveaway service, between all points described above, traversing West Virginia for operating convenience only, *new automobiles, automobile bodies, automobile chassis,* and *automobile parts and accessories* moving in connection therewith, *automobile show equipment and paraphernalia, farm and garden tractors,* and *parts and accessories* thereof moving in connection therewith, in initial movements, in truckaway and driveaway service, from Willow Run in Washtenaw County, Mich., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia, *rejected shipments,* of the above-described commodities, from the above-specified destination points to Willow Run in Washtenaw County, Mich., through Ohio and West Virginia for operating convenience only, *new automobiles, new bodies, new chassis* and *automobile parts,* during the season of closed navigation on the Great Lakes, in initial movements, by truckaway service, from places of manufacture and assembly in Wayne County, Mich., to points in North Carolina and Virginia, *new automobiles, new bodies, new chassis and automobile parts,* during the season of open navigation on the Great Lakes, in secondary movements, by truckaway service, from Buffalo, N.Y., and Cleveland, Ohio, to points in North Carolina and Virginia, through Maryland and West Virginia for operating convenience only, *new passenger automobiles, hearses, ambulances, and automobile chassis,* in initial movements, by truckaway method, from Newark, Del., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. (HULBERT) *Automobiles,* as a *common carrier* over irregular routes through Pennsylvania, when necessary, with (a) no seasonal restriction, from Buffalo, N.Y., and Cleveland, Ohio, to Rome and Cooperstown, N.Y., points in New Hampshire, Massachusetts, Rhode Island, and Connecticut (other than those in Litchfield, New Haven, and Fairfield Counties), and those on New York Highway 5, and (b) during the season extending from the 10th day of December to the 1st day of April, inclusive, *automobiles,* from points in Macomb and Wayne Counties, Mich., to Rome and Cooperstown, N.Y., and points on New York Highway 5, *new automobiles, automobile bodies, automobile chassis* and *automobile parts and accessories* moving in connection therewith, *automobile show equipment and paraphernalia,* and *farm and garden tractors and parts and accessories thereof,* moving in connection therewith, during the seasons extending from the 10th day of December to the 1st day of April, inclusive, of each year in initial movements, in truckaway and driveaway service, from Willow Run in Washtenaw County, Mich., to Rome and Cooperstown, N.Y., and points in New York on New York Highway 5, *rejected shipments* of the above-described commodities, from the above-described destination points to Willow Run in Washtenaw County, Mich., traversing Ohio and Pennsylvania for operating convenience only, *new automobiles,* by truckaway service, in secondary movements, from Buffalo, N.Y., and Cleveland, Ohio, to points in Litchfield, New Haven and Fairfield Counties, Conn., and those in Maine and Vermont, *new automobiles* and *new trucks,* by truckaway service, in initial movements, during the season of closed navigation on the Great Lakes, from points in Wayne County, Mich., to points in Litchfield, New Haven and Fairfield Counties, Conn., and those in Maine and Vermont, *damaged and defective shipments* of the above-specified commodities, from the above-specified destination points to the above-designated origin points, and *new trucks, new truck-tractors, new ambulances, new truck and bus chassis,* and *new station wagons,* in secondary movements, in truckaway and driveaway service, from Buffalo, N.Y., and Cleveland, Ohio, to Rome and Cooperstown, N.Y., points in Connecticut, New Hampshire, Maine, Vermont, Massachusetts, Rhode Island, and those on New York Highway 5, traversing Pennsylvania for operating convenience only. EDWARD J. HAND holds no authority from this Commission. However, he is affiliated with M. & G. CONVOY, INC., and HULBERT FORWARDING COMPANY, INC. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8071. Authority sought for purchase by ELEANOR M. MacDONALD, an individual, doing business as MacDONALD'S STORAGE WAREHOUSE, 52 Gardner Street, Attleboro, Mass., of the operating rights and property of CLAYTON A. MacDONALD (ELEANOR M. MacDONALD, EXECUTRIX), an individual, doing business as MacDONALD'S STORAGE WAREHOUSE, 52 Gardner Street, Attleboro, Mass. Applicants' representative: Russell B. Curnett, 49 Weybosset Street, Providence, R.I. Operating rights sought to be transferred: *Household goods,* as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, as a *common carrier* over irregular routes, between Attleboro, Mass., on the one hand, and on the other, points in New Hampshire, Maine, Vermont, Rhode Island, Connecticut, New York, and New Jersey, *livestock,* between Attleboro, Mass., on the one hand, and, on the other, points in Kent, Newport, and Washington Counties, R.I., *lumber,* between Attleboro and Norton, Mass., on the one hand, and, on the other, Providence and Westerly, R.I., and *machinery,* between Attleboro, Mass., on the one hand, and, on the other, North Smithfield, Pawtucket, Providence, and Woonsocket, R.I., and West Haven, Conn. Vendee holds no authority from this Commission. However, the vendor holds 45 shares of stock in UNITED VAN LINES, INC., which is authorized to operate as a *common carrier* in 48 states and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8072. Authority sought for purchase by INLAND EXPRESS, INC., Maple and Walker Streets, Marlboro, Mass., of a portion of the operating rights and certain property of M.C.M. TRANSPORTATION COMPANY, INC., 39 Chapel Street, Newport, R.I., and for acquisition by SIDNEY LIPMAN and RALPH R. RUBADO, both of Maple and Walker Streets, Marlboro, Mass., and OSCAR W. WELCH, 2043 Erie Boulevard, East Syracuse, N.Y., of control of such rights and property through the purchase. Applicants' attorney: Francis E. Barrett, Jr., 25 Bryant Avenue, East Milton 86, Mass. Operating rights sought to be transferred: *General commodities,* as a *common carrier* over regular routes, between Newport, R.I., on the one hand, and, on the other, Providence, R.I., and Boston, Mass., serving all intermediate and certain off-route points, *general commodities,* excepting, among others, household goods and commodities in bulk, from New York, N.Y., to Newport, R.I., serving no intermediate points, but serving the off-route points of Jersey City and Newark, N.J., and over an alternate route for operating convenience only, *packing-house products* and *fresh meats,* between Newport, R.I., and Worcester, Mass., serving no intermediate points, *automobile parts,* between Newport, R.I., and Bridgeport, Conn., serving the intermediate point of New Haven, Conn., restricted to traffic moving to or from Newport, *general commodities,* over irregular routes, between points within 12 miles of Newport, R.I., *malt beverages,* from New York, N.Y., to Newport, R.I., *returned empty containers,* for malt beverages, from Newport, R.I., to New York, N.Y., *brass forgings* and *fittings,* from Newark, N.J., to Pawtucket, R.I., and Fall River, Mass., *paint, fish, fruits, vegetables,* and *groceries,* from New York, N.Y., to Fall River, Mass., *tar,* from Taunton, Mass., to Newport, R.I., *tires* and *tubes,* from Jersey City, N.J., to Providence, R.I., *fish,* from Newport, R.I., to Boston and Fall River, Mass., Providence, R.I., and New York, N.Y., *empty fish containers,* from Boston and Fall River, Mass., Providence, R.I., and New York, N.Y., to Newport, R.I., and *paint, oil,* and *ship chandlery,* between Newport, R.I., and New York, N.Y. Vendee is authorized to operate as a *common carrier* in Massachusetts, New York, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8073. Authority sought for purchase by SAFEWAY SYSTEM, INC., 39 Chapel Street, Newport, R.I., of a portion of the operating rights and certain property of M.C.M. TRANSPORTATION COMPANY, INC., 39 Chapel Street, Newport, R.I., and for acquisition by M.C.M. TRANSPORTATION COMPANY, INC., 39 Chapel Street, Newport, R.I., and in turn by JAMES L. MAHER, 2 Jeffrey Road, Newport, R.I., and ANTHONY T. RAZZA, 224 Gibbs Avenue, Newport, R.I., of control of such rights and property through the purchase. Applicants' attorneys: Barrett, Barrett and Barrett, 25 Bryant Ave., East Milton 86, Mass. Operating rights sought to be transferred: *Household goods,* as defined in *Practices of Motor Common Carriers of Household Goods,*

17 M.C.C. 467, as a *common carrier* over irregular routes between points in Newport County, R.I., on the one hand, and, on the other, points in Virginia, Georgia, New York, Maryland, Kansas, Pennsylvania, North Carolina, Illinois, Massachusetts, New Jersey, Connecticut, Kentucky, Delaware, Ohio, South Carolina, Vermont, West Virginia, and the District of Columbia, and between points in Rhode Island, on the one hand, and, on the other, points in Florida, Indiana, Louisiana, Maine, Michigan, Missouri, New Hampshire, Tennessee, and Wisconsin. Vendee holds no authority from this Commission. However, its controlling stockholders control and manage the vendor herein. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8074. Authority sought for purchase by INLAND EXPRESS, INC., Maple and Walker Streets, Marlboro, Mass., of the operating rights of ACTIVE TRUCKING, INC., 52 First Street, Cambridge 41, Mass., and for acquisition by SIDNEY LIPMAN and RALPH R. RUBADO, both of Maple and Walker Streets, Marlboro, Mass., and OSCAR W. WELCH, 2043 Erie Boulevard, East Syracuse, N.Y., of control of such rights through the purchase. Applicants' attorneys: Francis E. Barrett, Jr., 25 Bryant Avenue, East Milton 86, Mass., and Grafton Willey, III, 10 Dorance Street, Providence 3, R.I. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Providence, R.I., and Boston, Mass., serving certain intermediate and off-route points, and *automobile parts, accessories, tires and tubes,* over irregular routes between Boston and Cambridge, Mass., on the one hand, and, on the other, Bristol, Central Falls, East Greenwich, East Providence, Hope Valley, North Providence, Pawtucket, Providence, Smithfield, Wakefield, Warren, Warwick, Westerly, West Warwick, and Wickford, R.I. Vendee is authorized to operate as a *common carrier* in New York, Massachusetts, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8075. Authority sought for control and merger by BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsden, Ala., of the operating rights and property of A. W. HAWKINS, INC., 619 East Main Street, Richmond 19, Va., and for acquisition by RALPH M. BOWMAN, also of Gadsden, Ala., of control of such rights and property through the transaction. Applicants' attorneys: Harold G. Hernly, 1624 Eye Street NW., Washington, D.C., and H. Charles Ephraim, 1001 15th Street NW., Washington, D.C. Operating rights sought to be controlled and merged: *General commodities,* excepting, among others, household goods and liquids in bulk, as a *common carrier* over regular routes, between Charlottesville, Va., and New York, N.Y., serving certain intermediate and off-route points, and *general commodities,* excepting, among others, household goods and commodities in bulk, between Winston-Salem, N.C., and Baltimore, Md., serving all intermediate points; *coal,* over irregular routes, from Pottsville, Pa., and points within five miles of Pottsville, certain points in West Virginia to points in Culpeper, Madison and Rappanhannock Counties, Va., and *livestock,* between points in Culpeper, Madison and Rappahonnock Counties, Va., on the one hand, and, on the other, points in Maryland, Delaware, New Jersey, New York, Pennsylvania, West Virginia, and North Carolina. BOWMAN TRANSPORTATION, INC., is authorized to operate as a *common carrier* in Alabama, Tennessee, South Carolina, Virginia, Maryland, Georgia, Florida, North Carolina, Mississippi, Arkansas, Kentucky, West Virginia, Louisiana, and Delaware. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8076. Authority sought for control and merger by WALKER HAULING CO., INC., 340 Armour Drive NE. (P.O. Box 13444 Station K), Atlanta 24, Ga., of the operating rights and property of CHEMICAL TRANSPORT, INC., 902–15 Peachtree Street Building, Atlanta, Ga., and for acquisition by M. J. BAGGETT, 340 Armour Drive NE., Atlanta 24, Ga., of control of such rights and property through the transaction. Applicants' attorney: R. J. Reynolds, Jr., 1424 Citizens & Southern National Bank Building, Atlanta 3, Ga. Operating rights sought to be controlled and merged: *Sulphuric acid,* in bulk, in tank vehicles, as a *common carrier* over irregular routes from Copperhill, Tenn., to points in Alabama and Georgia. WALKER HAULING CO., INC., is authorized to operate as a *common carrier* in Georgia, Tennessee, Alabama, Mississippi, North Carolina, Delaware, Kentucky, Maryland, Virginia, South Carolina, Florida, Louisiana, Texas, Illinois, Indiana, Ohio, Arkansas, and Michigan. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–1481; Filed, Feb. 13, 1962; 8:48 a.m.]

[Notice 594]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 9, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64346. By order of February 1, 1962, the Transfer Board approved the transfer to Chesapeake Bulk Terminals, Inc., Baltimore, Md., of certificate in No. MC 115757 Sub 8, issued December 31, 1959, to Bulk Motor Transport, Inc., Kansas City, Kans., authorizing the transportation of: flour, in bulk, between points in Virginia, Maryland, and Washington, D.C. (except from Muirkirk Md., to Baltimore, Md., and Washington, D.C.) and from Baltimore, Md., to Harrisburg, Lancaster, York, and Reading, Pa., and Wilmington, Del. S. Harrison Kahn, 1110–1114 Investment Building, Washington 5, D.C., attorney for applicants.

No. MC–FC 64611. By order of February 1, 1962, the Transfer Board approved the transfer to Sunvan Lines, Inc., 1990 Alaskan Way, Seattle, Wash., of a portion of Certificate No. MC 70176 issued May 17, 1949, to T. James Kitto and Mary M. Kitto, a partnership, doing business as Kitto's Transfer & Storage, 700 East Front Street, Butte, Mont., authorizing the transportation of household goods, over Irregular routes, between Butte, Mont., and points within 125 miles of Butte, on the one hand, and, on the other, points in Idaho, Utah, and Washington; between points in Idaho within 125 miles of Butte, Mont., on the one hand, and, on the other, points in Montana; and between points in Montana, on the one hand, and, on the other, points in Colorado, Montana, and Wyoming.

No. MC–FC 64633. By order of February 1, 1962, the Transfer Board approved the transfer to Jackson Moving & Storage Co., Inc., Hartsdale, N.Y., of the operating rights in Certificate No. MC 112755 Sub 2, issued April 19, 1954, to Jackson Transportation Corp., New York (Bronx), N.Y., authorizing the transportation, over irregular routes, of new furniture, between New York, N.Y., on the one hand, and, on the other, points in that part of New Jersey and New York, within 50 miles of Columbus Circle, New York, N.Y., and between New York, N.Y., on the one hand, and, on the other, Philadelphia, Pa., and points in New Jersey. Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y., applicants' representative.

No. MC–FC 64671. By order of February 2, 1962, the Transfer Board approved the transfer to Hilt Truck Line, Inc., Lincoln, Nebr., of Certificates Nos. MC 117025 and MC 117025 Sub 2, issued April 15, 1958, and June 9, 1961, respectively, to LeRoy Hilt, Lincoln, Nebr., authorizing the transportation of malt beverages, over irregular routes, from Minneapolis, Minn., Kansas City, Mo. and Milwaukee, Wis., to points in Nebraska (except from Minneapolis, Minn., to Omaha, Nebr., and from Milwaukee, Wis., to Lincoln and Nebraska City, Nebr.), from St. Louis, Mo., to Nebraska (except North Platte, Scottsbluff and Chadron); and empty malt beverage containers from points in Nebraska (except North Platte, Scottsbluff, and Chadron) to St. Louis, Mo. J. Max Harding, 605 South 12th Street, Lincoln, Nebr., attorney for applicants.

No. MC–FC 64684. By order of February 2, 1962, the Transfer Board approved

the transfer to Reedsport Motor Freight, Inc., Reedsport, Oreg., of Certificate No. MC 7183, issued November 25, 1960, to Edgar W. Wolf, doing business as Reedsport Motor Freight, Reedsport, Oreg., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities between Eugene, Oreg., and Winchester Bay, Oreg., serving the intermediate points of Scottsburg and Reedsport, Oreg., and serving the off-route points of Elkton and Gardiner, Oreg. Lawrence V. Smart, Jr., 2010 Northwest Vaughn Street, Portland, Oreg., attorney for applicants.

No. MC–FC 64685. By order of February 1, 1962, the Transfer Board approved the transfer to Benjamin H. Ruegsegger, Kawkawlin, Mich., of the operating rights in Certificate No. MC 113984, issued April 7, 1954, to Casmer E. Wenglikowski and Edward D. Wenglikowski, a partnership, doing business as Wenglikowski Brothers, Midland, Mich., authorizing the transportation, over irregular routes, of malt beverages, from Milwaukee, Wis., to Essexville, Mich. Carl H. Smith, Sr., 212 Phoenix Building, Bay City, Mich., attorney for applicants.

No. MC–FC 64732. By order of February 1, 1962, the Transfer Board approved the transfer to George Hilson, doing business as Hilson Moving & Transfer Co., Youngstown, Ohio of Certificates Nos. MC 77150 and MC 77150 Sub 1, issued May 31, 1938 and December 14, 1945, to Pittsburgh Warehouse & Van Company, Inc., Pittsburgh, Pa., authorizing the transportation of: Household goods and office furniture, between Pittsburgh, Pa., and points within 50 miles thereof, on the one hand, and, on the other, points in Ohio, Indiana, Illinois, Kentucky, Tennessee, North Carolina, Georgia, Florida, Connecticut, Massachusetts, New Hampshire, Missouri, Virginia, Pennsylvania, Michigan, West Virginia, New Jersey, New York, Maryland, and the District of Columbia; and household goods, between Pittsburgh, Pa., and points within 50 miles of Pittsburgh, on the one hand, and, on the other, points in South Carolina and Rhode Island. W. Albert Wilde, 300 Union National Bank Building, Youngstown 3, Ohio, representative for applicants.

No. MC–FC 64776. By order of February 1, 1962, the Transfer Board approved the transfer to Dick Brawner, Allen, Nebr., of the operating rights in Certificate No. MC 52062, issued August 12, 1957, to Maurice S. Ward, Allen, Nebr., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities between Allen, Nebr., and Sioux City, Iowa, and of clay products, between Sergeant Bluff, Iowa and Allen, Nebr. Phyllis M. Verzani, P.O. Box 194, Ponca, Nebr., applicants' attorney.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–1482; Filed, Feb. 13, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

FEBRUARY 7, 1962.

In the matter of trading on the San Francisco Mining Exchange in the common stock, par value 15 cents a share of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.); File No. 1–3842.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, February 8, 1962, to February 17, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–1468; Filed, Feb. 13, 1962; 8:46 a.m.]

[File No. 24B–1169]

CARINTHIA SKI AREA, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefore, and Notice of Opportunity for Hearing

FEBRUARY 6, 1962.

I. Carinthia Ski Area, Inc. (issuer), a Vermont corporation, West Dover, Vermont, filed with the Commission on July 25, 1960, a notification on Form 1–A and an offering circular relating to a proposed public offering of 113 shares of no par common stock at $1,000 per share for an aggregate amount of $113,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the issuer failed to furnish the offering circular required by Rule 256 to certain purchasers of the issuer's common stock.

B. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended, in that:

1. Investors were "guaranteed" a 6 percent return on their investments.

2. The capitalization of the corporation and number of shares outstanding were misrepresented to investors.

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

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

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–1469; Filed, Feb. 13, 1962; 8:46 a.m.]

[File No. 24D–2527]

COLORADO-CHEROKEE, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 7, 1962.

I. Colorado-Cherokee, Inc. (issuer), a Colorado corporation, filed with the Commission on August 14, 1961, a notification on Form 1–A, and offering circular relating to a proposed offering of 2,799,850 shares of its $0.10 par common stock, of which 400,000 shares are proposed to be exchanged for 4,000,000 shares of $0.01 par stock of Cherokee Uranium Mining Corporation and

2,399,850 shares are to be offered to the shareholders of Cherokee Uranium Mining Corporation at 10¢ per share, for an aggregate cash offering of $239,985, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. The so-called public shareholders of Cherokee Uranium Mining Corporation who accept the exchange offer will be required to purchase nine shares of Colorado-Cherokee, Inc., for each share they receive in exchange.

II. The Commission has reasonable cause to believe that:

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

1. The inclusion of estimations of recoverable crude oil reserves from properties under option, which, based upon developments to date and the production data available, do not appear to be reasonable.

2. The omission of a reasonable estimate as to the total amount of money necessary to develop and operate by secondary recovery methods the oil properties involved.

3. The failure to include an adequate map of the oil leases under option, showing the location, depth and present status of wells drilled thereon for oil and gas.

4. The failure to disclose adequately and accurately the cost incurred by the issuer's president in acquiring the Cherokee Uranium Mining Corporation shares he now proposes to exchange for securities of the issuer.

5. The representation that persons who had previously invested in the securities of the Cherokee Uranium Mining Corporation can elect to salvage their investment by investing in securities of the issuer.

6. The representation that the proposed offering of securities to shareholders of the Cherokee Uranium Mining Corporation is in effect an attempted reorganization of that corporation.

7. The failure to disclose accurately and adequately the basis for, and the effect of, the temporary suspension order issued by the Commission on May 28, 1956, in the matter of Cherokee Uranium Mining Corporation.

8. The failure to disclose accurately and adequately the circumstances surrounding the $120,000 loan to the Cherokee Uranium Mining Corporation by Walter F. Tellier.

B. The offering would be made in violation of section 17 of the Securities Act of 1933, as amended.

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

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

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1470; Filed, Feb. 13, 1962; 8:46 a.m.]

[File No. 24SF-2922]

GEORGE HARMON CO., INC.

Notice and Order for Hearing

FEBRUARY 8, 1962.

I. George Harmon Company, Inc. (issuer), a Nevada corporation, filed with the Commission on July 21, 1961, a notification on Form 1-A and offering circular relating to a proposed public offering of 62,500 shares of common stock, 10 cents par value, at $4 per share, on behalf of issuer, and 10,000 warrants for common stock at 10 cents per share, and the 10,000 shares of common stock underlying such warrants, for the benefit of Hamilton Waters & Co., Inc., 250 Fulton Avenue, Hempstead, New York, the underwriter, and certain finders, J. Homer Overholser, 9171 Wilshire Boulevard, Beverly Hills, California, and Milton Weinberg, address not known, all for an aggregate offering price of not to exceed $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on January 16, 1962, issued an order pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A and affording any person having any interest in the matter an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., P.s.t., on March 5, 1962, at the Los Angeles Branch Office of the Commission, Room 309 Guaranty Building, 6331 Hollywood Boulevard, Los Angeles 28, California, with respect to the matters specified in section II of the Commission's order of temporary suspension entered on January 16, 1962, as amended by order entered on February 8, 1962, without prejudice, however, to the specification of additional issues which may be presented in these proceedings.

III. *It is further ordered,* That Sidney Feiler, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on George Harmon Company, Inc., that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before March 2, 1962, a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1491; Filed, Feb. 13, 1962; 8:49 a.m.]

[File No. 24SF-2922]

GEORGE HARMON CO., INC.

Order Amending Order Temporarily Suspending Exemption

FEBRUARY 8, 1962.

I. George Harmon Company, Inc. (issuer), a Nevada corporation, filed with the Commission on July 21, 1961, a notification on Form 1-A and offering circular relating to a proposed public offering of 62,500 shares of common stock, 10 cents par value, at $4 per share, on behalf of issuer, and 10,000 warrants for common stock at 10 cents per share, and the 10,000 shares of common stock underlying such warrants, for the benefit of Hamilton Waters & Co., Inc., 250 Fulton Avenue, Hempstead, New York, the underwriter, and certain finders, J. Homer Overholser, 9171 Wilshire Boulevard, Beverly Hills, California, and Milton Weinberg, address not known, all for an aggregate offering price of not to exceed $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission by order dated January 16, 1962, having temporarily suspended the Regulation A exemption of George Harmon Company, Inc., pursuant to Rule 261 of the general rules and regulations under the Securities Act

of 1933, as amended, with respect to an offer of securities by George Harmon Company, Inc., and

The Commission having been advised that the San Francisco Regional Office has received additional information and that office deems it necessary to amend the temporary suspension order dated January 16, 1962,

It is ordered, That the text under section II of the order dated January 16, 1962, temporarily suspending the exemption, be deleted and the following text be substituted therefor:

The Commission has reasonable cause to believe that:

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

1. The representation in the offering circular that the issuer has a backlog of orders totalling $4,314,349;

2. The representation in the offering circular that the issuer has an order totalling $4,130,000 for telephone answering devices.

3. The representation in the offering circular that the issuer has an order totalling $59,415 for Talk-A-Way Transceivers.

4. The representation in the offering circular that there is a further order aggregating approximately $1,540,000 for inertia switches which the company has been assured will be placed with it by a prime West Coast missile contractor upon a showing of adequate working capital, which in the opinion of management will be available upon completion of this offering.

B. The terms and conditions of the Regulation have not been complied with in that the offering circular as actually used and distributed did not conform to the offering circular filed in the Regional Office. A rider amendment to be affixed to page 7, dated December 20, 1961, as filed, was in fact affixed to the facing page.

C. The offering would be made in violation of Section 17 of the Securities Act, as amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1492; Filed, Feb. 13, 1962; 8:49 a.m.]

[File No. 7-2223]

MARTIN-MARIETTA CORP.

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

FEBRUARY 8, 1962.

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

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Martin-Marietta Corporation, File 7-2223.

Upon receipt of a request, on or before February 23, 1962, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1493; Filed, Feb. 13, 1962; 8:49 a.m.]

[File No. 24A-1568]

PHYSICIANS AND DENTISTS DEVELOPMENT CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 8, 1962.

I. Physicians and Dentists Development Corporation (issuer), a construction and leasing company, filed with the Commission on November 30, 1961, a notification on Form 1-A and an offering circular relating to a proposed public offering of 75,000 shares of its $1 par value common stock at $4 per share for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that a statement of cash receipts and disbursements was not set forth in the offering circular, as required by Item 11 of Schedule I.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly in that:

1. The offering circular contains financial statements as of November 13, 1961, which are false and misleading in the following respects:

(a) Cash in bank of $11,500 shown as a current asset, is overstated in that as of the date of the balance sheet the issuer's only cash on hand was $6,500 represented by either uncashed checks of its directors for its stock or a trustee account in which some of such checks had been deposited.

(b) Fixed assets, consisting of plans, equipment, surveys and prepaid organization expenses, are capitalized in the balance sheets at a value of $21,500 which substantially exceeds the cash cost thereof.

(c) A liability of $5,000 to the issuer's attorney as of the date of the balance sheet is not disclosed.

2. The statements in the offering circular concerning preliminary sketches for buildings which the issuer intends to construct and lease omit disclosure in connection therewith that the issuer has received no commitments, contracts or agreements for the construction or lease of any buildings.

3. The statements in the offering circular concerning payments of 1 percent of its gross leases to each of the issuer's three officers omit disclosure that such payments are to be made to them upon closing of the proposed leases and prior to collection of gross rentals, the benefits from which will accrue to it only when, and if, payments on such leases, which are to extend over many years, are received.

4. The statements in the offering circular concerning the experience of the issuer's president and secretary-treasurer over the past several years in a similar business of building and leasing offices fail to disclose that such persons had operated the corporation engaged in the comparable business unprofitably and had engaged in transactions with such corporation which were not negotiated in arms-length bargaining.

C. The offering would be made in violation of section 17 of the Securities Act of 1933, as amended.

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

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested

and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1494; Filed, Feb. 13, 1962; 8:49 a.m.]

[File 7-2222]

UNILEVER LIMITED

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

FEBRUARY 8, 1962.

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

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Unilever Limited (ADR's for ordinary shares), File 7-2222.

Upon receipt of a request, on or before February 23, 1962 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1495; Filed, Feb. 13, 1962; 8:50 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

WALTER RICHTER

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Walter Richter, Krimml, Salzburg, Austria; Claim No. 62031; Vesting Order No. 18007; $1,196.25 in the Treasury of the United States.

Executed at Washington, D.C., on February 8, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-1478; Filed, Feb. 13, 1962; 8:47 a.m.]

NICOLA SCALA ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Nicola Scala, Viale Italia 9, La Spezia, Italy; $81.48 in the Treasury of the United States.

Lucia Scala, Viale Maria Cristina di Savoia 9; Naples, Italy; $81.48 in the Treasury of the United States.

Lucia Scala, Naples, Italy; $27.16 in the Treasury of the United States.

Ada Scala, Via Castiglione 21, Bologna, Italy; $27.16 in the Treasury of the United States.

Federico Ferrara, Domenico Ferrar, Raffaele Ferrara, and Gabriele Ferrara, Via B. Cavalli N. 145, Naples, Italy; $27.16 in the Treasury of the United States.

Ulisse Scala, Naples, Italy; $27.16 in the Treasury of the United States.

Edgardo Scala, Naples, Italy; $27.16 in the Treasury of the United States.

Armando Scala, Via Castiglione 21, Bologna, Italy, $27.16 in the Treasury of the United States.

Carmela Bastardi Ruggieri, 211 Vernon Street, Worcester, Mass.; $40.74 in the Treasury of the United States.

Lucia Bastardi, Vieste, Foggia, Italy; $40.74 in the Treasury of the United States.

Maria Giuseppa Bastardi, Vieste, Foggia, Italy; $40.74 in the Treasury of the United States.

Sebastiano Bastardi, Bari, Italy; $40.74 in the Treasury of the United States.

Rocco Scala, Via Generale Daiz 48, Vieste, Foggia, Italy; $40.74 in the Treasury of the United States.

Nicolamaria Scala, Vieste, Foggia, Italy; $10.18 in the Treasury of the United States.

Michelina Scala, Vieste, Foggia, Italy; $10.18 in the Treasury of the United States.

Matilde Scala, Vieste, Foggia, Italy; $10.19 in the Treasury of the United States.

Giovannantonio Scala, Vieste, Foggia, Italy; $10.19 in the Treasury of the United States.

Giovanna Maria Scala, Via Trepiccioni 15, Vieste, Foggia, Italy; $81.48 in the Treasury of the United States.

Lucia Ratti Volpi, Milan, Italy; $30.55 in the Treasury of the United States.

Maria Giuseppa Ratti, San Cevero, Foggia, Italy; $30.56 in the Treasury of the United States.

Michele Priore, San Severo, Foggia, Italy; $4.36 in the Treasury of the United States.

Marianna Priore, San Severo, Foggia, Italy; $4.36 in the Treasury of the United States.

Francesco Paolo Priore, San Severo, Foggia, Italy; $4.36 in the Treasury of the United States.

Maria Priore, San Severo, Foggia, Italy; $4.37 in the Treasury of the United States.

Delio Priore, San Severo, Foggia, Italy; $4.37 in the Treasury of the United States.

Aldo Priore, San Severo, Foggia, Italy; $4.37 in the Treasury of the United States.

Assunta Priore, San Severo, Foggia, Italy; $4.37 in the Treasury of the United States.

Raffaella Colacrai, Via Carbonia 5, Milan, Italy; $7.63 in the Treasury of the United States.

Donato Colacrai, Via Carbonia 5, Milan, Italy; $7.64 in the Treasury of the United States.

Francesco Paolo Colacrai, Via Carbonia 5, Milan, Italy; $7.64 in the Treasury of the United States.

Antonino Colacrai, Via Carbonia 5, Milan, Italy; $7.64 in the Treasury of the United States.

Michelina Durante, Vieste, Foggia, Italy; $81.48 in the Treasury of the United States.

Maria Antonio del Giudice, Vieste, Foggia, Italy; Claim No. 64066; Vesting Order No. 2674; $81.48 in the Treasury of the United States.

Executed at Washington, D.C., on February 8, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-1479; Filed, Feb. 13, 1962; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—FEBRUARY

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