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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

Psychologist

Sections 24.23, 24.44, and 24.101 are revoked, and a new § 24.152 is added as set out below.

§ 24.152 Psychologist [All specializations except Counseling Psychologist (Vocational Rehabilitation and Education), GS-180-11-12], GS-180-5-15.

(a) *Educational requirement.* Applicants must have successfully completed a bachelor's or higher degree including, or supplemented by, courses in psychology totalling at least 24 semester hours, and including at least one course in statistics.

(b) *Duties.* Psychologists perform, supervise, administer, or consult on professional or scientific work (not requiring medical licensure) which relates to behavior, capacities, traits, interests, and activities of both human and animal organisms. This work may involve any one or combination of the following functions: (1) Experimentation with and/or systematic observation of organisms in an effort to develop scientific principles or laws concerning relationships of behavior to factors of environment, experience, and physiology or with a view to the practical application of findings (research); (2) application of professional or technical knowledge of psychological principles, theories, methods, or data to practical situations and problems (direct services); or (3) provision of college-level training in psychological principles, theories, methods, and techniques to advance knowledge of them and their appropriate use (training). Psychologists are concerned with how an organism behaves in an environment (including sensing, perceiving, moving, learning and remembering, feeling and emoting, thinking and problem solving, and socializing) in response to internal and external stimuli; with the reasons for the behavior (e.g., heredity, present environment, and past history, conditioning and training); and with the prediction and modification of behavior.

(c) *Knowledge and training requisite for performance of duties.* In its totality, psychology covers the full gamut of human and animal behavior and behavior characteristics. Among occupa-

tional fields touched by its peripheries are psychiatry, physiology, pharmacology, engineering, sociology, social work, education, statistics, and personnel. In either research or direct services its aim is partly integrative of (either to discover or to apply relationships between) these various areas of psychological knowledge. Psychology contains a large body of fundamental theories and concepts, and of experimental data, and requires training in the concepts and techniques of scientific methodology. The breadth of its interests; the necessity for relating theories and concepts from the various areas; and the large body of behavioral theory and concepts, and experimental data with which a psychologist must be familiar can only be obtained through systematic formal training in an organized curriculum which will provide broad coverage of the relevant areas of human knowledge, and particular coverage of the major areas of the behavioral sciences, including provision of the necessary laboratory facilities.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

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

[F.R. Doc. 62-506; Filed, Jan. 16, 1962; 8:49 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER D—SPECIAL PROGRAMS

PART 775—FEED GRAINS

Subpart—1962 Feed Grain Program Regulations

Correction

In F.R. Doc. 61-12427, appearing at page 146 of the issue for Saturday, January 6, 1962, the first sentence of § 775.124(b) should read as follows:

(b) When any person who would have had an interest as producer (herein called "predecessor") in corn or grain sorghums or in barley, as applicable, if it had been produced on the diverted acreage has been succeeded on the farm by another producer (herein called "successor") after Form 477 has been filed and the successor's name is listed on Form 477-2, their share of the advance and final payment shall be divided on such basis as the predecessor and successor agree is fair and equitable. * * *

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

[Orange Reg. 2]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

§ 906.303 Orange Regulation 2.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 906 (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, 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 recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on January 11, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of

oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the 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; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680-51.712 of this title).

(2) Orange Regulation No. 1 (§ 906.-301; 27 F.R. 7) is hereby terminated at 12:01 a.m., c.s.t., January 18, 1962.

(3) During the period beginning at 12:01 a.m., c.s.t., January 18, 1962, and ending at 12:01 a.m., c.s.t., February 5, 1962, no handler shall handle:

(i) Any oranges of any variety, grown in the production area, unless such oranges grade at least U.S. No. 2 Russet;

(ii) Any oranges of any variety, grown as foreshad, which are of a size smaller than $2\frac{3}{16}$ inches in diameter, except that not more than ten (10) percent, by count, of such oranges in any lot of containers, and not more than fifteen (15) percent, by count, of such oranges in any individual container in such lot may be of a size smaller than $2\frac{3}{16}$ inches in diameter;

(iii) Any oranges of any variety, grown as aforesaid, packed in any box or carton of inside dimensions other than those specified in subdivision (iv), unless the oranges are of a size within the diameter limits specified for one of the following pack sizes and otherwise are packed in accordance with the requirements of standard pack, except that not to exceed a total of 10 percent, by count, of the oranges in any such container may be outside such diameter limits:

Diameter limits in inches

Pack sizes:	Min.	Max.
100-----	$3\frac{1}{16}$	$3\frac{1}{16}$
125-----	$3\frac{1}{16}$	$3\frac{1}{16}$
163-----	$2\frac{3}{16}$	$3\frac{1}{16}$
200-----	$2\frac{3}{16}$	$3\frac{1}{16}$
252-----	$2\frac{1}{16}$	$2\frac{1}{16}$
324-----	$2\frac{1}{16}$	$2\frac{1}{16}$

(iv) Any oranges of any variety, grown as aforesaid, packed in a box or carton having inside dimensions of $19\frac{1}{4}$ x $13\frac{1}{2}$ x $13\frac{1}{2}$ inches, unless such container is packed in accordance with one of the following pack sizes and contains the applicable number of oranges specified for the pack size: *Provided*, Such oranges are within the diameter limits specified in subdivision (iii) of this subparagraph for the particular pack size, except that not to exceed a total of 10 percent, by count, of the oranges in any such container may be outside such diameter limits:

Pack sizes:	Number of oranges
100-----	100
125-----	125
163-----	163
200-----	198
252-----	252
324-----	319

(v) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

(vi) The provisions of subdivisions (iii) and (iv) of this subparagraph shall not apply to the oranges in any gift package of fruit.

All oranges of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container regulations which are in effect pursuant to the aforesaid marketing agreement and order during such period.

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

Dated: January 15, 1962.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-606; Filed, Jan. 16, 1962; 11:24 a.m.]

[Orange Reg. 1, Amdt. 3]

PART 944—FRUITS; IMPORT REGULATIONS

Oranges

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the provisions of paragraph (a) of § 944.300 (Orange Regulation 1; 26 F.R. 9668, 9905; 27 F.R. 8) are hereby amended to read as follows:

(a) On and after 12:01 a.m., e.s.t., January 18, 1962, the importation into the United States of any oranges is prohibited unless such oranges are inspected and grade at least U.S. No. 2 Russet, and are of a size not smaller than $2\frac{3}{16}$ inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in individual containers in such lot, may be of a size smaller than $2\frac{3}{16}$ inches in diameter.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001-1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674; 75 Stat. 305), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of oranges as the grade and size restrictions being made applicable to the shipment of oranges grown in Texas under Orange Regulation 2 (§ 906.303) issued simultaneously herewith to become effective January 18, 1962; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment

relieves restrictions on the importation of oranges.

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

Dated January 15, 1962, to become effective at 12:01 a.m., e.s.t., January 18, 1962.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-605; Filed, Jan. 16, 1962; 11:24 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Amendment of Administrative Rules and Regulations

Notice was published in the December 15, 1961 issue of the FEDERAL REGISTER (26 F.R. 12037) that the Department had under consideration an amendment of the Subpart—Administrative Rules and Regulations, operative pursuant to Marketing Agreement No. 110, as amended, and Order No. 993, as amended (7 CFR Part 993; 26 F.R. 475), hereinafter referred to collectively as the "order", regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment would provide for the addition of a new paragraph (f) to § 993.150 (Disposition of prunes by handlers). Said paragraph (f) would provide for the disposition of pitted prunes for (1) human consumption as pitted prunes, and (2) use in prune products, on the basis of the quality of such prunes prior to pitting.

Interested persons were afforded the opportunity to file written data, views, or arguments with respect to the proposal within the time limit specified in said notice. None were filed.

After consideration of all relevant matters presented, including the information and recommendations submitted by the committee, and other available information, it is concluded that amendment of this subpart, as hereinafter set forth, would tend to effectuate the declared policy of the act.

Therefore, it is hereby ordered, That § 993.150 be amended as follows:

§ 993.150 Disposition of prunes by handlers.

* * * * *

(f) *Pitted prunes*—(1) *For human consumption as such.* No handler shall ship or otherwise make final disposition of any lot of pitted prunes for human consumption as pitted prunes unless the lot, before pitting, met (i) the applicable minimum standards set forth in § 993.97 (Exhibit A), or as such standards may be modified, for standard prunes or standard processed prunes, and (ii) the requirements specified in § 993.50 (c) and (d).

(2) *For use in prune products.* Any lot of substandard prunes, whether natural condition or processed, if within the applicable tolerances prescribed in

§ 993.97 II C (1), (2), and (3), may be pitted and shipped or disposed of for use and used in prune products for human consumption: *Provided*, That prior to shipment or other final disposition by handler, such prunes have lost their form and character as prunes to the satisfaction of the inspector and the committee. An inspection certificate on such lot shall not be issued until the inspector has determined that the prunes therein have lost their form and character as prunes. Disposition of pitted prunes by handlers for use in prune products shall be in accordance with the applicable provisions of paragraph (e) of this section.

It is hereby found and determined that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) Certain handlers recently have begun marketing pitted prunes in consumer packages for human consumption as pitted prunes; (2) Therefore, in keeping with the quality objectives of the order and to be consistent with present requirements for prunes other than pitted prunes, it is necessary to ensure that (i) prunes to be pitted for human consumption as pitted prunes meet, prior to pitting, the same minimum level of quality as that required for prunes for human consumption as such, (ii) that substandard prunes not in excess of the tolerances specified for the food and drug defects of mold, imbedded dirt, insect infestation and decay, may be pitted and used in prune products for human consumption, and (iii) that pitted prunes, from substandard lots, will not be sold in consumer packages for human consumption as pitted prunes.

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

Dated: January 12, 1962, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-494; Filed, Jan. 16, 1962; 8:47 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

PART 109—ADJUDICATIVE PROCEEDINGS; SMALL BUSINESS INVESTMENT COMPANIES

Pursuant to authority contained in sections 308 and 309 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, the Small Business Administration hereby adopts new Part 109 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations.

Information and effective date. The Small Business Investment Act Amendments of 1961, Public Law 87-341, section 309, provides SBA with the power to

suspend Licenses and to issue cease and desist orders. The new Part 109, as set forth below, establishes the rules of practice for such proceedings. Since these rules of practice relate to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003), they shall become effective upon publication in the FEDERAL REGISTER.

Sec.	
109.1	Scope of rules.
109.2	Definitions.
109.3	Appearances.
109.4	Commencement of proceeding.
109.5	Order to show cause and notice of hearing.
109.6	Answer.
109.7	Motions.
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109.13	Evidence.
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109.20	Initial decision.
109.21	Petition for review.
109.22	Administration review.
109.23	Decision on review.
109.24	Requirements as to form and filing of documents other than correspondence.
109.25	Time.
109.26	Service.
109.27	Ex parte communication.
109.28	Reports of compliance.
109.29	Reopening of proceedings.

AUTHORITY: §§ 109.1 to 109.29 issued under sec. 308, Public Law 85-699 and sec. 309, Public Law 87-341.

§ 109.1 Scope of rules.

The following rules of practice govern proceedings under section 309 of the act concerned with the suspension of a license, the ordering of a licensee to cease and desist from action or failure to act, and the ordering of a licensee to take such action or to refrain from such action as the Administration deems necessary to ensure compliance with the act and the regulations of the Administration.

§ 109.2 Definitions.

Examiner. "Examiner" means the hearing examiner conducting a hearing pursuant to section 309 of the Act;

Order. "Order," except as used in the phrase "order to show cause" and except as otherwise indicated, shall mean an order to suspend or cease and desist;

Party. "Party" means the Administration or respondent;

Respondent. "Respondent" means a licensee named in an order to show cause;

Secretary. "Secretary" means the Administrative Secretary of the Administration, Small Business Administration, Washington 25, D.C.

§ 109.3 Appearances.

(a) *Qualifications.* (1) Members of the bar of a Federal court or of the

highest court of any State or Territory of the United States not disbarred or suspended by any court or administrative agency, may practice before the SBA in an adjudicative proceeding.

(2) A Respondent may be represented by a bona fide officer thereof upon a showing of adequate authorization.

(b) *Restrictions as to former employees.* In addition to the provisions of § 105.3-1 of this chapter, no former employee of the Administration shall appear as attorney or counsel in any proceeding the subject matter of which was pending in any manner or form in the Administration while such former employee was employed by the Administration, unless and until the Administrator determines, upon the written statement of the former employee and a statement from the SBID Deputy Administrator, that such subject matter did not come to the official attention of such former employee during his employment by the Administration and that he did not participate personally and substantially in the proceeding.

(c) *Notice of appearance.* Any attorney desiring to appear before the Administration or an examiner, on behalf of a respondent, shall file with the secretary a written notice of such appearance, which shall contain a statement of such attorney's eligibility as provided in this section. No other application shall be required for admission to practice, and no register of attorneys shall be maintained.

(d) *Standards of conduct.* All counsel practicing before the Administration shall conform to the standards of ethical conduct required of practitioners in the courts of the United States and by the bars of which they are members.

(e) *Suspension or disbarment of attorneys.* (1) The examiner shall have the authority, for good cause stated on the record, to bar from participation in a particular proceeding any attorney who shall refuse to comply with his directions, or who shall be guilty of disorderly conduct, dilatory tactics, or contemptuous language in the course of such proceedings. Any attorney so barred shall have the right to appeal to the Administrator from such action of the examiner, whereupon the Administrator will review the action of the examiner and take such action as he deems warranted by the circumstances.

(2) The Administrator, for good cause shown, may issue an order requiring any alleged offender to show cause why he should not be suspended or disbarred from practice before the Administration. Such alleged offender shall be granted due opportunity to be heard in his own defense. Thereafter, if warranted by the facts, the Administration will issue against such offender an order of reprimand, suspension or disbarment.

§ 109.4 Commencement of proceeding.

An adjudicative proceeding under section 309 of the act is commenced by the issuance and service upon the Respondent of an order to show cause by the Administration.

§ 109.5 Order to show cause and notice of hearing.

(a) *Form and notice.* An order to show cause shall contain a statement of the matters of fact and law asserted by the Administration and the legal authority and jurisdiction under which a hearing is to be held, and shall inform the Respondent that a hearing will be held at a time, at least thirty days after service of the order to show cause, and place stated in said order.

(b) *Motion for more definite order to show cause.* If the statement in an order to show cause is so vague or ambiguous that a party cannot reasonably frame a responsive answer, the respondent may move for a more definite statement before filing its answer. Such a motion shall be filed within fifteen days after service of the order to show cause and shall point out the defects complained of and the details desired.

§ 109.6 Answer.

(a) *Time for filing.* A respondent shall have thirty days after service of the order to show cause within which to file an answer thereto: *Provided, however,* That the filing of a motion for a more definite statement alters this period of time as follows, unless a different time is fixed by the examiner: (1) If the motion is denied, the answer shall be filed within ten days after notice of such action; (2) if the motion is granted, in whole or in part, the answer shall be filed within ten days after service of the more definite statement: *Provided further, however,* That in no event need an answer be filed in less than thirty days after service of the order to show cause.

(b) *Content of answer.* An answer shall conform to the following:

(1) *Contesting allegations of order to show cause.* Such answer shall contain:

- (i) A concise statement of the facts constituting the ground of defense;
- (ii) Specific admission, denial, or explanation of each fact alleged in the order to show cause, or if the respondent is without knowledge thereof, a statement to that effect.

(2) *Admitting allegations of order to show cause.* If the respondent elects not to contest the allegations of fact set forth in the order to show cause, the answer shall consist of a statement that respondent admits all material allegations to be true. Such an answer shall constitute a waiver of hearings as to facts so alleged, and an initial decision containing appropriate findings and conclusions and an appropriate order disposing of the proceeding shall be issued by the examiner. In such answer, the respondent may, however, reserve the right to submit proposed findings and conclusions and the right to petition for review under § 109.21.

(c) *Default.* Failure of the respondent to file answer within the time provided shall be deemed to constitute a waiver of its right to appear and to authorize the Examiner, without further notice to respondent, to find the facts to be as alleged in the order to show cause and to enter an initial decision containing such findings, appropriate conclusions and order.

(d) *Signature on answer.* Every answer filed pursuant to this rule shall be signed by an officer of the respondent or by the attorney who represents the respondent.

§ 109.7 Motions.

(a) *Presentation and disposition.* During the time a proceeding is before an examiner, all motions therein, except as provided in § 109.14(e), shall be addressed to and ruled upon by him, and, if in writing, shall be filed with the Secretary. All motions addressed to the Administrator shall be in writing and shall be filed with the Secretary.

(b) *Content.* All written motions shall state the particular order, ruling, or action desired and the grounds therefor.

(c) *Answers.* Within ten days after service of any written motion, or within such longer or shorter time as may be designated by the examiner or the Administrator, the opposing party shall answer or be taken to have consented to the granting of the relief asked for in the motion. The moving party shall have no right to reply, except as permitted by the examiner or the Administrator.

(d) *Motions for extensions.* As a matter of discretion, the examiner or the Administrator may waive the requirements of this section as to motions for extensions of time, and may rule upon such requests ex parte.

(e) *Rulings on motions for dismissal.* When a motion to dismiss an order to show cause or for other relief is granted with the result that the proceeding before the examiner is terminated, the examiner shall make and file an initial decision in accordance with the provisions of § 109.20. When a motion to dismiss is made at the close of the evidence offered in support of the order to show cause based upon the alleged failure to establish a prima facie case, the examiner may, if he so elects, defer ruling thereon until the close of the case for the reception of evidence.

§ 109.8 Amendments and supplemental pleadings.

(a) *Amendments—(1) By leave.* If and whenever determination of a controversy on the merits will be facilitated thereby, the examiner may, upon such conditions as are necessary to avoid prejudicing the public interest and the rights of the parties, allow appropriate amendments to pleadings; provided, however, that an application for amendment of an order to show cause may be allowed only if the amendment is reasonably within the scope of the proceeding initiated by the original order to show cause.

(2) *Conformance to evidence.* When issues not raised by the pleadings, but reasonably within the scope of the proceeding initiated by the original order to show cause, are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings; and such amendments of the pleadings as may be necessary to make them conform to the evidence and to raise such issues shall be allowed at any time.

(b) *Supplemental pleadings:* The examiner may, upon reasonable notice and such terms as are just, permit service of a supplemental pleading setting forth transactions, occurrences, or events which have happened since the date of the pleading sought to be supplemented and which are relevant to any of the issues involved.

§ 109.9 Prehearing conferences.

(a) The examiner upon motion of any party or upon his own motion may direct counsel for all parties to meet with him for a conference to consider:

(1) Simplification and clarification of the issues;

(2) Necessity or desirability of amendments to pleadings, subject, however, to the provisions of § 109.8(a)(1);

(3) Stipulations, admissions of fact and of the contents and authenticity of documents;

(4) Expedition in the presentation of evidence, including, but not limited to, restriction of the number of expert, economic or technical witnesses; and

(5) Such other matters as may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses or furnishings for inspection or copying of nonprivileged documents, papers, books or other physical exhibits, which constitute or contain evidence relevant to the subject matter involved and which are in the possession, custody, or control of any party to the proceeding.

(b) Prehearing conferences, in the discretion of the examiner, may be stenographically reported as provided in § 109.15(f), but shall not be public unless all parties so agree.

(c) The examiner shall enter in the record an order which recites the action taken, the amendments allowed and the agreements made at the conference; and such order shall control the subsequent course of the proceeding, unless modified at the hearing to prevent manifest injustice. If counsel for any party after proper direction fails or refuses to disclose the names of witnesses or to make available for inspection or copying nonprivileged documents, papers, books or other physical exhibits, the Examiner, in his discretion, may also enter in the record an order providing, as appropriate:

(1) That the testimony of the witnesses whose names are not disclosed or the documents, papers, books or other physical exhibits which are not made available for inspection or copying in accordance with the direction shall not be introduced in evidence; or

(2) That counsel who fails or refuses to comply with the examiner's direction in respect to any of the foregoing shall be barred from participation in the proceeding in accordance with the provisions of § 109.3(e)(1).

§ 109.10 Voluntary intervention.

(a) Any individual, partnership, unincorporated association, or corporation desiring to intervene in an adjudicative proceeding shall make written application in the form of a motion setting forth the basis therefor. Such application shall have attached to it a certificate showing service thereof upon each party

to the proceeding in accordance with the provisions of § 109.26(b). A similar certificate shall be attached to the answer filed by any party other than counsel in support of the order to show cause, showing service of such answer upon the applicant.

(b) The examiner or the Administrator may by order permit the intervention to such extent and upon such terms as are provided by law or as otherwise may be deemed proper. The examiner or the Administrator shall consider, among other matters, whether the intervention will unduly delay or prejudice the adjudication of the rights of the parties.

§ 109.11 Depositions.

(a) *When, how and by whom taken.* Good cause being shown, the testimony of any witness may be taken by deposition in any proceeding after answer to the order to show cause has been filed. Depositions may be taken orally before any person designated by the examiner and having power to administer oaths.

(b) *Application.* Any party desiring to take the deposition of a witness shall make application in writing to the examiner, setting forth the reasons why such deposition should be taken; the time when, the place where, and the name and post office address of the person before whom the deposition is to be taken; the name and post office address of each witness; and the subject matter concerning which each witness is expected to testify.

(c) *Notice.* Such notice as the examiner may order shall be given of the taking of a deposition, but this shall not be less than five days' written notice of the taking of a deposition within the continental United States, and not less than fifteen days' written notice when the deposition is to be taken elsewhere.

(d) *Taking and reception in evidence.* Each witness testifying upon deposition shall be duly sworn, and the adverse party shall have the right to cross-examine. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing and, in the presence of the officer before whom the deposition is taken, read to the witness, subscribed by him, and certified in the usual form by the officer. Thereafter, the officer shall forward the deposition, with three copies thereof, in an envelope under seal, endorsed with the title of the proceeding, to the examiner, and, subject to appropriate rulings on such objections to the questions and answers as were noted at the time of taking the deposition or as would be valid were the witness personally present and testifying, such deposition may be read in evidence by the party taking it as against any party who was present or represented at the taking of the deposition or who had due notice thereof.

§ 109.12 Admissions as to facts and documents.

(a) At any time after answer has been filed, any party may serve upon any other party a written request for the admission of the genuineness of any relevant documents described in the request, or the

admission of the truth of any relevant matters of fact set forth in such documents. Copies of the documents shall be delivered with the request unless copies have already been furnished.

(b) Each requested admission shall be deemed made unless, within a period designated by the examiner, not less than ten days after service thereof, or within such further time as the examiner may allow, the party so served serves upon the party making the request either (1) a sworn statement denying specifically the relevant matters of which an admission is requested or setting forth in detail the reasons why he can neither truthfully admit nor deny them, or (2) written objections on the ground that some or all of the matters involved are privileged or irrelevant or that the request is otherwise improper in whole or in part, together with a copy of a request to the examiner for a hearing on the objections at the earliest practicable time. Answers on matters to which such objections are made may be deferred until the objections are determined, but if written objections are made to only a part of a request, the remainder of the request shall be answered within the period designated.

(c) Admissions obtained pursuant to this procedure may be used in evidence to the same extent and subject to the same objections as other admissions.

§ 109.13 Evidence.

(a) *Burden of proof.* Counsel supporting the order to show cause shall have the burden of proof, but the proponent of any factual proposition shall be required to sustain the burden of proof with reference thereto.

(b) *Admissibility.* Relevant, material, and reliable evidence shall be admitted. Irrelevant, immaterial, unreliable, and unduly repetitious evidence shall be excluded. Immaterial or irrelevant parts of an admissible document shall be segregated and excluded so far as practicable.

(c) *Official notice of facts.* When any decision of an examiner or of the Administrator rests, in whole or in part, upon the taking of official notice of a material fact not appearing in evidence of record, opportunity to disprove such noticed fact shall be granted any party making timely motion therefor.

(d) *Objections.* Objections to evidence shall timely and briefly state the grounds relied upon and the transcript shall include argument or debate thereon except as ordered by the Examiner. Rulings on all objections shall appear in the record.

(e) *Exceptions.* Formal exceptions to an adverse ruling by the examiner is not required.

(f) *Record of excluded evidence.* When an objection to a question propounded to a witness is sustained, the examining attorney may make a specific offer of what he expects to prove by the answer of the witness, or the examiner upon request shall receive and report the evidence in full, unless it clearly appears that the evidence is not admissible on any ground or that the witness is privileged. Similarly, rejected exhibits, adequately marked for identification,

shall be retained in the record so as to be available for consideration by any reviewing authority.

§ 109.14 Presiding officials.

(a) *Who presides.* All hearings in adjudicative proceedings shall be presided over by an examiner.

(b) *Powers and duties.* Examiners shall have the duty to conduct fair and impartial hearings, to take all necessary action to avoid delay in the disposition of proceedings, and to maintain order. They shall have all powers necessary to that end, including the following:

(1) To administer oaths and affirmations;

(2) To issue subpoenas;

(3) To rule upon offers of proof and receive evidence;

(4) To take or cause depositions to be taken and to determine their scope;

(5) To regulate the course of the hearings and the conduct of the parties and their counsel therein;

(6) To hold conferences for simplification of the issues or any other proper purpose;

(7) To consider and rule upon all procedural and other motions appropriate in an adversary proceeding;

(8) To make and file initial decisions; and

(9) To take any action authorized by these rules or in conformance with the provisions of the Administrative Procedure Act (5 U.S.C. 1001 to 1011).

(c) *Substitution of examiner.* In the event of substitution of a new examiner for the one originally designated, any motion predicated upon such substitution shall be made within five days thereafter.

(d) *Interference.* In the performance of their adjudicative functions, Examiners shall not be responsible to, nor subject to the supervision or direction of, any officer, employee, or agent engaged in the performance of investigative or prosecuting functions for the Administration, and all directions by the Administrator to examiners concerning any adjudicative proceeding shall appear in and be made a part of the record.

(e) *Disqualification of examiners.* (1) When an examiner deems himself disqualified to preside in a particular proceeding, he shall withdraw therefrom by notice on the record and shall notify the Administrator of such withdrawal.

(2) Whenever any party shall deem the examiner for any reason to be disqualified to preside, or to continue to preside, in a particular proceeding, that party shall file with the Administrator a motion to disqualify and remove such examiner, such motion to be supported by affidavits setting forth the alleged grounds for disqualification. Copy of such motion shall be served by the Administration on the examiner whose removal is therein sought, who shall have ten days from such service within which to reply thereto. If the examiner does not disqualify himself within ten days, then the Administrator shall promptly determine the validity of the grounds alleged, either directly or on the report of another hearing examiner appointed to conduct a hearing for that purpose.

§ 109.15 Hearings; transcripts.

(a) *Public hearings.* All hearings in adjudicative proceedings shall be public unless otherwise specified in the order to show cause or ordered by the examiner for good cause shown.

(b) *Rights of parties.* Every party shall have the right to due notice, cross-examination, presentation of evidence, objection, motion, argument and all other rights essential to a fair hearing.

(c) *Adverse witnesses.* An adverse party, or an officer, agent, or employee thereof, and any witness who appears to be hostile, unwilling, or evasive, may be interrogated by leading questions and may also be contradicted and impeached by the party calling him.

(d) *Expedition.* Hearings shall proceed with all reasonable expedition. Unless the Administrator otherwise orders upon a certificate of necessity therefor by the examiner, all hearings will be held at one place and will continue without suspension until concluded. (This shall not bar overnight, week end, or holiday recesses, or other brief intervals of the sort normally involved in judicial proceedings.)

(e) *Notice.* Not less than ten days' notice of the time and place of any hearing shall be given, and in setting such hearings due regard shall be had for the public interest and the convenience and necessity of all parties, witnesses, and counsel.

(f) *Transcripts.* Hearings shall be stenographically reported and transcribed by the official reporter of the Administration under the supervision of the examiner, and the original transcript shall be a part of the record and the sole official transcript. Copies of transcripts are available to respondents and to the public from the reporter at rates not to exceed the maximum rates fixed by contract between the Administration and the reporter.

(g) *Corrections of the transcript.* Corrections of the official transcript may be made only when they involve errors affecting substance and then only in the manner herein provided: Corrections ordered by the examiner or agreed to in a written stipulation signed by all counsel and approved by the examiner shall be included in the record, and such stipulations, except to the extent they are capricious or without substance, shall be approved by the examiner. Corrections shall not be ordered by the examiner except upon notice and opportunity for the hearing of objections. Corrections so ordered or approved shall be incorporated in the record as an appendix and when so incorporated the Secretary shall make or cause to be made the necessary physical corrections in the official transcript so that it will incorporate the changes agreed upon or ordered. In making such physical corrections, there shall be no substitution of pages, but, to the extent practicable, such corrections shall be made by running a line through the matter to be changed, but without obliteration, and writing the matter as changed immediately above. Where the correction consists of an insertion, it shall be added, by rider or interlineation,

as near as may be to the text which is intended to precede and follow it.

§ 109.16 Subpoenas.

(a) *Subpoenas ad testificandum.* Application for issuance of a subpoena requiring a witness to appear and testify before an examiner at a specified place and time may be made to the examiner, or to the Administrator.

(b) *Subpoenas duces tecum.* Application for issuance of a subpoena requiring a witness to appear before an Examiner at a specified time and place and produce specified documents shall be made in writing to the examiner or to the Administrator, and shall specify as exactly as possible the documents to be produced, showing their general relevancy and reasonable scope. Any motion to limit or quash such subpoena shall be filed within ten days after date of service of the subpoena.

(c) *Service.* A subpoena shall be served as provided in § 109.26(a).

(d) *Appeal.* An appeal to the Administrator from the examiner's ruling granting or denying a motion to issue, limit or quash any subpoena will be entertained by the Administrator only upon a showing that the ruling complained of involves substantial rights and will materially affect the final decision and that a determination of its correctness before conclusion of the hearing will better serve the interests of justice.

§ 109.17 Witnesses and fees.

(a) Witnesses at hearings shall be examined orally. Witnesses shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

(b) Witnesses whose depositions are taken, and the persons taking such depositions, shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(c) Witness fees and mileage, and fees for depositions, shall be paid by the party at whose instance witnesses appear.

§ 109.18 Proposed findings, conclusions, and order.

At the close of the reception of evidence in an adjudicative proceeding, or within a reasonable time thereafter fixed by the examiner, any party may file with the Secretary for consideration of the Examiner proposed findings of fact, conclusions of law, and order, together with reasons therefor and briefs in support thereof. Such proposals shall be in writing, shall be served upon all parties, and shall contain adequate references to the record and authorities relied on. The record shall show the examiner's ruling on each proposed finding and conclusion, except when his order disposing of the proceeding otherwise informs the parties of the action taken by him thereon.

§ 109.19 Interlocutory appeals.

Except as provided in § 109.16(d) and § 109.3(e), interlocutory appeals from rulings of an examiner may be filed only after permission is first obtained from the Administrator. Any request for such permission shall be in writing, not to exceed ten pages in length, and shall be filed within five days after notice of

the ruling complained of. No such permission shall be granted by the Administrator unless he finds that such ruling involves substantial rights and will materially affect a final decision and that determination of its correctness before the conclusion of the proceeding would better serve the interests of justice.

Interlocutory appeals shall be in the form of a brief, not to exceed thirty pages in length, and shall be filed within five days after notice of the ruling complained of, in the case of appeals under § 109.16(d) or § 109.3(e), or within five days after notice of permission to file, in the case of appeals under § 109.19. Answer thereto may be filed within five days after service of the appeal brief. The appeal shall not operate to suspend the hearing unless otherwise ordered by the examiner or the Administrator.

§ 109.20 Initial Decision.

(a) *When filed and when effective.* Within thirty days after completion of the reception of evidence in a proceeding, or within such further time as the Administrator may allow on the examiner's written request, the examiner shall file an initial decision which shall become the decision of the Administration thirty days after service thereof upon the parties, unless (1) within fifteen days after service of such initial decision a petition for review thereof shall be filed, or (2) within such thirty-day period the Administrator issues an order placing the case on his own docket for review. A copy of the initial decision and order shall be served upon the respondent and each counsel or other representative who has appeared in the proceeding pursuant to § 109.3.

(b) *Content.* An initial decision shall include a statement of (1) findings and conclusions, with the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and (2) an appropriate order specifying the effective date thereof. Initial decisions shall be based upon a consideration of the whole record and supported by reliable, probative and substantial evidence.

(c) *By whom made.* The initial decision in an adjudicative proceeding shall be made and filed by the examiner who presided therein, except when he shall have become unavailable to the Administration, in which event a substitute examiner shall be designated.

(d) *Reopening: termination of examiner's jurisdiction.* (1) At any time prior to the filing of his initial decision, an examiner may reopen the proceeding for the reception of further evidence.

(2) Except for the correction of clerical errors, the jurisdiction of the examiner is terminated upon the filing of his initial decision, unless and until the proceeding is remanded to him by the Administrator.

§ 109.21 Petition for review.

(a) *Who may file.* Any party to a proceeding may file a petition for review within the time prescribed by § 109.20.

(b) *Content.* The petition for review shall concisely and plainly state (1) the questions presented for review, (2) the

facts in abbreviated form, and (3) the reasons why review by the Administrator is deemed to be in the public interest. Such petition shall not exceed ten pages in length.

(c) *Answer.* Within ten days after service upon the opposing party of a petition for review, such party may file in opposition thereto an answer of not exceeding ten pages.

(d) *Disposition.* A petition for review will be granted where, on examination of the record, the petition for review, and the answer, the Administrator finds that the questions presented are substantial and that determination thereof by the Administrator is necessary or appropriate under the law to insure a just and proper disposition of the proceeding and to protect the rights of all parties. If the petition for review is denied, the initial decision of the examiner shall thereupon become the decision of the Administration.

§ 109.22 Administration review.

(a) Within thirty days after service of the Administrator's order granting the petition for review, the petitioner may file exceptions to the initial decision and a brief in support thereof.

(b) *Exceptions.* Each exception (1) shall relate only to substantive or procedural matters presented on the record, limited to the questions stated in the petition for review; (2) shall identify the part of the initial decision to which objection is made; (3) shall specify the portions of the record relied upon; and (4) shall state the grounds for the exception, including the citation of authorities in support thereof. Any objection to a ruling, finding, or conclusion which is not made a part of the exceptions shall be deemed to have been waived. Any exception which fails to present with accuracy, brevity and clearness whatever is essential to a ready and adequate understanding of the points requiring consideration may be disregarded.

(c) *Brief.* The brief in support of the exceptions shall contain, in the order indicated, the following:

(1) A subject index of the matter in the brief, with page references, and a table of cases, text books, statutes, and other material cited, with page references thereto;

(2) A concise statement of the case containing all that is material to the consideration of the questions presented;

(3) A specification of the assigned errors; and

(4) The argument presenting clearly the points of fact and law relied upon in support of the position taken on each question, with specific page references to the transcript and the legal or other material relied upon.

Material not included in the exceptions or brief may not be presented to the Administrator in oral argument or otherwise.

(d) *Answering brief.* Within thirty days after service of the brief upon the opposing party, such party may file an answering brief which shall also contain a subject index, with page references, and a table of cases, text books, statutes, and other material cited, with page refer-

ences thereto. It shall be limited to the questions raised in the brief in support of the exceptions and shall present clearly the points of fact and law relied upon in support of the position taken on each question, with specific page references to the transcript and legal or other material relied upon.

(e) *Reply brief.* Reply briefs, not in excess of ten pages and limited to rebuttal of matter in an answering brief, will be received if filed and served within seven days after receipt of the answering brief or the day preceding the oral argument, whichever comes first. No answer to a reply brief will be permitted.

(f) *Length of briefs.* No brief in excess of sixty pages, including any appendices, shall be filed without leave of the Administrator.

(g) *Oral argument.* No oral arguments will be held in cases in which the Administrator grants review, unless he otherwise orders (1) upon request of any party made at the time of filing its brief, or (2) upon the Administrator's own motion. Oral arguments before the Administrator shall be reported stenographically unless otherwise ordered by the Administrator.

§ 109.23 Decision on review.

(a) Upon review of an initial decision, the Administrator will consider such parts of the record as are cited or as may be necessary to resolve the issues presented; and in addition will, to the extent necessary or desirable, exercise all the powers which he could have exercised if he had made the initial decision.

(b) In rendering his decision, the Administrator will adopt, modify, or set aside the findings, conclusions and order contained in the initial decision, and will include in the decision a statement of the reasons or basis for his action.

§ 109.24 Requirements as to form and filing of documents other than correspondence.

(a) *Filing.* All documents in proceedings hereunder before the Administration shall be addressed to and filed with the Administrative Secretary, Small Business Administration, Washington 25, D.C.

(b) *Title.* Documents shall clearly show the docket number and title of the proceeding.

(c) *Copies.* Ten copies shall be filed of a petition for review and of all briefs; five copies of all other documents shall be filed with the exception of reports of compliance under § 109.28, in which case only two copies need be filed, and notices of appearances under § 109.3, in which case only one copy need be filed.

(d) *Form.* (1) Documents, other than briefs filed with the Administrator on petitions for review, shall be printed, typewritten or otherwise processed in permanent form and on good unglazed paper. The paper must not be less than eight (8) inches nor more than eight and one-half (8½) inches by not less than ten and one-half (10½) inches nor more than eleven (11) inches. The left margin must be one and one-half (1½) inches and the right margin one (1) inch. Documents must be bound on the left side. If printed, the type shall be not

less than ten (10) point adequately leaded.

(2) Briefs before the Administrator on review shall be printed on good unglazed paper seven (7) inches by ten (10) inches. The type shall not be less than ten (10) point adequately leaded. Citations and quotations shall not be less than ten (10) point single leaded and footnotes shall not be less than eight (8) point single leaded. The printed line shall not exceed four and three-quarter (4¾) inches in length.

(e) *Signature.* (1) One copy of each document shall be signed by an attorney of record for the party or, in the case of respondents not represented by counsel, by an officer of respondent.

(2) Signing a document constitutes a representation by the signer that he has read it, that to the best of his knowledge, information, and belief, the statements made in it are true, and that it is not interposed for delay. If a document is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false and the proceeding may go forward as though the document had not been filed.

§ 109.25 Time.

(a) *Computation.* Computation of any period of time prescribed or allowed by these rules, by order of the Administrator, or an examiner, or by any applicable statute, shall begin with the first business day following that on which the act, event or development initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday, or national holiday, or other day on which the office of the Administration is closed, the period shall run until the end of the next following business day. When such period of time, with the intervening Saturdays, Sundays and national holidays counted, is less than seven days, each of the Saturdays, Sundays and such holidays shall be excluded from the computation. When such period of time, with the intervening Saturdays, Sundays and national holidays counted, exceeds seven days, each of the Saturdays, Sundays and such holidays shall be included in the computation.

(b) *Extensions.* For good cause shown, the examiner may, in any proceeding before him, extend any time limit prescribed or allowed by these rules or by order of the Administrator or the examiner, except those governing interlocutory appeals and initial decisions and those expressly requiring Administrator action. Except as otherwise provided by law, the Administrator, for good cause shown, may extend any time limit prescribed by these rules or by order of the Administrator or the examiner: *Provided, however,* That in a proceeding pending before an examiner, the application shall first be made to him. Applications for extensions of time shall be made by motion.

§ 109.26 Service.

(a) *By the Administration.* (1) Service of orders to show cause, orders and other processes of the Administration may be effected as follows:

(i) *By registered mail.* A copy of the document shall be addressed to the person, partnership, corporation or unincorporated association to be served at his or its residence or principal office or place of business, registered, and mailed; or

(ii) *By delivery to an individual.* A copy thereof may be delivered to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation or unincorporated association to be served; or

(iii) *By delivery to an address.* A copy thereof may be left at the principal office or place of business of the person, partnership, corporation or unincorporated association, or it may be left at the residence of the person or of a member of the partnership or of an officer or director of the corporation or unincorporated association to be served.

(2) Documents other than orders to show cause, orders and other processes of the Administration, the service of which starts the running of prescribed periods of time provided or allowed by any of the rules in this part or by any order of the Administration or an examiner for the performance of some act or the occurrence of some event or development, shall be served in the same manner as orders to show cause, orders and other processes of the Administration, or by certified mail.

(3) All other documents may be similarly served, or they may be served by ordinary first-class mail.

(b) *By other parties.* Service of documents by parties other than the Administration shall be by delivering copies thereof as follows: Upon the Administration, by personal delivery or delivery by first-class mail to the office of the Secretary; upon any other party, by delivery to the party. If the party is an individual or partnership, delivery shall be to such individual or a member of the partnership; if a corporation or unincorporated association, to an officer or agent authorized to accept service of process therefore. Delivery to a party other than the Administration means handing to the individual, partner, officer, or agent; leaving at his office with a person in charge thereof, or, if there is no one in charge or if the office is closed or if he has no office, leaving at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein; or sending by mail.

(c) *Proof of service.* (1) When service is by mail, registered or ordinary first-class, it is complete upon delivery of the document by the post office.

(2) When a party has appeared in a proceeding by a partner, officer, or attorney, service upon such partner, officer, or attorney of any document other than an order to show cause, order or other process of the Administration shall be deemed service upon the party.

(3) The return post office receipt for a document registered and mailed, or the verified return or certificate by the person serving the document by personal delivery or ordinary mail, setting forth

the manner of said service, shall be proof of the service of the document.

§ 109.27 Ex parte communication.

(a) In an adjudicative proceeding, no employee or agent of the Administration who performs any investigative or prosecuting function in connection with the proceeding and no respondent in the proceeding, or agent, or counsel, or anyone acting on behalf of a respondent, shall communicate ex parte, directly or indirectly, with the Administrator, or the examiner, or any employee involved in the decisional process in such proceeding, with respect to the merits of that or a factually related proceeding.

(b) In an adjudicative proceeding, the Administrator, examiner or employee involved in the decisional process of such proceeding, shall not communicate ex parte, directly or indirectly, with any employee or agent of the Administration who performs any investigative or prosecuting function in connection with the proceeding, or with any party respondent in the proceeding, or agent, or counsel, or anyone acting on behalf of a party respondent, with respect to the merits of that or a factually related proceeding.

(c) In an adjudicative proceeding, if any ex parte communication is made to or by the examiner, or employee involved in the decisional process, in violation of paragraph (a) or (b) of this section, such examiner or employee, as the case may be, shall promptly inform the Administrator of the substance of such communication and the circumstances thereof.

§ 109.28 Reports of compliance.

Unless otherwise specifically provided in an order, in every proceeding in which the Administration has issued an order, the respondent named in such order shall file with the Administration within twenty days after service thereof, a report in writing, signed by the respondent, setting forth in detail the manner and form of his compliance with the order, and shall thereafter file with the Administration such further signed, written reports of compliance as it may require. Reports of compliance shall be under oath if so requested. Where court review of an order of the Administration is pending, respondent shall file only such reports of compliance as the court may require. Thereafter, the time for filing report of compliance shall begin to run de novo from the final judicial determination.

§ 109.29 Reopening of proceedings.

(a) In any case where an order has been issued by the Administration it may, upon notice to the parties, modify or set aside, in whole or in part, its report of findings as to the facts or order in such manner as it may deem proper at any time prior to expiration of the time allowed for filing a petition for review or prior to the filing of the transcript of record in the proceeding in a United States Court of Appeals pursuant to a petition for review.

(b) In any case where an order issued by the Administration has become final by reason of court affirmance or expiration of the statutory period for court review without a petition for such review having been filed, the Administration may at any time after reasonable notice and opportunity for hearing as to whether changed conditions of fact or of law or the public interest so require, reopen and alter, modify or set aside, in whole or in part, its report of findings as to the facts or order therein whenever in the opinion of the Administrator such action is required by said changed conditions or by the public interest.

(c) After an order dismissing an order to show cause has been issued, the Administration may, upon reasonable notice to the parties and opportunity for a hearing as to whether said proceeding should be reopened, issue an order reopening such proceeding whenever, in the opinion of the Administrator, changed conditions of fact or of law or the public interest so require.

Dated: January 12, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-505; Filed, Jan. 16, 1962;
8:49 a.m.]

PART 110—INVESTIGATIONS; SMALL BUSINESS INVESTMENT COMPANIES

Pursuant to authority contained in sections 308 and 310 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, the Small Business Administration hereby adopts new Part 110 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations.

Information and effective date. The Small Business Investment Act Amendments of 1961, Public Law 87-341, section 310, provides SBA with the power to make investigations. The new Part 110, as set forth below, establishes the Rules Governing Investigations. Since these Rules Governing Investigations relate to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003), they shall become effective upon publication in the FEDERAL REGISTER.

Sec.

- 110.1 Scope of rules.
- 110.2 Right to copy of data or transcript of testimony.
- 110.3 Counsel for witnesses in investigations.
- 110.4 Suspension or disbarment of counsel.
- 110.5 Information obtained in investigations.

AUTHORITY: §§ 110.1 to 110.5 issued under sec. 308, Public Law 85-699 and sec. 310, Public Law 87-341.

§ 110.1 Scope of rules.

(a) The following rules govern investigations under section 310 of the Act. Where, from examinations made pursuant to section 308(c) of the Small Business Investment Act of 1958, as amended, complaints received from members of the public, examination of filings and reports made with the Ad-

ministration, or otherwise, it appears that there may be a violation of the Small Business Investment Act of 1958, as amended, or the regulations thereunder, or where it appears that there is a likelihood that a violation has been or is about to be committed, the Administration may order a formal investigation if it is deemed necessary. Unless otherwise ordered by the Administration, the investigation is nonpublic and the reports thereon are for the Administration's use only.

(b) Where it appears after investigation or otherwise that there has been a violation of any of the provisions of the Small Business Investment Act of 1958, as amended, or the regulations thereunder, the Administration may take one or more of the following actions: Institution of adjudicative proceedings looking to the imposition of remedial sanctions, initiation of injunctive proceedings in the courts, or proceedings looking to the revocation of a license.

§ 110.2 Right to copy of data or transcript of testimony.

A person who has submitted data or evidence in such investigations shall be entitled to retain or procure a copy of his data or a transcript of his testimony on payment of the prescribed fees; provided, however, in the case of nonpublic investigations such person shall file a written request stating the reason for desiring to procure such copy or transcript. The Administration may in any nonpublic investigatory proceeding for good cause deny such request. In the latter event, such person, upon proper identification, shall have the right to inspect the official transcript of his testimony.

§ 110.3 Counsel for witnesses in investigations.

Any person compelled to appear in person at an investigation designated in paragraph (a) of § 110.1 may be accompanied, represented and advised by counsel, but such counsel may not represent any other witness or any person being investigated, unless permitted in the discretion of the officer conducting the investigation or of the Administration upon being satisfied that there is no conflict of interest in such representation and that the presence of identical counsel for other witnesses or persons being investigated would not tend to hinder the course of the investigation.

§ 110.4 Suspension or disbarment of counsel.

The Administrator, for good cause shown, may issue an order requiring any counsel in an investigation to show cause why he should not be suspended or disbarred from practice before the Administration for reason of disorderly or contemptuous conduct or dilatory tactics in the course of any investigation. Such counsel shall be granted due opportunity to be heard in his own defense. Thereafter, if warranted by the facts, the Administration will issue against such counsel an order of reprimand, suspension or disbarment.

§ 110.5 Information obtained in investigations.

Information or documents obtained by the Administration in the course of any investigation shall, unless made a matter of public record, be deemed confidential. Officers and employees are hereby prohibited from making such confidential information or documents or any other non-public records of the Administration available to anyone other than an officer or employee of the Administration, unless the Administration authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest. Any officer or employee who is served with a subpoena requiring the disclosure of such information or the production of such documents shall appear in court and, unless the authorization described in the preceding sentence shall have been given, shall respectfully decline to disclose the information or produce the documents called for, basing his refusal upon this section. Any officer or employee who is served with such a subpoena shall promptly advise the Administrator of the service of such subpoena, the nature of the information or documents sought, and any circumstances which may bear upon the desirability of making available such information or documents.

Dated: January 12, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-504; Filed, Jan. 16, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency
[Reg. Docket No. 65; Reg. SR-436B]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Airborne Weather Radar Equipment Requirements for Airplanes Carrying Passengers; Special Civil Air Regulation

Correction

In F.R. Doc. 62-98, appearing at page 97 of the issue for Friday, January 5, 1962, the second sentence of paragraph 3(b) of the Special Civil Air Regulation should begin with the words "After the date specified * * *" instead of "After the date specified * * *".

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-346]

PART 227—TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS: REDUCED RATES FOR FURLOUGHED MILITARY PERSONNEL AND IMMEDIATE FAMILIES OF MILITARY PERSONNEL

Reduced Rates for Dependents

JANUARY 12, 1962.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of January 1962.

The Board in 26 F.R. 10238 and by circulation of Economic Draft Release, EDR-38 dated October 30, 1961, Docket 13142, gave notice that it had under consideration an amendment to Part 227 of the Economic Regulations for the purpose of permitting air carriers and foreign air carriers to file tariffs providing for reduced-rate transportation for certain limited travel of members of the immediate families of military personnel stationed overseas.

The only timely comment received in response to the Notice suggests that final action on the proposal be deferred pending evaluation of certain reduced-rate transportation now being provided for military personnel and members of their immediate family in overseas and foreign air transportation on a temporary basis. No comments were received which opposed the adoption of the proposal.

The rules contained in Part 227 as well as the subject amendment are permissive. Therefore, it is discretionary with the air carriers or foreign air carriers whether they will file tariffs providing such reduced-rate transportation. In view of this the Board is of the opinion that no useful purpose will be served by delaying the finalization of this proposal.

Section 227.5 is being renumbered § 227.0, amended to remove the restriction of the applicability of Part 227 to round-trip or open-jaw transportation, and clarified to eliminate the implication that it stands in the way of carriers filing tariffs providing for group travel of individually ticketed passengers. Furthermore, the requirement that trips must originate at a foreign point has been deleted as irrelevant to the policy of this regulation. Since these changes relieve restrictions on the air carriers subject to this regulation, the Board finds that notice and public procedure thereon are unnecessary.

The amendment adopted herein relieves air carriers and foreign air carriers of a restriction and serves the public interest. Good cause therefore exists for making the amendment effective less than 30 days after publication.

Accordingly, the Board hereby amends Part 227 of its Economic Regulations, 14 CFR Part 227, effective January 17, 1962, by adopting the following amendments thereto:

§ 227.1 [Amendment]

(1) By amending paragraph (b) of § 227.1 to read:

(b) "Reduced rate transportation" means the carriage by a carrier subject to the provisions of this Part of any furloughed military personnel or members of the immediate family of military personnel on active duty status and stationed outside the continental United States, for compensation specified in the applicable tariff * * * [remainder unchanged].

(2) By adding a new paragraph (d) to § 227.1 of this part to read:

(d) "Immediate Family" means the spouse and dependent children, living in the same household, of a member of the Armed Forces of the United States who is on active duty status and stationed outside the continental United States.

(3) By amending § 227.2 of this part to read:

§ 227.2 Conditions governing the furnishing of reduced-rate transportation.

Subject to compliance with the other provisions of this Part and with the limitations imposed in an air carrier's certificate of public convenience and necessity, issued under section 401 of the Act; in the applicable regulation or order of the Board authorizing an air carrier's operation; or in a foreign air carrier's foreign air carrier permit issued under section 402 of the Act, any air carrier or foreign air carrier may furnish reduced-rate transportation to:

(a) Furloughed military personnel traveling on through tickets calling for overseas or foreign air transportation.

(b) Members of the immediate family of furloughed military personnel traveling on through tickets calling for overseas or foreign air transportation: *Provided*, That such members are accompanied on the trip by such military personnel.

(c) Members of the immediate family of military personnel traveling on a one-way through ticket calling for overseas or foreign air transportation from an overseas or foreign point to the United States, its territories or possessions.

§ 227.4 [Amendment]

(4) By changing the section heading of § 227.4 to read "Identification"; redesignating present § 227.4 as paragraph (a) of § 227.4; and adding a new paragraph (b) to § 227.4 to read:

(b) *Identification of members of the immediate family.* No air carrier or foreign air carrier shall sell reduced-rate tickets or furnish reduced-rate transportation, pursuant to this Part, to the immediate family of any member of the Armed Forces of the United States unless such member shall execute and have countersigned by his Commanding Officer and deliver to the representatives of the carrier at the time of sale a declaration of eligibility reading as follows:

I declare that I am a member of the United States Armed Forces on active duty status and stationed outside the continental United States and that I am purchasing a

ticket or tickets for _____ who is (are) my spouse and dependent child (children) and who live(s) in my household for travel in foreign or overseas air transportation.

(Commanding officer)

(Signed)

(Grade)

(Branch of service)

(Service number)

(5) By deleting § 227.5 and inserting in lieu thereof, at the beginning of Part 227, a new § 227.0 to read:

§ 227.0 Applicability.

This part applies to reduced rate transportation furnished to individually ticketed passengers traveling singly or in groups in overseas or foreign air transportation.

(6) By amending the title of Part 227 to read: "Part 227—Tariffs of Air Carriers and Foreign Air Carriers: Reduced Rates for Furloughed Military Personnel and Immediate Families of Military Personnel".

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 403(b), 72 Stat. 759; 49 U.S.C. 1373)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-507; Filed, Jan. 16, 1962;
8:49 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-FW-94]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration of Federal Airways

On October 3, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9325), stating that the Federal Aviation Agency proposed to alter VOR Federal airway Nos. 1515, 1517, 1521, and 1602.

No adverse comments were received regarding the proposed amendments.

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

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12532) and for reasons stated in the notice, the following actions are taken:

§ 600.1515 [Amendment]

1. In the text of § 600.1515 (26 F.R. 1083, 4052) "thence to the Pahokee, Fla., VOR; Vero Beach, Fla., VOR;" is deleted and "thence via the Pahokee, Fla., VOR; INT of the Pahokee VOR 009° and the Vero Beach, Fla., VOR 193° radials; Vero Beach VOR;" is substituted therefor.

2. Section 600.1517 (26 F.R. 1083, 4052) is amended to read:

§ 600.1517 VOR Federal airway No. 1517 (Miami, Fla., to Chicago, Ill.).

From the Miami, Fla., VOR to the La Belle, Fla., VOR; thence 10-mile wide airway via the Lakeland, Fla., VOR; Ocala, Fla., VOR; INT of the Ocala VOR 343° and the Taylor, Fla., VOR 170° radials; Taylor VOR; Alama, Ga., VOR; Macon, Ga., VOR; McDonough, Ga., VOR; to the INT of the McDonough VOR 345° and the Royston, Ga., VOR 273° radials; thence via the Crossville, Tenn., VOR; Bowling Green, Ky., VOR; Lewis, Ind., VOR; thence 10-mile wide airway to the INT of the Lewis VOR 349° and the Indianapolis, Ind., VOR 288° radials; thence to the INT of the Peotone, Ill., VOR 168° and the Bradford, Ill., VOR 098° radials; thence 10-mile wide airway to the Peotone VOR.

3. Section 600.1521 (26 F.R. 1083) is amended to read:

§ 600.1521 VOR Federal airway No. 1521 (Miami, Fla., to Farmington, Mo.).

From the Miami, Fla., VOR via the La Belle, Fla., VOR; to the INT of the St. Petersburg, Fla., VOR 133° and the Lakeland, Fla., VOR 227° radials; thence 10-mile wide airway via the St. Petersburg VOR; to the Tallahassee, Fla., VOR; thence via the Tuskegee, Ala., VOR; Birmingham, Ala., VOR; Muscle Shoals, Ala., VOR; Paducah, Ky., VOR; to the Farmington, Mo., VOR.

4. Section 600.1602 (26 F.R. 1087) is amended to read:

§ 600.1602 VOR Federal airway No. 1602 (Fort Myers, Fla., to Vero Beach, Fla.).

From the Fort Myers, Fla., VOR via the La Belle, Fla., VOR; to the Vero Beach, Fla., VOR.

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

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

Issued in Washington, D.C., on January 11, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-475; Filed, Jan. 16, 1962;
8:45 a.m.]

[Airspace Docket No. 61-LA-22]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Correction to an Amendment

On October 4, 1961, Federal Register Document 61-9473 was published in the FEDERAL REGISTER (26 F.R. 9335) and amended § 600.6248 of the regulations of the Administrator by altering VOR Federal airway No. 248 from Avenal, Calif., to Bakersfield, Calif.

In citing the number of this airway in the caption of the section amended, the airway number was incorrectly reported as No. 428; action is taken herein to correct this error.

Since this modification of amendment corrects an error and imposes no additional burden on any person, notice and public procedure hereon are unnecessary,

and it may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Federal Register Document 61-9473 (26 F.R. 9335) is modified by deleting in the caption to § 600.6248 "No. 428" and substituting therefor "No. 248".

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

Issued in Washington, D.C., on January 11, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-476; Filed, Jan. 16, 1962;
8:45 a.m.]

[Airspace Docket No. 61-NY-112]

**PART 600—DESIGNATION OF
FEDERAL AIRWAYS**

Alteration of Federal Airways

The purpose of these amendments to §§ 600.6016, 600.6103, 600.6258, 600.6260, and 600.6875 of the regulations of the Administrator is to change the name of the Hollins, Va., VORTAC to Roanoke, Va., VORTAC. This action will associate the en route navigational aid with the principal city at this location and will result in improved charting clarity.

Since these amendments are of a procedural nature and do not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

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

1. In the text of § 600.6016 (14 CFR 600.6016, 26 F.R. 3521, 3852) "Hollins, Va., VOR;" and "including a north alternate from the Hollins VOR to the Gordonsville VOR via the point of INT of the Hollins VOR 035°" are deleted, and "Roanoke, Va., VORTAC;" and "including a N alternate from the Roanoke VORTAC to the Gordonsville VORTAC via the INT of the Roanoke VORTAC 035°" are substituted therefor.

2. In the text of § 600.6103 (14 CFR 600.6103, 26 F.R. 3771) "Hollins, Va., VORTAC;" is deleted and "Roanoke, Va., VORTAC;" is substituted therefor.

3. In the text of § 600.6258 (14 CFR 600.6258) "Hollins, Va., VOR;" is deleted and "Roanoke, Va., VORTAC;" is substituted therefor.

4. In the text of § 600.6260 (14 CFR 600.6260) "Hollins, Va., VORTAC;" and "including a S alternate via the INT of the Hollins VORTAC 177° and the Lynchburg VOR 253° radials;" are deleted, and "Roanoke, Va., VORTAC;" and "including a S alternate via the INT of the Roanoke VORTAC 177° and the Lynchburg VORTAC 253° radials;" are substituted therefor.

5. In the text of § 600.6875 (14 CFR 600.6875, 26 F.R. 21, 26 F.R. 8246) "Hollins, Va., VORTAC 035° radials; Hollins VORTAC;" is deleted and "Roanoke, Va., VORTAC 035° radials; Roanoke VORTAC;" is substituted therefor.

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

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

Issued in Washington, D.C., on January 11, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-478; Filed, Jan. 16, 1962;
8:45 a.m.]

[Airspace Docket No. 61-NY-40]

**PART 600—DESIGNATION OF
FEDERAL AIRWAYS**

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

Designation of Federal Airway and Associated Control Areas

On August 9, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 7149), stating that the Federal Aviation Agency proposed to designate low altitude VOR Federal airway No. 423 from the Ithaca, N.Y., VOR to the Syracuse, N.Y., VORTAC via the intersection of the Ithaca VOR 001° True radial and the en route radial between the Watkins Glen, N.Y., VOR and Syracuse VORTAC. Subsequent to the publication of the notice, it has been determined that alignment of Victor 423 via the Ithaca VOR 356° radial will facilitate the flow of traffic between Ithaca and Syracuse and will provide a common intersection with Victor 14 and 35. Since this alteration constitutes a minor change in alignment of the airway as proposed, action is hereby taken to designate Victor 423 from Ithaca to Syracuse via the intersection of the Ithaca 356° radial and the en route radial between Watkins Glen, N.Y., and Syracuse, N.Y. No adverse comments were received regarding the proposed amendments.

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

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, Parts 600 and 601 (14 CFR Parts 600, 601) are amended by adding the following sections:

§ 600.6423 VOR Federal airway No. 423 (Ithaca, N.Y., to Syracuse, N.Y.).

From the Ithaca, N.Y., VOR to the Syracuse, N.Y., VORTAC via the intersection of the Ithaca VOR 356° radial and the en route radial between Watkins

Glen, N.Y., VOR and the Syracuse VORTAC.

§ 601.6423 VOR Federal airway No. 423 (Ithaca, N.Y., to Syracuse, N.Y.).

All of VOR Federal airway No. 423.

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

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

Issued in Washington, D.C., on January 11, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-477; Filed, Jan. 16, 1962;
8:45 a.m.]

[Airspace Docket No. 61-LA-126]

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

Alteration of Continental Control Area

The purpose of this amendment to § 601.7101 of the regulations of the Administrator is to alter the description of the continental control area to include the Bullion Mountains, Calif., Restricted Area R-2501.

R-2501 is currently designated as a joint use area with the Los Angeles ARTC Center as the controlling agency. The inclusion of R-2501 within the continental control area will provide additional controlled airspace southeast of the Hector, Calif., VORTAC for the radar vectoring of aircraft transiting the Hector-Daggett area. This area east northeast of Los Angeles is a point of convergence for three jet routes and two intermediate altitude airways that are the principal east-west routings for civil turbojet traffic arriving and departing Los Angeles. Therefore, inclusion of R-2501 within the continental control area will promote more efficient utilization of the airspace. Such action is taken herein.

Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary, and it may be made effective upon publication.

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

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

R-2501 Bullion Mountains, Calif.

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

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

Issued in Washington, D.C., on January 11, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-472; Filed, Jan. 16, 1962;
8:45 a.m.]

[Airspace Docket No. 60-LA-112]

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

Alteration of Control Zone

On November 8, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10520), stating that the Federal Aviation Agency proposed to alter the Hoquiam, Wash., control zone.

No adverse comments were received regarding the proposed amendment.

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

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.2413 (14 CFR 601.2413) is amended to read:

§ 601.2413 Hoquiam, Wash., control zone.

Within a 5-mile radius of Bowerman Airport, Hoquiam, Wash., (latitude 46°58'16" N., longitude 123°56'08" W.), and within 2 miles either side of the Hoquiam VOR 059° radial extending from the 5-mile radius zone to the VOR.

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

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

Issued in Washington, D.C., on January 11, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-473; Filed, Jan. 16, 1962;
8:45 a.m.]

[Airspace Docket No. 61-SW-116]

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

Revocation of Control Zone

The purpose of this amendment to Part 601 of the regulations of the Administrator is to revoke the Marianna, Fla., control zone.

The Air Transport Association of America has stated that National Airlines has discontinued service into Marianna Municipal Airport and as a result airport weather service is no longer available. Therefore, action is taken herein to revoke the Marianna control zone.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective im-

mediately. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), Part 601 (14 CFR Part 601) is amended as follows:

Section 601.2316 *Marianna, Fla., control zone* is revoked.

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

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

Issued in Washington, D.C., on January 11, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-474; Filed, Jan. 16, 1962;
8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8363 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Seneca Quilting Co., Inc., et al.

Subpart—Furnishing false guaranties:

§ 13.1053 *Furnishing false guaranties:*

§ 13.1053-90 *Wool Products Labeling Act.*

Subpart—Invoicing products falsely:

§ 13.1108 *Invoicing products falsely:*

§ 13.1108-40 *Federal Trade Commission Act.*

Subpart—Misbranding or mislabeling:

§ 13.1185 *Composition:* § 13.1185-90

Wool Products Labeling Act. Subpart—

Neglecting, unfairly or deceptively, to

make material disclosure: § 13.1852 *Formal*

regulatory and statutory requirements: § 13.1852-80

Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret

or apply sec. 5, 38 Stat. 719, as amended, secs.

2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68)

[Cease and desist order, Seneca Quilting Co.,

Inc., et al. Brooklyn, N.Y., Docket 8363, Sept.

29, 1961]

In the Matter of Seneca Quilting

Company, Inc., a Corporation, and

Arthur Eisenberg, and Paul Melinger,

Individually and as Officers of Said

Corporation

Consent order requiring Brooklyn

manufacturers to cease violating the

Wool Products Labeling Act by labeling

as "100% reprocessed wool, exclusive

of ornamentation" and "90% reprocessed

wool, 10% other fibers", interlining

materials which contained substantially

less woolen fibers than so represented,

by failing to comply with other labeling

requirements, and by furnishing false

guaranties that certain of their wool

products were not misbranded; and to

cease violating the Federal Trade Com-

mission Act by using on invoices the

misrepresentations as to fiber content

above set out.

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

It is ordered, That respondents Seneca Quilting Company, Inc., a corporation, and its officers, and Arthur Eisenberg and Paul Melinger, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation or distribution, in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of wool interlining materials or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein;

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939, and in the manner and form prescribed by the rules and regulations promulgated under said Act.

B. Furnishing false guaranties that wool products are not misbranded under the provisions of the Wool Products Labeling Act, when there is reason to believe that the wool products so guaranteed may be introduced, sold, transported or distributed in commerce.

It is further ordered, That respondents Seneca Quilting Company, Inc., a corporation, and its officers, and Arthur Eisenberg and Paul Melinger, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of interlining materials or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting, directly or indirectly, the constituent fibers of which such products are composed, or the percentages thereof, in invoices, shipping memoranda, or in any other manner.

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

Issued: September 29, 1961.

By the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-483; Filed, Jan. 16, 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 A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

Correction

In F.R. Doc. 61-12280, appearing at page 12769 of the issue for Saturday, December 30, 1961, the following entry should be inserted as the third listing under "Silicone basic polymers * * *" in the Product column of the tabular material in § 121.91: "Vsi-Silicone elastomer methyl and vinyl groups."

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

DELETION OF OBSOLETE MATERIAL FROM EXTENSION LIST

Correction

In F.R. Doc. 61-12424, appearing at page 12771 of the issue for Saturday, December 30, 1961, the parenthetical identification for Hexylene glycol should read as follows: "(2-methyl-2,4-dihydroxypentane)".

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER B—PERSONNEL

[Departmental Reg. 108.476]

PART 11—APPOINTMENT OF FOREIGN SERVICE OFFICERS

Eligibility

Part 11 is revised by changing §§ 11.1 through 11.7 to read as follows:

§ 11.1 Eligibility for appointment as Foreign Service officer.

No person shall be eligible for appointment as a Foreign Service officer unless he shall have demonstrated his loyalty to the Government of the United States and his attachment to the principles of the Constitution. The religion, race and political affiliations of a candidate will not be considered in designations, examinations or certifications.

§ 11.2 Written examination for appointment to class 8.

(a) The written examination will be given annually or semi-annually, if required, in designated cities in the United States and at Foreign Service posts abroad on dates established by the Board of Examiners for the Foreign Service.

(b) No person will be permitted to take a written examination for appointment as Foreign Service officer who has not been specifically designated by the Board of Examiners to take that particular examination. Prior to each written examination the Board will establish a closing date for the receipt of applications for designation to take the examination. No person will be designated for the examination who has not as of that closing date filed an application with the Board. Except as provided in paragraph (c) in this section, to be designated for the written examination a candidate, as of the first day of the month preceding the closing date for the filing of applications, shall have been a citizen of the United States for at least 9 years and shall be at least 21 but under 31 years of age, except that an applicant who has been awarded a Bachelor's degree by a college or university, or has completed successfully his junior year at a college or university, may qualify as to age if at least 20 but under 31 years of age.

(c) Foreign Service staff employees and Civil Service employees of the Department of State who are 31 years of age or more may apply if they are under 35 years of age and will have completed not less than 3 years of satisfactory service as of the closing date for receipt of applications.

(d) The written examination is designed to permit the Board to test the candidate's intelligence and the breadth and quality of his knowledge and understanding. It will consist of 4 parts: (1) A general ability test, (2) an English expression test, (3) a general background test, and (4) a test in a modern language (French, German, Russian, or Spanish).

(e) The several parts of the written examination, exclusive of the modern language test, will be weighted in accordance with the rules laid down by the Board of Examiners. The modern language test will be graded separately.

§ 11.3 Oral examination for appointment to class 8.

(a) The oral examination will be given throughout the year at Washington and periodically in selected cities in the United States and at selected Foreign Service posts abroad.

(b) A candidate who receives a grade of 70 or above on the modern language portion of the written examination will receive a bonus of 5 points to be added to the weighted average grade he receives on the first three parts of the written examination. If a candidate's weighted average grade on the first three parts of the written examination, with the addition of the aforementioned 5 bonus points (if he is entitled to them), is 70 or higher, he will be eligible to take the oral examination. Candidates eligible for the oral examination will be given an opportunity, and will be required, to take the oral examination within 9 months after the date of the written examination. If a candidate fails to present himself for the

oral examination on an agreed date within the 9 month period, his candidacy will automatically terminate. Time spent on Government duty outside the United States will not be counted.

(c) The oral examination will be given by a panel of deputy examiners selected by the Board of Examiners from a roster of Foreign Service officers, officers from the Department of State and other Government agencies, and qualified private citizens who by prior service as members of selection boards or through other appropriate activities have demonstrated special qualifications for this work. The examination will be conducted in the light of all available information concerning the candidate and will be designed to determine his competence to perform the work of a Foreign Service officer at home and abroad, his potential for growth in the Service, and his suitability to serve as a representative of the United States abroad. Determinations of duly constituted panels of deputy examiners are final, unless modified by specific action of the Board of Examiners for the Foreign Service.

(d) Candidates appearing for the oral examination will be graded "recommended for class 8", "recommended for class 7", or "not recommended".

§ 11.4 Physical examination for appointment to class 8.

(a) A candidate graded "recommended" on the oral examination will be eligible for the physical examination.

(b) The physical examination will be designed to determine the candidate's physical fitness to perform the duties of a Foreign Service officer and to determine the presence of any physical, nervous or mental disease or defect of such a nature as to make it unlikely that he would become a satisfactory officer. The Executive Director of the Board of Examiners for the Foreign Service, with the concurrence of the Director, Medical Division, may make such exceptions to these physical requirements as are in the interest of the Service. All such exceptions shall be reported to the Board of Examiners for the Foreign Service at its next meeting.

(c) The physical examination will be conducted either by medical officers of the Armed Services, the Public Health Service, the Department, or accredited colleges and universities, or, with the approval of the Board of Examiners, by private physicians.

(d) The Board of Examiners will determine on the basis of the report of the physician(s) who conducted the physical examination whether the candidate has met the standards set forth in paragraph (b) in this section.

§ 11.5 Certification for appointment to class 8.

No person will be certified as eligible for appointment as a Foreign Service officer of class 8 unless he is at least 21 years of age, has been a citizen of the United States for at least 10 years, and, if married, is married to a citizen of the

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9-12—LABOR

Subpart 9-12.53 Workmen's Compensation Insurance

Part 9-12 is amended as follows:

Sec.	
9-12.5300	Scope of subpart.
9-12.5301	Policies and requirements.
9-12.5301-1	General.
9-12.5301-2	Special requirements.
9-12.5301-3	Contractor employees' benefit plan—self insurers.
9-12.5302	Assignment of responsibilities.
9-12.5302-1	General.
9-12.5302-2	Responsibility of Managers of Field Offices.
9-12.5302-3	Responsibilities of the Director, Division of Labor Relations and Controller, Headquarters.

AUTHORITY: §§ 9-12.5300 to 9-12.5302-3 issued under sec. 161, 70 Stat. 1069; 42 U.S.C. 2201. Implement and supplement sec. 205, 63 Stat. 390; 40 U.S.C. 486.

Subpart 9-12.53—Workmen's Compensation Insurance

§ 9-12.5300 Scope of subpart.

This subpart establishes the policies and requirements applicable to AEC cost-type contractors managing, operating, maintaining, or constructing Government-owned facilities for insurance covering workmen's compensation and employers' liability. This subpart does not apply to supply contracts for materials, equipment, services, etc., which are to be performed in the contractor's own facilities, even though such contracts may provide for reimbursement of certain costs.

§ 9-12.5301 Policies and requirements.

§ 9-12.5301-1 General.

Workmen's compensation insurance protects employers against liability imposed by workmen's compensation laws for injury or death to employees arising out of or in the course of their employment. This type of insurance is required by State laws unless employers have acceptable programs of self-insurance.

§ 9-12.5301-2 Special requirements.

Certain workmen's compensation laws contain provisions which result in limiting the protection afforded persons subject to such laws. The policy of the AEC with respect to these limitations as they affect persons employed by cost-type contractors falling within the scope of this subpart is set forth below:

(a) *Elective provisions.* Some workmen's compensation laws permit an employer to elect not to be subject to its provisions. It is the policy of AEC to require cost-type contractors to be subject to workmen's compensation provisions in jurisdictions permitting election.

(b) *Statutory immunity.* Under the provisions of some workmen's compensation laws certain types of employers; e.g., non-profit educational institutions, are relieved from liability. If a con-

tractor falling within any of these categories has a statutory option to accept liability it is the policy of AEC to require him to do so.

(c) *Limited medical benefits.* Some workmen's compensation laws limit the liability of the employer for medical care to a maximum dollar amount or to a specified period of time. In such cases, a cost-type contractor's workmen's compensation insurance policy should contain a standard extra-statutory medical coverage endorsement.

(d) *Limits on occupational disease coverage; employer's liability.* Some workmen's compensation laws do not provide coverage for all occupational diseases. In such situations, a contractor's workmen's compensation insurance policy should contain voluntary coverage for all occupational diseases.

§ 9-12.5301-3 Contractor employees' benefit plan—self insurers.

The policies and requirements set forth in § 9-12.5301-2 apply in situations where cost-type contractors at Government-owned atomic energy installations purchase workmen's compensation insurance. With respect to self-insured contractors, the objectives specified in that subsection shall also be met. Inasmuch as self-insurers cannot comply with the technical requirements of paragraphs (c) and (d) of § 9-12.5301-2, the AEC encourages the use of a contract supplement providing for a Contractor Employees' Benefit Plan. Under unusual or unique circumstances, where adequately justified, certain contractors who are not self-insurers may also be considered eligible for a Contractor Employees' Benefit Plan.

§ 9-12.5302 Assignment of responsibilities.

§ 9-12.5302-1 General.

Directors, Headquarters Divisions and Offices, and Managers of Field Offices consistent with their delegations of responsibilities, shall assure that AEC cost-type contract operations at Government-owned atomic energy installations are implemented consistent with the policies and requirements of § 9-12.5301.

§ 9-12.5302-2 Responsibility of Managers of Field Offices.

In discharging their assigned responsibilities Managers of Field Offices shall:

(a) Review periodically the workmen's compensation insurance programs of cost-type contractors to whom this subpart applies in the light of applicable workmen's compensation statutes to assure conformance with the requirements of § 9-12.5301.

(b) Evaluate the adequacy of coverage of "self-insured" workmen's compensation programs to determine the need for a Contractor Employees' Benefit Plan.

(c) Arrange for the establishment of procedures for both new and existing Contractor Employees' Benefit Plans which will:

(1) Permit informal agreement whenever possible between the contractor and

United States. A person shall be certified as eligible for direct appointment to class 7 if in addition to meeting these specifications he is at least 25 years old and has a record of graduate training or employment which clearly demonstrates ability and special skills for which there is a need in the Foreign Service. Recommended candidates who meet these requirements, who pass their physical examinations, and who, on the basis of investigation are found to be loyal to the Government of the United States and personally suitable to represent it abroad, will have their names placed on the rank-order register for class 8 appointments or, if deemed appropriate by the Board of Examiners, in the light of their age and education or employment record, on the rank-order register for class 7 appointments and they will be certified for appointment, in accordance with the needs of the Service in the order of their standing on their respective registers. Postponement of entrance on duty for required active military service will be authorized. A candidate may be certified for appointment to class 7 or 8 without first having passed the written examination in a modern language, but his appointment will be subject to the condition that he may neither be promoted to a higher class nor be retained in the Service unless within a specified period of time, he passes either a written examination in French, German, Russian, or Spanish, or an oral examination in any modern foreign language acceptable to the Department.

§ 11.6 Termination of eligibility.

Candidates who have qualified and whose names have been sent to the President, but who have not been appointed because of lack of vacancies, will be dropped from the rank-order register 30 months after the date of the written examination: *Provided, however,* That time spent in required active military service subsequent to establishing eligibility for appointment will not be counted.

§ 11.7 Travel expenses of candidates.

The travel and other personal expenses of candidates incurred in connection with the written and oral examinations will not be borne by the Government, except that the Department may issue round trip invitational travel orders to bring candidates to Washington at Government expense when it is determined that it is necessary in ascertaining a candidate's qualifications and adaptability for appointment.

(Secs. 212, 302, and 516, 60 Stat. 1001 and 1008, as amended; 22 U.S.C. 827, 842, and 911)

Dated: January 10, 1962.

For the Secretary of State.

WILLIAM J. CROCKETT,
Assistant Secretary,
for Administration.

[F.R. Doc. 62-512; Filed, Jan. 16, 1962; 8:50 a.m.]

an employee as to the origin and extent of disabilities and the amount of payments which will be made under the Benefit Plan, and

(2) Provide, in the case of failure of more informal methods, for an impartial determination of the origin and extent of disabilities and the appropriate payments to be made under a benefit plan.

(d) Submit to the Director, Division of Labor Relations, Headquarters, all proposals for the establishment of new Contractor Employees' Benefit Plans or the modification of existing Plans.

§ 9-12.5302-3 Responsibilities of the Director, Division of Labor Relations, and Controller, Headquarters.

The Director, Division of Labor Relations, and the Controller are responsible jointly for approving Contractor Employees' Benefit Plans.

These regulations are effective immediately upon publication.

Dated at Germantown, Md., this 9th day of January 1962.

For the Atomic Energy Commission:

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 62-468; Filed, Jan. 16, 1962; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13852; FCC 62-66]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations; Augusta, Bangor, Calais and Presque Isle, Maine

1. The Commission has before it for consideration a Request for Reconsideration filed by the University of Maine (the University), and a Petition for Reconsideration filed by Community Telecasting Service (Community), licensee of WABI-TV, Bangor, Maine. These documents request reconsideration of the Report and Order adopted by the Commission on April 19, 1961, and released on April 24, 1961, in Docket No. 13852 (RM-102 and RM-183) wherein the television Table of Assignments contained in § 3.606 of the Commission's rules and regulations was amended by reserving for educational use Channel 10 in Augusta, Maine, and Channel 10 in Presque Isle, Maine, and by removing Channel 7 from Calais, Maine, and assigning it to Bangor, Maine. Community and the University do not request any change in the action of the Commission with regard to Augusta and Presque Isle, aiming their new pleadings solely at the action which transferred Channel 7 from Calais to Bangor. In the original rule making the University supported the reservation of Channel 7 in Calais for educational use, and Community, while supporting the position of the University, desired Channel 7 to remain in Calais for com-

mercial use if not so reserved for education. In this connection, Community submitted an application for a construction permit for Channel 7 in Calais contingent on its not being reserved for educational use. The application was accepted for filing on March 22, 1961, and is now pending (BPCT-2860).

OTHER DOCUMENTS FILED AFTER ADOPTION OF THE REPORT AND ORDER

2. The University also filed a Request for Stay and a supplement thereto.¹ Community filed a Petition for Stay of the aforementioned Report and Order. In addition, both requested oral argument of the matter.² Leon P. Gorman filed the following pleadings: a letter opposing the requests for stay, an Opposition to Petitions for Stay, an Opposition to Request for Reconsideration, and a Petition To Accept Late Filing of Oppositions.³ Responsive to some of the Gorman pleadings, the University filed a Statement Concerning "Opposition to Petitions for Stay" and a Reply to "Opposition to Request for Reconsideration."⁴ On September 13, 1961, the University of Maine filed with the Commission a "Request for Waiver and Acceptance of Supplemental Comments" to which was attached a "Supplement to Request for Reconsideration."⁵

3. On October 3, 1961, Governor John H. Reed of Maine sent a telegram to the Chairman requesting that a final decision in this proceeding be held in abeyance until the conclusion of a spe-

¹ We did not consider the material appearing in the supplement because it contained no information not already within the purview of the Commission.

² We are of the opinion that the written documents filed in this proceeding supply an adequate picture of the various proposals and the conflicting points of view, and that oral argument is unnecessary. Accordingly we deny the requests for oral argument.

³ The formal Gorman oppositions were not timely filed, both having been received by the Commission about a week late. The Petition To Accept Late Filing of Oppositions stated that the illness of counsel prevented timely preparation and filing. The petition is hereby granted although it is pointed out that the oppositions did not alter the decision of the Commission in this matter, since the record without the Gorman oppositions would have led us to the same result.

⁴ Letters from Maine congressmen were also received and made part of the docket in addition to letters and petitions (consisting of lists of signatures) most of which came from the Calais area and which favored the reservation for educational use of Channel 7 in Calais.

⁵ As a reason for the late filing, it is stated that the supplemental information was brought to the attention of the University since the filing of their "Request for Reconsideration." This new information consists of a statement that if Channel 7 were assigned to Calais and reserved for noncommercial educational use it would improve the chances of developing ETV in New Brunswick, Canada, and the chances for an interchange of ETV programs between Canada and the United States. The request for waiver and acceptance of supplemental comments is denied since the Commission gave consideration to the exchange of programs between Canada and the United States in the Report and Order herein and the supplemental comments contain no new material of decisional significance.

cial session of the Maine legislature which he planned to convene on November 27, 1961.⁶ In response to a Public Notice issued by the Commission on October 5, 1961, inviting comments on the Governor's telegram, the following documents were timely filed: "Statement of the University of Maine," "Further Comments of American Broadcasting Company," "Statement on Behalf of Dirigo Broadcasting, Inc.," "Comments of Downeast Television, Inc. in Opposition to Request for Delay,"⁷ and "Request to Accept Late-Filed Material" (also filed by Downeast Television, Inc.).⁸

4. On December 4, 1961, the Commission received a telegram from the Governor of Maine stating that the special session of the Maine Legislature had enacted and that he had signed an act providing for construction of an Educational Television Network for the State of Maine and the issuance of not exceeding one million five hundred thousand dollars of State of Maine bonds for the financing thereof. It further stated that inasmuch as this is a bonding issue, it will be submitted to the electorate in a referendum election on June 18, 1962. The Governor then urged that in the light of this development the Commission reconsider its decision in this matter.⁹

DECISION OF THE COMMISSION

5. The Commission has given careful consideration to the record herein and is of the opinion that Channel 7 should remain in Calais but not be reserved for noncommercial educational use. There has been no request to reconsider our reservation for noncommercial educational use of Channel 10 in Augusta and Channel 10 in Presque Isle, and that portion of our previous decision stands.

REASONS FOR THE DECISION

6. Throughout this proceeding it has been clear that there is not only a need

⁶ The Governor stated that he would make a specific recommendation at such legislative session for appropriate funds to implement the proposed statewide educational television plan. (The legislature convened on Nov. 27, 1961.)

⁷ A pleading of the University captioned "Reply of the University of Maine to Downeast Television, Inc., in Opposition to Request for Delay" was not timely and was therefore not given consideration.

⁸ Dirigo and Downeast are applicants for construction permits for a new station on Channel 7 in Bangor. Each filed its application after the release of the Report and Order herein.

⁹ Downeast filed comments in which it referred to an "attached statement" prepared by its consulting engineer, but because of an unavoidable delay in the mails, the statement was not available for timely filing with the comments which were filed on Friday, Oct. 20, 1961. It was filed, instead, on Monday, Oct. 23, 1961. Since parties are not prejudiced thereby and since sufficient cause was shown, Downeast's "Request to Accept Late-Filed Material" is granted.

¹⁰ Since this telegram, at most, confirms predictions made in the Governor's earlier telegram, upon which opportunity to comment has been had, it has been associated with the file herein and considered by the Commission. However, attention is directed to paragraph 10 below.

for a third competitive service in Bangor, but for a first service, commercial as well as educational, in the Calais area. The problem has been to weigh the conflicting elements in the total picture and arrive at a solution that would most fully reflect the public interest. Many factors were considered, among which were the possibility of the earliest use of Channel 7, the problem of conversion, and methods for serving the Calais area if Channel 7 were removed from that city. The question was a close one.

7. Our decision in the Report and Order herein was predicated on the belief that a third service could be provided for Bangor while at the same time a satisfactory means could be found for furnishing an educational network service to the Calais area. One possibility of serving Calais was that of a UHF station at Calais. The record as supplemented by the petitions for reconsideration discloses that about 90 percent of the homes in that area have VHF television sets (even though it is a "white area" with regard to U.S.-originated programs) and that a serious conversion problem would exist which was not previously apparent. Although this in itself is not determinative, considered with other factors it weighs in the balance for reversal of our previous decision.

8. We stated in the Report and Order that the record led to the conclusion that the best chance for utilization of Channel 7 (which had been lying fallow at Calais since the Sixth Report and Order) in the foreseeable future lay in Bangor. This, coupled with other considerations, influenced our decision to remove the channel from Calais. Upon reconsideration it appears that, although prediction of such a matter is difficult, there is a substantial possibility that Channel 7 in Calais will be used in the not too distant future—if not by educators, then by a commercial group. Community, for example, has applied for the channel and emphasizes its firm intention to construct a commercial station.

9. In deciding that Channel 7 should be assigned to Calais without a non-commercial educational reservation, we are not deciding against the use of that channel for educational television. Such an assignment leaves the channel open for applications by both commercial and educational interests. Should both apply, the public interest question of commercial vs. educational use of the channel in that area may be fully explored in a comparative hearing. In view of the confusion which existed as to the ultimate status of Channel 7, action on applications for use of the channel in Calais will be deferred for a reasonable period of time.

10. Although we did not rule upon the Governor's request to hold this proceeding in abeyance until the conclusion of the special legislative session and the question is now moot, we find the arguments filed in opposition thereto persuasive. The same considerations are applicable to the present posture of the proceeding. The question of funds for educational television in Maine is still undetermined and must be submitted to

the voters of the state six months hence. However, the proceeding has been lengthy, comprehensive and complete. All relevant data are in the record. There is a pressing need for administrative finality and orderly dispatch of the Commission's business. This is especially so since delay pending a referendum vote would serve no useful purpose, neither our original nor our present decision having been founded on the availability or nonavailability of funds. Thus, if any petitions were to be filed requesting further delay pending the outcome of the June, 1962, referendum, they would be denied.

ORDER

11. In view of the foregoing: *It is ordered*, That the request for reconsideration of the University of Maine is denied; that the petition for reconsideration of Community Telecasting Service is denied insofar as it requests that Channel 7 be reserved for noncommercial educational use in Calais and is granted insofar as it requests that Channel 7 be assigned to Calais without such a reservation; that the requests of both parties for oral argument are denied; that the request for stay of the University of Maine and the petition for stay of Community Telecasting Service are dismissed as moot; that the petition to accept late filing of oppositions, filed by Leon Gorman is granted; that the request for waiver and acceptance of supplemental comments filed by the University of Maine is denied; that the request to accept late-filed material of Downeast Television, Inc., is granted; that the request of the Governor of Maine asking that a decision herein be held in abeyance pending the conclusion of a special session of the Maine Legislature is dismissed as moot; and that the request of the Governor of Maine asking for reconsideration is denied.

12. *It is further ordered*, pursuant to the authority contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended, that effective February 26, 1962, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, to read as follows:

City:	Channel No.
Bangor, Maine.....	2-, 5+, *16-
Calais, Maine.....	7-, 20-

(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)

Adopted: January 10, 1962.

Released: January 12, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,¹¹

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-511; Filed, Jan. 16, 1962;
8:50 a.m.]

¹¹Dissenting statement of Commissioner Lee, and statements of partial dissent by Chairman Minow and Commissioners Hyde, Cross, and Craven, filed as part of original document.

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Noxubee National Wildlife Refuge, Mississippi

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

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

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Noxubee National Wildlife Refuge, Mississippi, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 1,277 acres or 3 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth black bass, bream, crappie, catfish and other minor species permitted by State regulations.

(b) Open season: March 1, 1962, to October 31, 1962. Daylight hours only.

(c) Daily creel limits: Bass, 15; bream, 50; and crappie, 30.

Aggregate daily limit of all kinds shall not exceed 75 per day.

(d) Methods of fishing:

1. Pole and line, artificial baits and lures, trotlines, grappling in accordance with State regulations. Snaglines prohibited.

2. Boats and motors permitted.

(e) Other provisions:

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

2. A daily permit (\$50) is required by the Mississippi State Game and Fish Commission to fish in Bluff Lake and tail waters of the big and little spillways.

3. No permit is required in Betts Pond and Keaton Tower Pond, Parker Slough and Pete Slough and that portion of Cypress Creek, Oktoc Creek and Noxubee River within the refuge not covered by (2) above.

4. A Federal permit is not required to enter the public fishing area.

5. The provisions of this special regulations are effective to November 1, 1962.

LOUISIANA

SABINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Sabine National Wildlife Refuge, Louisiana, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 40,000 acres or 28 percent of the total area of the refuge, is delineated on

a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass, yellow bass, white bass, crappie, sunfish and other minor species permitted by State regulations.

(b) Open season: March 15, 1962, through October 15, 1962. From 45 minutes before sunrise to 45 minutes after sunset.

(c) Daily creel limits: Black bass, 15; yellow bass, 25; white bass, 25; crappie, 25; and sunfish, 50.

Other creel limits for minor species are as prescribed for State regulations.

(d) Methods of fishing:

1. Rod and reel, pole and line, artificial and live baits permitted.

2. Boats with outboard motors no larger than 7½ h.p. permitted in refuge lakes and impoundments. No size restrictions on boats and motors in the canals and rivers.

(e) Other provisions:

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

2. Boats may be left in the pool during fishing season but must bear the owner's name and address. Unmarked boats left in the pool will be removed to refuge headquarters. All boats must be removed from the refuge prior to the close of the fishing season.

3. Travel over the refuge is restricted to water ways.

4. A Federal permit is not required to enter the public fishing area.

5. The provisions of this special regulation are effective to October 16, 1962.

W. L. TOWNS,
*Acting Regional Director, Bureau
of Sport Fisheries and Wildlife.*

JANUARY 10, 1962.

[F.R. Doc. 62-503; Filed, Jan. 16, 1962;
8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 907, 908]

[Docket Nos. AO-245-A5 and AO-250-A3]

HANDLING NAVAL AND VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALI- FORNIA

Notice of Hearing With Respect to Proposed Amendments of the Mar- keting Agreements and Orders

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 810, Federal Building, 312 North Spring Street, Los Angeles, California, beginning at 10:00 a.m., P.s.t., February 8, 1962, with respect to proposed amendments to the marketing agreements and orders regulating the handling of navel and Valencia oranges grown in Arizona and designated part of California. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and to any appropriate modifications thereof.

Proposed by Pure Gold, Inc., Western Fruit Growers Sales Company, and Sun-kist Growers, Inc.:

Proposal No. 1. A. Add a new § 907.33 as follows:

§ 907.33 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of navel oranges, the expense of such projects to be paid from funds collected pursuant to this part.

§ 907.60 [Amendment]

B. Delete the proviso and all subsequent language in § 907.60 and substitute in lieu thereof the following: "Early maturity allotments issued to any handler may be used only during the week for which issued, and the undershipment of any such allotment shall not entitle such handler to handle an additional quantity of oranges due to such undershipment. Upon the reaching of general maturity, the quantity of oranges available for current shipment of any handler who failed to use all of the early

maturity allotments issued to him shall be adjusted by deducting therefrom a quantity of oranges equivalent to the total quantity of his oranges for which early maturity allotments were issued but were not used. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part. Early maturity allotments issued under this section shall be on a prorated district basis."

§ 907.4 [Amendment]

C. Revise the provisions of § 907.4 *Production area* to read as follows: "'Production area' means the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Turlock, California."

§ 907.66 [Amendment]

D. Delete paragraphs (a), (b), (c), and (d) of § 907.66 *Prorate districts* and substitute in lieu thereof the following:

(a) District 1 shall include that part of the State of California which is south of a line drawn due east and west through the post office in Turlock, California, and north of a line drawn due east and west through the post office in Oildale, California, but excluding San Luis Obispo County.

(b) District 2 shall include that part of the State of California which is south of a line drawn due east and west through the post office in Gorman, California, but including all of San Luis Obispo and Santa Barbara Counties, and west of a line drawn due north and south through the post office in White Water, California.

(c) District 3 shall include the State of Arizona and that part of the production area not included in Districts 1, 2, and 4.

(d) District 4 shall include that part of the State of California which is south of District 1 and north and east of District 2, but shall exclude that part of San Bernardino County located east of the 115th Meridian.

§ 907.31 [Amendment]

E. Delete the amount of \$10 wherever it appears in § 907.31 and substitute in lieu thereof the amount \$15.

§ 907.20 [Amendment]

F. Delete from § 907.20 the words "who shall not be handlers, or employees of handlers, or employees of central marketing organizations."

G. Revise the provisions of § 907.67 by adding immediately before the last sentence the following: "The exception provided in this section shall apply only if oranges are handled directly for the purposes specified in paragraphs (a) to (e) of this section by the initial handler thereof."

Proposal No. 2. A. Add a new § 908.33 as follows:

§ 908.33 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of Valencia oranges, the expense of such projects to be paid from funds collected pursuant to this part.

§ 908.60 [Amendment]

B. Delete the proviso and all subsequent language in § 908.60 and substitute in lieu thereof the following: "Early maturity allotments issued to any handler may be used only during the week for which issued and the undershipment of any such allotment shall not entitle such handler to handle an additional quantity of oranges due to such undershipment. Upon the reaching of general maturity, the quantity of oranges available for current shipment of any handler who failed to use all of the early maturity allotments issued to him shall be adjusted by deducting therefrom a quantity of oranges equivalent to the total quantity of his oranges for which early maturity allotments were issued but were not used. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part. Early maturity allotments issued under this section shall be on a prorated district basis."

§ 908.4 [Amendment]

C. Revise the provisions of § 908.4 *Production area* to read as follows: "'Production area' means the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Turlock, California."

§ 908.66 [Amendment]

D. Delete paragraphs (a), (b), and (c) of § 908.66 *Prorate districts* and substitute in lieu thereof the following:

(a) District 1 shall include that part of the State of California which is south of a line drawn due east and west through the post office in Turlock, California, and north of a line drawn due east and west through the post office in Gorman, California, but excluding San Luis Obispo and Santa Barbara Counties, and that part of San Bernardino County located east of the 115th Meridian.

(b) District 2 shall include that part of the State of California which is south and west of District 1 and west of a line drawn due north and south through the post office in White Water, California.

(c) District 3 shall include the State of Arizona and that part of the production area not included in Districts 1 and 2.

§ 908.31 [Amendment]

E. Delete the amount \$10 wherever it appears in § 908.31 and substitute in lieu thereof the amount \$15.

§ 908.20 [Amendment]

F. Delete from § 908.20 the words "who shall not be handlers, or employees of handlers, or employees of central marketing organizations."

§ 908.67 [Amendment]

G. Revise the provisions of § 908.67 by adding immediately before the last sentence the following: "The exemption provided in this section shall apply only if oranges are handled directly for the purposes specified in paragraphs (a) to (e) of this section by the initial handler thereof."

Proposed by the Fruit and Vegetable Division, Agricultural Marketing Service:

§ 907.83 [Amendment]

Proposal No. 3. A. That paragraph (c) (3) of § 907.83 be amended to read as follows: "Upon recommendation of the committee, received not later than January 15 of each odd-numbered year, the Secretary shall conduct a referendum prior to March 15 of such year to ascertain whether continuance of this part is favored by the producers."

§ 908.83 [Amendment]

B. That paragraph (c) (3) of § 908.83 be amended to read as follows: "Upon recommendation of the committee, received not later than August 15 of each even-numbered year, the Secretary shall conduct a referendum prior to October 15 of such year to ascertain whether continuance of this part is favored by the producers."

That consideration be given to make such changes in the marketing agreements and orders as may be necessary to make the entire marketing agreements and orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California.

Dated: January 12, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 62-514; Filed, Jan. 16, 1962;
8:51 a.m.]

[7 CFR Part 910]

[Docket No. AO 144-A10]

HANDLING OF LEMONS GROWN IN CALIFORNIA AND ARIZONA**Notice of Hearing with Respect to Proposed Amendments to the Amended Marketing Agreement and Order**

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674) and in accordance with the applicable

rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 810, Federal Building, 312 North Spring Street, Los Angeles, California, beginning at 10 a.m., P.s.t., February 9, 1962, with respect to proposed further amendments to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of lemons grown in California and Arizona. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The following amendments to the marketing agreement and order, which have been proposed by the Pure Gold, Inc., Western Fruit Growers Sales Co., and Sunkist Growers, Inc., are as follows:

1. Add a new § 910.33 as follows:

§ 910.33 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of lemons, the expenses of such projects to be paid from funds collected pursuant to this part.

§ 910.12 [Amendment]

2. Delete the provisions of § 910.12(b) and substitute in lieu thereof the following:

(b) With respect to District 2, the total quantity of lemons which, in accordance with standards prescribed by the committee with the approval of the Secretary, potentially are marketable as fresh fruit under applicable laws and which were delivered to the handlers in such district during the preceding 20-week period.

3. Delete the words "ten percent" wherever they appear in § 910.57 and substitute in lieu thereof the words "twenty percent."

§ 910.15 [Amendment]

4. Delete the provisions of § 910.15 *Production area* and substitute in lieu thereof the following: "Production area" means the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Turlock, California."

§ 910.64 [Amendment]

5. Delete paragraphs (a) and (b) of § 910.64 *Districts* and substitute in lieu thereof the following:

(a) "District 1" shall include that part of the State of California which is south of a line drawn due east and west

through the post office in Turlock, California, and north of a line drawn due east and west through the post office in Gorman, California, but excluding San Luis Obispo and Santa Barbara Counties and that part of San Bernardino County located east of the 115th Meridian.

(b) "District 2" shall include that part of the State of California which is south and west of District 1, and west of a line drawn due north and south through the post office in White Water, California.

§ 910.29 [Amendment]

6. Delete the amount "\$10" wherever it appears in § 910.29 and substitute the amount "\$15."

7. Add a new § 910.61a as follows:

§ 910.61a Early availability allotments.

Notwithstanding the provisions of § 910.56 the committee may, prior to the reaching of general availability in Prorate District 3, issue special allotments for the handling of lemons of early availability. Handlers controlling lemons of early availability in Prorate District 3 may apply to the committee for such allotments on forms prescribed by the committee and shall furnish to the committee such information as it may require. On the basis of all available information and after consideration of all of the factors enumerated in § 910.51(b) the committee shall determine the extent to which early availability allotment shall be granted. Total early availability allotments approved by the committee for this prorate district shall be distributed to all handlers who qualify therefor in proportion to the quantity requested by each handler in his application: *Provided however*, That early availability allotments issued to any handler prior to the reaching of general availability shall not permit the handling of a larger share of the lemons available for current shipment controlled by such handler than the share of lemons available for current shipment in this prorate district estimated to be allotted to all handlers in the utilization schedule established by the committee at the beginning of the season. Early availability allotments may be loaned only to handlers to whom early availability allotments have been granted. Upon the reaching of general availability, allotments issued for early availability lemons shall be offset or repaid by reducing the lemons available for current shipment of each handler who has received early availability allotments by the quantity of lemons for which early availability allotments were issued to him. The committee shall, with the approval of the Secretary, adopt the procedural rules and regulations to effectuate the provisions of this part.

§ 910.51 [Amendment]

8. Delete paragraph (c) of § 910.51 and substitute in lieu thereof the following:

(c) At any time during a week for which the Secretary, pursuant to § 910.52, has fixed the quantity of lemons which may be handled during such week, the committee may, if such

action is deemed advisable, recommend to the Secretary that such quantity be increased for such week. Any such recommendation, together with the committee's reasons for such recommendation, shall be submitted promptly to the Secretary.

§ 910.22 [Amendment]

9. Add the following at the end of § 910.22(d): "At least one of the nominees for member or alternate member shall be a grower from District 3."

§ 910.23 [Amendment]

10. Amend the provisions of § 910.23 by deleting therefrom the last two sentences of the section and substituting in lieu thereof the following: "From the nominations made pursuant to § 910.22 (d) or from other qualified growers and handlers, the Secretary shall select two grower members of the committee and an alternate to such grower members; also one handler member of the committee and an alternate to such handler member. At least one of the growers so selected shall be a grower of lemons in District 3. From the nominations made pursuant to § 910.22(f) or from other qualified persons, the Secretary shall select one member of the committee and an alternate to such member."

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California.

Dated: January 12, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 62-513; Filed, Jan. 16, 1962;
8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 61-WA-180]

CONTROLLED AIRSPACE

Proposed Alteration of Control Area Extensions

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 601.1138 and 601.1013 of the regulations of the Administrator, the substance of which is stated below.

On January 11, 1962, new aircraft holding pattern procedures were implemented within the continental limits of

the United States and in areas beyond such limits where adequate controlled airspace was currently established. Procedures requiring the designation of additional controlled airspace beyond the continental limits will be implemented upon completion of the processing of appropriate amendments to the Regulations of the Administrator. These procedures were developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment and provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, a number of these holding pattern areas require the designation of additional controlled airspace to encompass the increased dimensions of such areas. The pilot then need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Miami, Fla., Air Route Traffic Control Center area, the Federal Aviation Agency is considering the following airspace actions:

1. The Orlando, Fla., control area extension (§ 601.1138) would be altered to add that airspace northwest of Orlando, bounded on the northwest by VOR Federal airway No. 97 east alternate, on the east by VOR Federal airway No. 35 west alternate and on the southwest by VOR Federal airway No. 97, excluding the portion below 2,000 feet MSL. This would provide additional controlled airspace for the protection of aircraft in holding patterns at Shrimp, Fla., Intersection (intersection of the Cross City, Fla., VOR 185° and the St. Petersburg, Fla., VORTAC 335° True radials) and Scallop, Fla., Intersection (intersection of the Cross City, VOR 207° and the St. Petersburg VORTAC 335° True radials).

2. The Fort Myers, Fla., control area extension (§ 601.1013) would be redesignated as that area bounded on the northeast by VOR Federal airway No. 35, on the east by VOR Federal airway No. 225 and on the west by Tampa, Fla., control area extension (§ 601.1228), excluding the portion of this control area extension below 2,000 feet MSL and excluding the portion above 20,000 feet MSL south of the Miami, Fla., control area extension (§ 601.1230). This would provide additional controlled airspace for the protection of aircraft in holding patterns at Marco, Fla., Intersection (intersection of a 091° True bearing to the Miami, Fla., RBN and a 171° True bearing to the Key West, Fla., radio range) Cape Romano, Fla., Intersection (intersection of the Fort Myers, Fla., VOR 177° and the Miami, Fla., VORTAC 269° True radials) and the Fort Myers VOR. The presently designated portion of the Fort Myers Control Area Extension that is not included in the proposal would be revoked since this area is designated as control area associated with VOR Federal airways.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment

60-21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in this instance. Upon completion of the review of controlled airspace requirements attendant to these provisions, separate airspace action will be initiated to convert these control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie St., Atlanta 3, Georgia. All communications received within thirty 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 Airspace Utilization Division, Federal Air Traffic Division Chief, or the Chief, 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 Service Division Chief.

This amendment is proposed under sections 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on January 12, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-496; Filed, Jan. 16, 1962;
8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 14486; FCC 62-49]

AUTHORIZATION PRACTICES WITH RESPECT TO THE RADIONAVIGATION SERVICE IN CERTAIN BANDS

Notice of Proposed Rule Making

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 reflect accurately existing operations or policies in the bands 90-110 kc/s, 200-415 kc/s and 1800-2000 kc/s which are allocated nationally to the Radionavigation Service. Radionavigation aids are normally operated by the United States Govern-

ment, however, this service may require the operation of non-Government radionavigation stations which the Government is not yet prepared to furnish. Existing footnote US18 authorizes such non-Government radionavigation aid stations to operate in the band 200-415 kc/s subject to certain limitations.

3. It is the purpose of this proposal to extend the scope of footnote US18 to include the frequency bands 90-110 kc/s and 1800-2000 kc/s and thus reflect the actual availability of these bands to non-Government radionavigation aid stations.

4. This proposal will not involve, nor would it adversely affect, any stations operating in any service other than radionavigation.

5. The proposed amendment to the rules, as set forth below is issued pursuant to the authority contained in sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before March 1, 1962, and comments in reply to the original comments may be filed on or before March 12, 1962. The Commission will consider all such comments and such other material and information as may be deemed necessary and relevant prior to taking final action in this matter.

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

Adopted: January 10, 1962.

Released: January 12, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

§ 2.106 [Amendment]

Footnote US18 to § 2.106 of the Commission's rules and regulations is amended to read as follows:

US18 Navigation aids in the U.S. and possessions between 90 and 110 kc/s, 200 and 415 kc/s, and 1800 and 2000 kc/s, are normally operated by the U.S. Government. However, authorizations may be made by the Commission for non-Government operation in these bands subject to the conclusion of appropriate arrangements between the Commission and the Government agencies concerned and upon special showing of need for service which the Government is not yet prepared to render.

[F.R. Doc. 62-510; Filed, Jan. 16, 1962;
8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands; Correction

JANUARY 8, 1962.

The notice of Proposed Withdrawal and Reservation of Lands published on Page 10735 of the FEDERAL REGISTER, issue for Thursday, November 16, 1961 (F.R. Doc. 61-10902; Filed, Nov. 15, 1961; 8:47 a.m.), is hereby corrected as to land in T. 2 N., R. 4 W., SBM., Sec. 9 by deleting the S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ and replacing it with the S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 62-485; Filed, Jan. 16, 1962;
8:46 a.m.]

NEW MEXICO

Amended Notice of Proposed Withdrawal and Reservation of Lands and Notice of Termination of Proposed Withdrawal and Reservation of Lands

JANUARY 8, 1962.

The Bureau of Reclamation has filed an application, Serial Number NM 094367 for the withdrawal of the lands described below, from all forms of appropriation including general mining but not the mineral leasing laws. The applicant desires the land for the Navajo Unit, Colorado River Storage Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

- T. 31 N., R. 5 W.,
Sec. 5, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 8, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 32 N., R. 5 W.,
Sec. 7, W $\frac{1}{2}$ of Lot 1.
T. 30 N., R. 6 W.,
Sec. 8, S $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 9, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 10, Lots 1, 2, 3, 4, 5, W $\frac{1}{2}$ SW $\frac{1}{4}$.

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- T. 31 N., R. 6 W.,
Sec. 2, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ (State owned);
Sec. 4, Lot 6, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 20, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 29, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 30, SE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 32 N., R. 6 W.,
Sec. 10, Lots 1 and 2;
Sec. 16, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ (State owned);
Sec. 24, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 30 N., R. 7 W.,
Sec. 3, Lot 6, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 4, Lot 8, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 5, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 10, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 13, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 14, S $\frac{1}{2}$;
Sec. 15, SE $\frac{1}{4}$.
T. 31 N., R. 7 W.,
Sec. 18, Lot 7;
Sec. 23, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 25, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 26, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 27, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 28, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 33, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 35, SW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 30 N., R. 8 W.,
Sec. 1, Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 2, Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ (State owned).
T. 31 N., R. 8 W.,
Sec. 36, All (State owned).

The area described above aggregates 3725.22 acres of which 854.30 acres are State owned.

Notice of applications Serial Nos. NM 030466 and NM 037508 for withdrawal and reservation of lands were published as Federal Register Document No. 58-465 on pages 400 and 401 of the issue for January 22, 1958, and Document No. 58-2236 on page 2048 of the issue for March 27, 1958, respectively. The applicant agency has cancelled its applications as to lands not in the amended application. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, those lands will be at 10:00 a.m. on January 15, 1962 relieved of the segregative effect of applications NM 030466 and NM 037508.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 62-486; Filed, Jan. 16, 1962;
8:46 a.m.]

Office of the Secretary

WALTER BRENTON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months: No change.

This statement is made as of January 3, 1962.

Dated: January 3, 1962.

WALTER BRENTON.

[F.R. Doc. 62-487; Filed, Jan. 16, 1962;
8:47 a.m.]

JOHN L. McNEALEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of January 1, 1962.

Dated: January 5, 1962.

J. L. McNEALEY.

[F.R. Doc. 62-488; Filed, Jan. 16, 1962;
8:47 a.m.]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of January 1, 1962.

Dated: January 5, 1962.

CHARLES W. WATSON.

[F.R. Doc. 62-489; Filed, Jan. 16, 1962;
8:47 a.m.]

DEPARTMENT OF STATE

Agency for International Development

[Redelegation of Authority 7]

CERTAIN AID OFFICIALS

Delegation of Authority Regarding Foreign Excess Property

Pursuant to the authority vested in me by Delegation of Authority No. 104 from the Secretary of State, I hereby delegate to each AID Mission Director,

AID Representative, or AID Liaison Officer, the authority to make the determination required under section 607 of the Foreign Assistance Act of 1961 to permit the furnishing of foreign excess property in an amount not to exceed \$50,000 of original acquisition cost in any fiscal year, provided that: (1) Such property is available in the country for which the person making the determination is the AID Mission Director, AID Representative, or AID Liaison Officer, and (2) transfers pursuant hereto are made only to the government of the country in which such person is the AID Mission Director, AID Representative, or AID Liaison Officer. Determinations made pursuant to this authority shall be made in accordance with prescribed procedures approved by the Assistant Administrator for Materials Resources.

FOWLER HAMILTON,
Administrator of Agency
for International Development.

DECEMBER 29, 1961.
[F.R. Doc. 62-484; Filed, Jan. 16, 1962;
8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary
TENNESSEE

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the following counties in the State of Tennessee natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources:

TENNESSEE

Franklin. Giles. Lincoln.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of January 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-495; Filed, Jan. 16, 1962;
8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration
AMERICAN PRESIDENT LINES, LTD.
Notice of Application

Notice is hereby given that American President Lines, Ltd., has filed an application for a modification of a waiver previously granted under section 804 of the Merchant Marine Act, 1936, as amended, whereby Signal Oil and Gas Company, an affiliate of American Presi-

dent Lines, Ltd., or any Division or Subsidiary of Signal Oil and Gas Company, was permitted to operate or charter foreign-flag tanker vessels for world-wide carriage of petroleum and its products, so as to permit Signal Oil and Gas Company additionally, directly or through subsidiary or affiliated corporations, from time to time to construct or to take under long-term charter (up to 20 years or more in term) not more at any time than 5 tankers of foreign registry and each of 20,000-65,000 tons capacity, for use in world-wide carriage of petroleum and petroleum products.

Any person, firm or corporation having an interest in such application who desires to offer views and comments thereon for consideration by the Maritime Administrator should submit the same in writing, in triplicate, to the Secretary, Maritime Administration, Washington 25, D.C., by close of business on January 25, 1962. The Maritime Administrator will consider these views and comments and take such action with respect thereto as may be deemed appropriate.

Dated: January 15, 1962.

By Order of the Maritime Administrator.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 62-557; Filed, Jan. 16, 1962;
8:51 a.m.]

FEDERAL MARITIME COMMISSION

ASSOCIATED STEAMSHIP LINES (MANILA) CONFERENCE

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreements 5600-20 and 5600-21, between the member lines of the Associated Steamship Lines (Manila) Conference, modify, as indicated below, the basic agreement of that conference which covers the trade from ports in the Philippine Islands direct to, or with transshipment at or via ports in Ceylon, India, Pakistan, Malaya, East Indies, Indo-China, Burma, Siam, Hong Kong, China, Korea, Japan, Siberia, United States of America, Canada, Cuba, Mexico, Central America, Canal Zone, South America, Caribbean Sea ports, the West Indies, Australia and New Zealand.

Agreement 5600-20, adds a new paragraph to the conference By-Laws to provide that during the absence abroad of any member of the Management Committee, the two remaining members may select the representative of another member line as a substitute to serve on the Committee only for the duration of such temporary absence.

Agreement 5600-21 modifies the basic conference agreement to provide for a new method of appointment of arbitrators for handling of disputes between member lines under the present arbitration provision.

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

By order of the Federal Maritime Commission.

Dated: January 11, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-502; Filed, Jan. 16, 1962;
8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 1441I, 14412; FCC 62M-44]

LA FIESTA BROADCASTING CO. AND MID-CITIES BROADCASTING CORP.

Order Continuing Hearing

In re applications of J. R. Earnest and John A. Flache, d/b as La Fiesta Broadcasting Co., Lubbock, Tex., Docket No. 1441I, File No. BP-14116; Mid-Cities Broadcasting Corp., Lubbock, Tex., Docket No. 14412, File No. BP-15073; for construction permits.

The Hearing Examiner having under consideration agreement of parties participating at prehearing conference on January 11, 1962, regarding date for hearing;

It is ordered, This 11th day of January 1962, that the hearing now scheduled for February 12, 1962, is continued to April 2, 1962, at 10:00 a.m.

Released: January 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-508; Filed, Jan. 16, 1962;
8:50 a.m.]

[List No. 31]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

JANUARY 12, 1962.

In accordance with Commission action of January 10, 1962, granting a waiver of § 1.354(c) of the Commission rules permitting the below-described application to be placed at the top of the processing line, notice is hereby given that on February 19, 1962, the following application:

BP-15298 New, Tawas City-East Tawas, Mich.
Superior Broadcasting Co.
Req: 1480 kc, 1 kw, DA, Day.
(Requests the facility of Station WIOS.)

will be considered as ready and available for processing, and that pursuant to § 1.106(b) (1) and § 1.361(c) of the Com-

mission rules, an application, in order to be considered with this application or with any other application on file by the close of business on February 16, 1962, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C. by whichever date is earlier: (a) the close of business on February 16, 1962, or (b) the earlier effective cut-off date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d) (1) of the Communications Act of 1934, as amended, is directed to § 1.359(i) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: January 10, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] - BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-509; Filed, Jan. 16, 1962;
8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-114]

EL PASO NATURAL GAS CO.

Notice of Application and Date of Hearing

JANUARY 9, 1962.

Take notice that on November 3, 1961, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas, filed in Docket No. CP62-114 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing

the sale and delivery of an additional 100,000 Mcf of natural gas per day to Pacific Gas and Electric Company (PG&E) on a best efforts basis for the limited term commencing December 1, 1961, and extending through April 30, 1962, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority, during the limited term commencing December 1, 1961, and extending through April 30, 1962, to sell and deliver up to 100,000 Mcf of natural gas per day to PG&E on an interruptible and best efforts basis, at the existing delivery point to PG&E located near Topock, Arizona. Said quantities of gas to be provided are in addition to the presently certificated quantities of gas delivered by Applicant to PG&E and are to be provided from Applicant's existing sources of gas supply by use of its certificated pipeline facilities only after meeting its other customer requirements throughout its pipeline system.

No additional pipeline facilities are proposed by Applicant to render the subject service.

The proposed service would be rendered by Applicant in accordance with a service agreement between Applicant and PG&E dated October 12, 1961, and at rates contained in Applicant's FPC Gas Rate Schedule G-X-1 on file with the Commission as a part of its FPC Gas Tariff, Original Volume No. 1.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 8, 1962 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Wash-

ington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 31, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-479; Filed, Jan. 16, 1962;
8:46 a.m.]

[Docket Nos. RI62-287-RI62-292]

HUMBLE OIL & REFINING CO. ET AL.

Order Providing for Hearings On and Suspension of Proposed Changes in Rates ¹

JANUARY 10, 1962.

Humble Oil & Refining Co. (Operator), et al., Docket No. RI62-287; Amerada Petroleum Corp. (Operator), et al., Docket No. RI62-288; Amerada Petroleum Corp., Docket No. RI62-289; Redfern Oil Co., Docket No. RI62-290; Herd Oil and Gas Co., Docket No. RI62-291; Sinclair Oil & Gas Co., Docket No. RI62-292.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date ¹ unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI62-287...	Humble Oil & Refining Co. (Operator) et al., P.O. Box 2180, Houston 1, Tex.	127	4	Texas Gas Transmission Corp. (East Lake Palourde Field, St. Martin Parish, south Louisiana).	\$58,716	12-15-61	1-15-62	6-15-62	² 21.75	³ 23.75	-----
RI62-288...	Amerada Petroleum Corp. (Operator) et al., P.O. Box 2040, Tulsa 2, Okla.	11	8	Texas Gas Transmission Corp. (South Lewisburg Field, Acadia Parish, south Louisiana).	12,173	12-15-61	1-15-62	6-15-62	⁴ 18.875	⁵ 23.25	-----
			8	Texas Gas Transmission Corp. (South Lewisburg Field, Acadia and St. Landry Parishes, south Louisiana).	13,612	12-15-61	1-15-62	6-15-62	⁴ 18.875	⁵ 23.25	G-17539
RI62-289...	Amerada Petroleum Corp.	9	7	do	4,628	12-15-61	1-15-62	6-15-62	⁴ 20.811	⁵ 23.25	G-17538
RI62-290...	Redfern Oil Co., P.O. Box 1747, Midland, Tex.	1	4	El Paso Natural Gas Co. (Denton plant, Lea County, N. Mex.).	1,657	12-18-61	1-18-62	6-18-62	⁶ 13.9336	⁷ 17.0816	G-18770
RI-62-291...	Herd Oil and Gas Co., P.O. Box 1747, Midland, Tex.	1	4	do	1,062	12-18-61	1-18-62	6-18-62	⁶ 13.9336	⁷ 17.0816	G-18769
RI62-292...	Sinclair Oil & Gas Co., P.O. Box 521, Tulsa 2, Okla.	169	1	Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).	(⁸)	12-11-61	1-11-62	6-11-62	⁹ 12.0	¹⁰ 12.0	-----

¹ The stated effective date is the first day after expiration of the required statutory notice or, if later, the date requested by respondent.

² The pressure base is 15.025 psia.

³ The pressure base is 14.65 psia.

⁴ Periodic increase by contract.

⁵ Favored-Nation increase.

⁶ Includes tax reimbursement of 1.75 cents per Mcf.

⁷ Includes tax reimbursement of 2.3 cents per Mcf.

⁸ Includes tax reimbursement of 1.875 cents per Mcf.

⁹ Annual amount of increase due to imposition of a floor of 11.0 cents per Mcf on the downward BTU adjustment is approximately \$410.

¹⁰ Effective rate is reduced by heating value deficiency to 9.701052 cents per Mcf.

¹¹ Renegotiated increase.

¹² Effective rate is reduced by heating value deficiency to 11.0 cents per Mcf (amounting to increase of 1.268948 cents per Mcf).

¹ This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

The proposed increased rates, except that proposed by Sinclair Oil & Gas Company, exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56). The increased rate proposed by Sinclair Oil & Gas Company, may result in the sale of less than pipeline quality gas at the area price level for pipeline quality gas.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notice from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25 D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before February 22, 1962.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-480; Filed, Jan. 16, 1962; 8:46 a.m.]

[Docket No. CP62-137]

LAKE SHORE PIPE LINE CO.

Notice of Application and Date of Hearing

JANUARY 9, 1962.

Take notice that on December 1, 1961, Lake Shore Pipe Line Company (Applicant), 1717 East Ninth Street, Cleveland 14, Ohio, filed in Docket No. CP62-137 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and neces-

sity authorizing the construction and operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof from time to time during the twelve-month period commencing on the date on which the order in this docket issues, at a total cost not to exceed \$250,000, with no single project to exceed a cost of \$50,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

The proposed facilities will be financed by cash on hand or short-term bank loans.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 8, 1962 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 29, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-481; Filed, Jan. 16, 1962; 8:46 a.m.]

[Project No. 675]

UTAH POWER AND LIGHT CO.

Notice of Application for Surrender of License

JANUARY 9, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Utah Power and Light Company, of Salt Lake City, Utah (correspondence to Leighton and Sherline, 910 Seventeenth Street NW., Washington 6, D.C.), licensee for Project No. 675, situated in

Utah County, Utah, and affecting lands of the United States within Wasatch National Forest (now known as Uinta National Forest).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is February 26, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-482; Filed, Jan. 16, 1962; 8:46 a.m.]

FEDERAL TRADE COMMISSION

CERTAIN OFFICIALS

Delegation of Functions

Pursuant to the authority provided by Reorganization Plan No. 4 of 1961, the Federal Trade Commission on January 9, 1962, made the following Delegations of Authority:

(1) *In re: Motions, requests, and interlocutory appeals.* The Commission delegates to an individual Commissioner to be designated by the Chairman the authority to consider and determine all motions, requests, and interlocutory appeals to the Commission filed under the Commission's rules of practice, other than those motions, requests, and interlocutory appeals concerning the merits of a proceeding, and to have prepared and issued in the name of the Commission orders disposing of such motions, requests, and interlocutory appeals.

(2) *In re: Closing of docketed investigational files.* The Commission delegates to the Director and Assistant Director, Bureau of Restraint of Trade; the Director and Assistant Director, Bureau of Deceptive Practices; and the Director and Assistant Director, Bureau of Textiles and Furs, severally and without power of redelegation, the authority to close docketed investigational files, except those involving alleged false advertising of food, drugs, devices or cosmetics which are inherently dangerous, the sale of fabrics and wearing apparel which are so highly flammable as to be dangerous, the suppression or restraint of competition through conspiracy or discriminatory or monopolistic practices, or violation of section 7 of the Clayton Act: *Provided, however,* That such closing shall not be effective until the files shall have been transmitted to the Secretary and he shall have advised the Commission of the direction to close and no one member, within five working days thereafter, shall have objected to the closing. If upon the expiration of such five-day period no Commissioner shall have objected, the Secretary shall enter upon the records of the Commission the closing of the matter and take such other action as the closing requires.

(3) *In re: Extensions of time prescribed for compliance with demands for access, subpoenas, or orders issued during investigation of any matter.* The

Commission delegates to the Director and Assistant Director, Bureau of Restraint of Trade; the Director and Assistant Director, Bureau of Deceptive Practices; the Director and Assistant Director, Bureau of Textiles and Furs; and the Director and Assistant Director, Bureau of Economics, severally and without power of redelegation, the authority, for good cause shown, to extend the time prescribed for compliance with demands for access, subpoenas, or orders issued during the investigation of any matter.

(4) *In re: Extensions of time for filing reports of compliance.* The Commission delegates to the Director and Assistant Director, Bureau of Restraint of Trade; the Director and Assistant Director, Bureau of Deceptive Practices; and the Director and Assistant Director, Bureau of Textiles and Furs, severally and without power of redelegation, the authority, for good cause shown, to extend the time prescribed in § 4.28 of the Commission's rules of practice, or in any order, within which reports of compliance with orders to cease and desist may be filed.

(5) *In re: Initiation of investigations.* The Commission delegates to the Director and Assistant Director, Bureau of Restraint of Trade; the Director and Assistant Director, Bureau of Deceptive Practices; and the Director and Assistant Director, Bureau of Textiles and Furs, severally and without power of redelegation, the authority to initiate investigations of alleged or suspected violations of any law, or provision thereof, which the Commission is empowered or directed to enforce; or the manner and form of compliance with final orders issued by the Commission.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

JANUARY 12, 1962.

[F.R. Doc. 62-501; Filed, Jan. 16, 1962;
8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File 7-2217, 7-2218]

LABORATORY FOR ELECTRONICS INC. AND PAN AMERICAN SULPHUR CO.

Notice of Applications for Unlisted Trading Privileges and of Oppor- tunity for Hearing

JANUARY 11, 1962.

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

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f) (2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trad-

ing privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Laboratory For Electronics, Inc., File 7-2217.

Pan American Sulphur Co., File 7-2218.

Upon receipt of a request, on or before January 26, 1962, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-490; Filed, Jan. 16, 1962;
8:47 a.m.]

[File 7-2215, 7-2216]

LITTON INDUSTRIES, INC. AND SAN DIEGO IMPERIAL CORP.

Notice of Applications for Unlisted Trading Privileges and of Oppor- tunity for Hearing

JANUARY 11, 1962.

In the matter of applications of the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in certain securities.

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

Litton Industries, Inc., File 7-2215.
San Diego Imperial Corp., File 7-2216.

Upon receipt of a request, on or before January 26, 1962, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes

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

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-491; Filed, Jan. 16, 1962;
8:47 a.m.]

[File No. 1-1717]

UNITED STATES DIVERSIFIED INDUSTRIES, INC.

Notice of Application to Strike From Listing and Registration and of Op- portunity for Hearing

JANUARY 11, 1962.

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

The reasons alleged in the application for striking this security from listing and registration include the following: Since this Company's auditors refuse to express an opinion as to its financial condition, the Annual Report for 1960 must be considered incomplete and unacceptable.

Upon receipt of a request, on or before January 26, 1962, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-492; Filed, Jan. 16, 1962;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 193]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 12, 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 3261 (Deviation No. 5), KRAMER BROS. FREIGHT LINES, INC., 4195 Central Avenue, Detroit 10, Mich., filed January 4, 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 Cleveland, Ohio, over Interstate Highway 90 to Buffalo, N.Y., 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 Cleveland over Ohio Highway 283 to Willowick, Ohio, thence over Ohio Highway 288 to Willoughby, Ohio, thence over Ohio Highway 174 to junction Ohio Highway 84, thence over Ohio Highway 84 to Ashtabula, Ohio, thence over U.S. Highway 20 to Erie, Pa., thence over Pennsylvania Highway 5 to the Pennsylvania-New York State Line, and thence over New York Highway 5 to Buffalo, and return over the same route.

No. MC 13062 (Deviation No. 1), SUTTON TRANSFER, INC., 332 High School Avenue, Lebanon, Ky., filed January 5, 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 Interstate Highway 64 and U.S. Highway 60, just east of Middletown (Jefferson County), Ky., to the Frankfort Interchange, thence over U.S. Highway 127 to junction U.S. Highway 60, west of Frankfort, 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 pertinent service routes as follows: From Louisville, Ky., over U.S. Highway 60 to Winchester, Ky.; and from Louisville, Ky., over U.S. Highway 60 to the Parkers Mill Road, thence over the Lane Allen Road and Rosemont Gardens Street to junction U.S. Highway 27, thence over U.S. Highway 27 to Nicholasville, Ky., thence over U.S. Highway 29 to Wilmore, Ky., and return over the same routes.

No. MC 13900 (Deviation No. 1), MIDWEST HAULERS, INC., 228 Superior Street, Toledo, Ohio, filed January 5, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) Minneapolis-St. Paul, Minn., over Interstate Highway 94 to junction U.S. Highway 12, four miles west of Eau Claire, Wis., (B) from the junction of Interstate Highway 90 and U.S. Highway 12, at Wisconsin Dells, Wis., over Interstate Highways 90 and 94 to junction U.S. Highways 12, 51 and Interstate Highway 90, just south of Madison, Wis., (C) from the junction of U.S. Highways 12, 18, 51 and Interstate Highway 90, just south of Madison, Wis., over U.S. Highway 51 to junction U.S. Highways 14 and 51, near Janesville, Wis., and (D) from the junction of U.S. Highways 14, 51, and Interstate Highway 90, near Janesville, Wis., over Interstate Highway 90 to Chicago, Ill., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Dubuque, Iowa, over U.S. Highway 20 to Boston, Mass.; from Minneapolis-St. Paul over U.S. Highway 12 to junction Wisconsin Highway 89, thence over Wisconsin Highway 89 to junction U.S. Highway 14, thence over U.S. Highway 14 to Chicago, Ill.; from Madison, Wis., over U.S. Highway 18 to Waukesha, Wis.; from Waukesha, Wis., over Wisconsin Highway 59 to Milwaukee, Wis.; from Milwaukee, Wis., over U.S. Highway 41 to Evansville, Ind.; from Madison, Wis., over U.S. Highway 12 (formerly U.S. Highway 51) to junction U.S. Highway 51, thence over U.S. Highway 51, to Bloomington, Ill.; from Beloit, Wis., over Wisconsin Highway 15 to Milwaukee, Wis.; and from Effingham, Ill., over U.S. Highway 45 to junction Wisconsin Highway 15, and return over the same routes.

No. MC 36436 (Deviation No. 2), MOLAND BROTHERS TRUCKING CO., 2502 West Huron Street, Duluth, Minn., filed January 2, 1962. Attorney Claude J. Jasper, 111 South Fairchild, Madison, Wis. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 90 and U.S. Highway 12, at Wisconsin Dells, Wis., over Interstate Highway 90 to junction U.S. Highway 14, east of Janesville, Wis., and return over the

same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Duluth, Minn., over U.S. Highway 53 to Eau Claire, Wis., thence over U.S. Highway 12 to Wisconsin Dells, thence over U.S. Highway 16 to Watertown, Wis., thence over Wisconsin Highway 26 to Janesville, thence over U.S. Highway 14 to Walworth, Wis., also from Watertown, Wis., over Wisconsin Highway 26 to Fort Atkinson, Wis., thence over Wisconsin Highway 89 to junction U.S. Highway 14, thence over U.S. Highway 14 to Walworth, Wis., thence over U.S. Highway 14 to junction U.S. Highway 12, thence over U.S. Highway 12 to Chicago, Ill.; from Duluth, Minn., to Watertown, Wis., as specified above, thence over U.S. Highway 16 to junction Wisconsin Highway 67, thence over Wisconsin Highway 67 to junction U.S. Highway 18, thence over U.S. Highway 18, via West Allis, Wis., to Milwaukee, Wis. (also from West Allis over Wisconsin Highway 59 to Milwaukee), thence over U.S. Highway 41 to Chicago, Ill. (also from Milwaukee over Milwaukee County Trunk Highway A to junction Wisconsin Highway 100, thence over Wisconsin Highway 100 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction U.S. Highway 12, thence over U.S. Highway 12 to Chicago, Ill.); from Duluth, Minn., over U.S. Highway 53 to Chippewa Falls, Wis., thence over Wisconsin Highway 29 to Abbotsford, Wis., thence over Wisconsin Highway 13 to Wisconsin Rapids, Wis., thence over Wisconsin Highway 73 to Plainfield, Wis., thence over U.S. Highway 51 to Madison, Wis., thence over U.S. Highway 14 to Chicago, Ill.; and from Duluth, Minn., over U.S. Highway 53 to Eau Claire, Wis., thence over U.S. Highway 12 to junction U.S. Highway 16, thence over U.S. Highway 16 to Portage, Wis., thence over U.S. Highway 51 to Madison, Wis., thence over U.S. Highway 12 to Whitewater, Wis., thence over Wisconsin Highway 89 to junction U.S. Highway 14, thence over U.S. Highway 14 to junction Illinois Highway 31, thence over Illinois Highway 31 to junction Illinois Highway 62, thence over Illinois Highway 62 to Chicago, Ill., and return over the same routes.

No. MC 47848 (Deviation No. 1), HUDSON TRUCKING CO., INC., P.O. Box 222, Kendallville, Ind., filed January 2, 1962. Attorney Donald W. Smith, Suite 511 Fidelity Building, Indianapolis 4, Ind. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Kendallville, Ind., over U.S. Highway 6 to junction Indiana Highway 9, thence over Indiana Highway 9 to junction Indiana East-West Toll Road, thence over Indiana East-West Toll Road to the Illinois Calumet Expressway, thence over the Illinois Calumet Expressway to Chicago, Ill., (B) from Kendallville, Ind., over U.S. Highway 6 to junction U.S. Highway 421, thence over U.S. Highway 421 to junction Indiana East-West Toll Road, thence over Indiana East-West Toll Road to

the Illinois Calumet Expressway, thence over the Illinois Calumet Expressway to Chicago, Ill., (C) from Kendallville, Ind., over U.S. Highway 6 to junction Indiana Highway 49, thence over Indiana Highway 49 to the Indiana East-West Toll Road, thence over Indiana East-West Toll Road to the Illinois Calumet Expressway, thence over Illinois Calumet Expressway to Chicago, Ill., (D) from Kendallville, Ind., over U.S. Highway 6 to junction Indiana Highway 53, thence over Indiana Highway 53 to junction Kingery Expressway, thence over Kingery Expressway to the Illinois Calumet Expressway, thence over Illinois Calumet Expressway to Chicago, Ill., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kendallville over U.S. Highway 6 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, and return over the same route.

No. MC 52746 (Deviation No. 5), KNAUS TRUCK LINES, INC., 715 South 25th Avenue, Bellwood, Ill., filed January 5, 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 Leon, Iowa, over Iowa Highway 2 to junction U.S. Highway 169, thence over U.S. Highway 169 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 85, thence over U.S. Highway 85 to Denver, Colo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Kansas City, Kans., over U.S. Highway 69, via Osceola, Iowa, to Des Moines, Iowa; from Kansas City, Kans., over the Kansas Turnpike to Wichita, Kans.; from Wichita, Kans., over U.S. Highway 54 to Liberal, Kans.; from Bucklin over unnumbered highway to junction U.S. Highway 154, thence over U.S. Highway 154 to Dodge City, Kans., thence over U.S. Highway 50S (now U.S. Highway 50) to Garden City, Kans.; from Liberal over U.S. Highway 83 to junction U.S. Highway 24, thence over U.S. Highway 24 to Colby, Kans.; from Denver, over U.S. Highway 40, via Agate, Colo., to Limon, Colo., thence over U.S. Highway 24 to Halford, Kans., and thence over U.S. Highway 83 to Oakley, Kans., and return over the same routes.

No. MC 66562 (Deviation No. 6), RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y., filed December 28, 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 as follows: From St. Johnsbury, Vt., over U.S. Highway 5 to junction U.S. Highway 2, thence over

U.S. Highway 2 to junction New Hampshire Highway 18, thence over New Hampshire Highway 18 to junction U.S. Highway 93, thence over U.S. Highway 93 to Littleton, N.H., 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 White River Junction, Vt. over U.S. Highway 5 to Wells River, Vt., thence over U.S. Highway 302, via Woodsville, N.H., to Littleton, N.H., and thence over New Hampshire Highway 116 to Whitefield, N.H., and return over the same route.

No. MC 69116 (Deviation No. 10), SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill., filed January 4, 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 St. Louis, Mo., over Interstate Highway 55, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to Gardner, Ill., thence over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to junction U.S. Highway 67, thence over U.S. Highway 67 to junction Alternate U.S. Highway 67, thence over Alternate U.S. Highway 67 to St. Louis, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 45626 (Deviation No. 7), VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vt., filed January 5, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route between Waterbury and Bolton, Vt., over Interstate Highway 91, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Waterbury over U.S. Highway 2 to Bolton, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 62-498; Filed, Jan. 16, 1962;
8:48 a.m.]

[Notice 416]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 12, 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 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 9895 (Sub-No. 122), filed January 8, 1962. Applicant: DENVER CHICAGO TRANSPORT COMPANY, INC., East 45th Avenue and Jackson Street, Denver, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids*, in bulk, in government-owned and shipper-owned specially designed tank trailers, loaded and empty (1) between Painesville, Ohio, and points in Tennessee and (2) between West Palm Beach, Fla., and points in Tennessee.

HEARING: February 5, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Richard H. Roberts.

No. MC 14514 (Sub No. 4), filed June 22, 1961. Applicant: JOHN KOEHN, JR., doing business as MERCHANTS DELIVERY, 115 Wabash Court, Danville, Ill. Applicant's attorney: Ray M. Foreman, 704-710 Baum Building, Danville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, packing-house products and groceries*, and *commodities* as described in paragraphs (a), (b), and (c) of the Appendix to the Report of the Commission in *Modification of Permits—Packing House Products*, 46 M.C.C. 23, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, from the site of Swift and Company plant at or near Rochelle, Ill., to points in Illinois and Indiana within seventy (70) miles of Danville, Ill., and (2) *Such merchandise* as is dealt in by mail order houses, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in (2) above, between Chicago, Ill., and points in Illinois and Indiana, within seventy (70) miles of Danville, Ill.

HEARING: March 12, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21, or, if the Joint Board waives its right to participate before Examiner Gordon M. Callow. This is to be heard on a consolidated record with MC 14514, John Koehn, Jr., doing business as Merchants Delivery, Danville, Ill., and MC 14514 (Sub-No. 3), John Koehn, Jr., doing business as Merchants Delivery, Conversion Proceeding.

No. MC 25798 (Sub-No. 56), filed November 3, 1961. Applicant: CLAY HYDER TRUCKING LINES, INC., Chimney Rock Highway, P.O. Box 1290, Gendersville, N.C. Applicant's attorney: Thomas F. Kilroy, 1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate coating, cocoa, and ice cream coatings*, from Milwaukee, Wis., and Newark, N.J., to points in North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Virginia, Mississippi, Alabama, and West Virginia.

HEARING: February 20, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 27817 (Sub-No. 41), filed December 18, 1961. Applicant: H. C. GABLER, INC., R.D. No. 3, Chambersburg, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grass stop*, in rolls, *metal stove shovels*, *metal roofing and siding*, and *fabricated metal building products*, from the site of the plant of Penn Supply and Metal Corporation at Philadelphia, Pa., to points in Ohio, Indiana, Illinois, and Michigan.

HEARING: February 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 30837 (Sub-No. 290), filed December 15, 1961. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boat trailers*, in initial movements by the truckaway method, from Waukegan, Ill., to points in the United States (except in Hawaii).

NOTE: Applicant states that the authority sought does not in any way duplicate its present operating rights.

HEARING: February 21, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John B. Mealy.

No. MC 35334 (Sub-No. 53), filed December 20, 1961. Applicant: COOPER-JARRETT, INC., 2113 West 73d Street, Chicago 36, Ill. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* between Marshall, Carrollton, Moberly, and Macon, Mo., on the one hand, and on the other, New York, N.Y., Baltimore, Md., points in Ohio, New Jersey, Connecticut, Pennsylvania, and Delaware, and points in Nassau, Suffolk, Westchester, Orange, Rockland, and Putnam Counties, N.Y.

HEARING: February 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner W. Elliott Neffien.

No. MC 52709 (Sub-No. 150) (AMENDMENT) published in the FEDERAL REGISTER, issue of December 20, 1961, republished, as amended, this issue. Applicant: RINGSBY TRUCK LINES, INC., a Nebraska corporation, 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods; potatoes, dehydrated; and potato products other than frozen*, from Salt Lake City and Ogden, Utah, and points in Idaho, to points in Colorado, Nebraska, Iowa, Kansas, Missouri, Illinois, Indiana, and Ohio, and points in Wisconsin on and south of U.S. Highway 8.

NOTE: Applicant states that it "controls United Freight, Inc. (Docket FF 155), and Inter State Express, Inc. (Docket FF 102), both of which are wholly-owned by applicant; Arizona Pacific Tank Lines (MC-109584); Fortier Transportation Company under Temporary Management (MC-108398); and Colonial & Pacific Frigidways, Inc. (MC-111138), Temporary." This amendment adds potatoes, dehydrated, and potato products other than frozen, as commodities to be transported.

NOTE: Previous publication identified applicant's representative as an attorney in error. Mr. Hamilton is admitted to practice before the Commission's Bar as a Class B practitioner.

HEARING: Remains as assigned, February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 65525 (Sub-No. 14), filed November 2, 1961. Applicant: WHITE BROTHERS TRUCKING CO., a corporation, Wasco, Ill. Applicant's Representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast, prestressed, reinforced and prefabricated concrete products, including slabs, beams, columns, forms and piling, and accessories used in the installation thereof*, (1) between points in Illinois, on the one hand, and, on the other, points in Indiana, Iowa, Minnesota, Missouri, Michigan, Ohio, and Wisconsin, and (2) between points in Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, Pennsylvania, and Wisconsin.

HEARING: February 21, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 71331 (Sub-No. 10), filed October 23, 1961. Applicant: FOY CHALKER AND A. C. CREEL, a partnership doing business as, DOVE TRUCK LINE, Route 5, Dothan, Ala. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Table sauces, mayonnaise, salad dressing, sandwich spread, french dressing, chili sauce, prune juice and beverage syrup*, from Brundidge, Ala., to points in Florida east of a line beginning at the Georgia-Florida state line and extending along U.S. Highway 319, through Tallahassee, Fla., to junction with U.S. Highway 98, thence on and east of U.S. Highway 98, to the Gulf of Mexico at Panacea, Fla.

HEARING: March 2, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 99, or, if the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

No. MC 73165 (Sub-No. 168), filed December 11, 1961. Applicant: EAGLE

MOTOR LINES, INC., 830 North 33d Street, P.O. Box 1348, Birmingham, Ala. Applicant's attorney: Maurice F. Bishop, 325 Frank Nelson Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cotton gin machinery and cotton gin machinery parts*, from Prattville, Ala., and Columbus, Ga., to points in Arizona, California, and New Mexico; and (2) between Prattville, Ala., and Columbus, Ga., on the one hand, and on the other, points in Texas.

NOTE: Applicant indicates that it proposes to transport only empty containers or other such incidental facilities (not specified) used in transporting the commodities specified in this application, on return.

HEARING: February 26, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner J. Thomas Schneider.

No. MC 83539 (Sub-No. 81), (CLARIFICATION), filed November 21, 1961, published FEDERAL REGISTER, issue of December 28, 1961, and republished as clarified, this issue. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Notice of the filing of the subject application was published in the FEDERAL REGISTER, issue of December 28, 1961. Applicant's attorney advised, in a letter dated January 5, 1962, that the purpose of the application is to remove the gateways contained in applicant's Certificates, Nos. MC 83539, Subs 6, 14, 32 and 47.

HEARING: Remains as assigned February 15, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 86687 (Sub-No. 62) (CORRECTION AND CLARIFICATION), filed October 27, 1961, published in the FEDERAL REGISTER, issue of December 20, 1961, republished as corrected and clarified, this issue. Applicant: SEABOARD AIR LINE RAILROAD COMPANY, a corporation, 3600 West Broad Street, Richmond, Va. Applicant's attorney: Wilkes C. Robinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Hamlet, Raleigh, Wilmington, Charlotte, and Henderson, N.C., and Columbia, S.C., over regular routes presently authorized in Certificate MC 86687, at sheets 1, 2, and 5 of said Certificate, serving the intermediate and off-route points named therein.

NOTE: (1) Applicant states that under its present Certificate MC 86687, the points of Raleigh, Hamlet, Wilmington and Charlotte, N.C., and Columbia, S.C., are designated as key points. Accordingly, no shipments can be transported by the Seaboard as a common carrier by motor vehicle between those points. Seaboard's less-than-carload shipments presently moving to and from these points and, also, Henderson, N.C. (not a key point), which involve another key point are presently being handled in Seaboard's regular merchandise box car service through the break-bulk point of Hamlet, N.C. At Hamlet, these shipments are reloaded in box cars for movement beyond to destination. The Seaboard proposes handling inbound shipments

to these points by rail to Hamlet, N.C., and from that point by truck to destination and handling outbound shipments originating at these points by truck to Hamlet and by rail beyond to destination. Therefore, all traffic moving to or from these points through Hamlet will either receive a prior rail haul to Hamlet or a subsequent rail haul from Hamlet. Applicant also states it is not here proposing to eliminate its presently applicable key point restrictions. Accordingly, shipments moving between these key points could still not move entirely by truck if the authority here sought is granted, but must move partly in rail service. This assures that the operation here proposed will be auxiliary and supplemental of rail service. (2) By letter dated January 3, 1962, subsequent to previous publication, applicant further clarifies the application as follows: "What applicant is proposing to do is handle inbound shipments to Raleigh, Wilmington, and Charlotte, N.C., and Columbia, S.C., or outbound shipments from those points which move through Hamlet, N.C., by truck, provided such shipments receive a prior rail haul to Hamlet or will receive a subsequent rail haul from Hamlet. In other words, all traffic moving to or from the described points through Hamlet must receive either a prior or subsequent rail haul to or from Hamlet before it could be handled by applicant's truck between Hamlet and these key points. As to all other traffic, the key points will be operative. Therefore, an interstate shipment originating, for example, at Columbia, S.C., and destined to Charlotte, N.C., could not be handled entirely by truck through Hamlet should this application be granted. Such transportation would still be prohibited by application of the presently imposed key points". (3) This republication corrects the note as previously published, to that shown in note (1) above, and adds note (2) above.

HEARING: Remains as assigned, January 29, 1962, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 2.

No. MC 95540 (Sub-No. 366) (AMENDMENT), filed May 29, 1961, published issue of June 7, 1961, amended November 30, 1961, and republished as amended this issue. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, 205 Jackson Building, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Meats, meat products; meat by-products, and articles distributed by meat packing houses*, as defined by the Commission, from Rochelle, Ill., to points in Alabama, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina, and (b) *Dairy products*, from Rochelle, Ill., to points in Alabama, Georgia, Louisiana, and Mississippi.

NOTE: The purpose of this republication is to eliminate the destination points of North Carolina and South Carolina in (b) above.

FURTHER HEARING: March 14, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 95540 (Sub No. 371), filed June 12, 1961. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, wine, juices and oils* (other than petro-

leum and foodstuffs), in bulk, from Baltimore, Md.; Kansas City, Mo.; New Orleans, La.; Savannah, Ga.; Wilmington, N.C.; and points in California, Illinois, Iowa, New York, and Virginia, to points in Alabama, Florida, and Georgia.

HEARING: February 19, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner J. Thomas Schneider.

No. MC 95540 (Sub-No. 389), filed December 6, 1961. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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.

NOTE: Applicant states that "it is affiliated with Arctic Express, Inc. through stock ownership in Bill Watkins, and Watkins Motor Lines, Inc."

HEARING: February 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 95540 (Sub-No. 394), filed January 8, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Duane W. Acklie, 605 South 12th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and prepared foods and foodstuffs*, frozen and unfrozen, from points in Idaho, Oregon, Utah, and Washington, to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming.

NOTE: Applicant states that it is affiliated with Arctic Express, Inc. through stock ownership in Bill Watkins, and Watkins Motor Lines, Inc.

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 102616 (Sub-No. 701), filed December 11, 1961. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. 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, Indiana, Minnesota, Wisconsin, and St. Louis, Mo.

HEARING: February 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 103880 (Sub 237), filed October 27, 1961. 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: *Anhydrous ammonia and nitrogen solutions*, in bulk, in tank vehicles, from the plant site of the Amoco Chemicals Corporation located about six (6) miles southwest of Joliet, Ill., to points in Minnesota, Iowa, Wisconsin, Missouri, Indiana, Michigan, and Ohio.

NOTE: Applicant states that it is the owner of 50 percent of the outstanding shares of stock of Tank Truck Transport, Ltd.

HEARING: March 1, 1962, at Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 103993 (Sub-No. 156), (AMENDMENT), filed October 9, 1961, published FEDERAL REGISTER, issue December 20, 1961, amended January 2, 1962, republished as amended this issue. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. The republication of the subject application, as amended, showed the subsequent filing docket number assigned as Sub 356 in error. The correct sub number assigned as shown above is Sub No. 156.

No. MC 104589 (Sub-No. 19), filed January 8, 1961. Applicant: J. L. LAWHON, 209 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214-217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages, flavoring syrup, extracts of flavoring syrup, and advertising matter moving in connection with these commodities*, for the account of Canada Dry Corporation, from Atlanta, Ga., to points in Florida (except Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, and Gulf Counties), and *empty containers and bottles*, on return.

NOTE: Applicant states, "it owns one-half of the capital stock of Refrigerated Transport Co., Inc."

HEARING: February 23, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

No. MC 105813 (Sub-No. 56), filed December 1, 1961. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulating materials, and perlite products* from Florence, Ky., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

HEARING: March 8, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 106456 (Sub-No. 37), filed January 3, 1962. Applicant: SUPER SERVICE MOTOR FREIGHT COMPANY, INC., Box 180, Fessler Lane, Nashville, Tenn. Applicant's attorney: James R. Browder, Box 180, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, and those requiring special equipment), serving the plant site of Nachman Corporation near Milford, Ill., as an off-route point in connection with applicant's regular route operations to and from Chicago, Ill.

HEARING: January 22, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149.

No. MC 107107 (Sub-No. 192), filed January 4, 1962. Applicant: ALTERNATE TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's representative: H. R. Marlane (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and packinghouse products*, as described by the Commission in Ex Parte MC-43, from Austin, Tex., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis, Tenn.).

HEARING: February 16, 1962, at the Baker Hotel, Dallas, Texas, before Examiner Leo M. Pellerzi.

No. MC 107403 (Sub-No. 370), filed December 6, 1961. 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: *Chemicals*, in bulk, from Cleveland, Ohio, to points in Illinois, Indiana, Minnesota, Wisconsin, and St. Louis, Mo.

NOTE: Applicant has contract authority under MC 117637 and Subs thereunder, therefore dual operations may be involved. Applicant states "It is authorized to control Reader Brothers, Inc., and Edwin E. Clarke dba Clarke Bulk Transfer."

HEARING: February 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 107496 (Sub-No. 206), filed October 23, 1961. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and liquid fertilizer solutions*, in bulk, in tank vehicles, from Joliet, Ill., and points within ten (10) miles thereof, to points in Iowa, Missouri, Indiana, Michigan, Ohio, Wisconsin, and Minnesota.

NOTE: Applicant states it is "wholly owned by John Ruan. Applicant controls and owns all of the outstanding capital stock of Illinois-Ruan Transport Corporation, an Illinois corporation, which also operates as a common carrier; by motor vehicles in interstate commerce for the transportation of petroleum and other products, in bulk, by authority of certificates issued by the I.C.C. and by various state regulatory commissions." Ap-

plicant has contract authority under MC 119136 and Subs thereunder, therefore, dual operations may be involved.

HEARING: March 1, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 108207 (Sub-No. 87), filed December 29, 1961. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Dallas, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chilled citrus products* from points in Cameron, Hidalgo, and Willacy Counties, Tex., to Memphis, Tenn., and points in Mississippi, Louisiana, Oklahoma, Arizona, New Mexico, California, Kansas, Missouri, Illinois, Indiana, Wisconsin, Minnesota, Iowa, Michigan, Arkansas, and Nebraska.

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

No. MC 109497 (Sub-No. 7), filed December 27, 1961. Applicant: A. F. COMER, doing business as A. F. COMER TRANSPORT SERVICE, Rocky Mount, N.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, fuel oils, jet fuels, and lubricating oils*, from Wilmington, N.C., to points in Virginia.

HEARING: January 31, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 110420 (Sub-No. 301), filed November 8, 1961. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chocolate*, in bulk, in tank vehicles, from Mt. Joy, Pa., to points in Ohio, Michigan, Indiana, Illinois, and Wisconsin; (2) *table sauce*, in bulk, in tank vehicles, from Harbor Beach, Mich., to points in Ohio, Indiana, Illinois, Wisconsin, Iowa, Minnesota, Missouri, Kentucky, and Pennsylvania; (3) *liquid sugar*, in bulk, in tank vehicles, from Clinton, Iowa, to points in Wisconsin, Indiana, Nebraska, Minnesota, Michigan, Missouri, Illinois, Ohio, Arkansas, Kentucky, South Dakota, North Dakota, and Tennessee; (4) *grain neutral spirits*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Pennsylvania, New York, New Jersey, Ohio, and Indiana.

NOTE: Applicant states that it also controls Bulk Transport Co. and Beaver Transport Co. (Dockets MC-F-4371 and MC-F-7372 respectively)

HEARING: February 23, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 110525 (Sub-No. 483), filed December 12, 1961. 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, from Cleveland, Ohio, to points in Illinois, Minnesota, Wisconsin, and St. Louis, Mo.

HEARING: February 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 110525 (Sub-No. 484), filed December 13, 1961. 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: *Dry cement*, from Security, Md., to points in Pennsylvania (except Franklin, Adams, Cumberland, Dauphin, York, and Lancaster Counties), and West Virginia (except Hardy, Mineral, Hampshire, Morgan, Berkeley, and Jefferson Counties).

NOTE: Applicant holds contract authority in MC 117507, therefore, dual operations may be involved.

HEARING: February 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 110698 (Sub-No. 194), filed December 28, 1961. Applicant: RYDER TANK LINE, INC. (York Division), 9020 La Porte Expressway, Houston 17, Tex. Applicant's attorney: Dale Woodall (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and coconut oils*, in bulk, in tank vehicles, from points in California, to points in Illinois, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Texas.

NOTE: Applicant states that capital stock of Ryder Tank Line, Inc. is held by Ryder System, Inc.

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

No. MC 111717 (Sub-No. 21), filed November 3, 1961. Applicant: TRACTOR TRANSPORT, INC., 535 South 84th Street, Milwaukee, Wis. Applicant's attorney: Frank M. Coyne, Bank of Madison Building, 1 West Main Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (a) from points in Washington, Oregon, Idaho, Montana, Wyoming, and Colorado to points in Wisconsin, Illinois, Minnesota, and Iowa, and (b) from ports of entry on the International Boundary between United States and Canada in North Dakota and Minnesota, to points in Minnesota, Wisconsin, Iowa, and Illinois.

HEARING: February 19, 1962, at the Midland Hotel, Chicago, Illinois, before Examiner Leo A. Riegel.

No. MC 112617 (Sub-No. 106), filed January 3, 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: *Paint, paint products, paint ingredients and varnish*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Illinois, Indiana, Iowa, Kentucky, Ohio, Michigan, Minnesota, Missouri, Georgia, and Pennsylvania.

HEARING: February 7, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 113336 (Sub-No. 52), filed December 27, 1961. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 29, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, fuel oils, jet fuels, lubricating oils*, from Wilmington, N.C., to points in Virginia.

HEARING: January 31, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 113678 (Sub-No. 13), filed January 2, 1962. Applicant: CURTIS, INC., 770 East 51st Street, Denver 16, Colo. Applicant's attorney: Duane W. Acklie, 1319 First National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Kennewick, Wash., to Scottsbluff and Gering, Nebr., Alpine, El Paso and Pecos, Tex., and points in Arizona, Colorado, New Mexico, and Wyoming.

HEARING: January 31, 1962, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Lyle C. Farmer.

No. MC 113678 (Sub-No. 15), filed January 8, 1962. Applicant: CURTIS, INC., 770 East 51st Street, Denver 16, Colo. Applicant's attorney: Duane W. Acklie, 605 South 12th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and packing house products*, as listed in Appendix I, subheadings A and C, Ex Parte No. MC 45, *Descriptions in Motor Carrier Certificates*, in mechanically refrigerated vehicles, from Booneville, Miss., to Topeka, Kans., Dubuque, Waterloo, Des Moines, and Davenport, Iowa, and points in Colorado, Idaho, Montana, Minnesota, Nebraska, North Dakota, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

HEARING: February 2, 1962, at the Arkansas Commerce Commission Justice Building, State Capital, Little Rock, Ark., before Examiner Wm. N. Culbertson.

No. MC 113828 (Sub-No. 9), filed December 26, 1961. Applicant: O'BOYLE TANK LINES, INCORPORATED, Arlington Towers, Arlington, Va. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, fuel oil, jet oil, and lubricating*

oil, in bulk, in tank vehicles, from Wilmington, N.C., to points in Virginia.

NOTE: Applicant states it is a subsidiary of M. I. O'Boyle & Son, Inc., a Delaware Corporation, which is a common carrier of liquid and dry commodities, in bulk, in tank vehicles.

HEARING: January 31, 1962, at the U.S. Court Rooms, Uptown Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 114019 (Sub-No. 73), filed December 13, 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: *Meats, packinghouse products, and commodities used by packinghouses* as described in Appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Rochelle, Ill., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Delaware, Virginia, West Virginia and points in the District of Columbia.

NOTE: Applicant states it and Midwest Transfer Company of Illinois are commonly controlled and managed.

HEARING: February 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 114021 (Sub-No. 21), filed December 1, 1961. Applicant: MIDWEST TRANSFER COMPANY OF ILLINOIS, a corporation, 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulating materials, and perlite products*, from Florence, Ky., to points in Delaware, the District of Columbia, Illinois, Indiana, Iowa, Maryland, the Lower Peninsula of Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

HEARING: March 8, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 114290 (Sub-No. 6), filed January 5, 1962. Applicant: EXLEY EXPRESS, INC., 2204 Southeast Eighth Avenue, Portland 14, Ore. Applicant's attorney: James T. Johnson, 609-11 Norton Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, not frozen, (1) from points in Oregon, Washington, and Idaho, to points in California, and Phoenix and Tucson, Ariz., and (2) from points in Idaho, to points in Oregon and Washington.

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 115162 (Sub-No. 69), filed November 6, 1961. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Appli-

cant's attorney: Hugh R. Williams, P.O. Box 869, Montgomery 2, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clam shells, coquina shells, mussels shells and oyster shells*, from Mobile, Ala., to points in Georgia, Mississippi, Louisiana, Florida, and Arkansas.

HEARING: February 28, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Examiner J. Thomas Schneider.

No. MC 115162 (Sub-No. 70), filed December 4, 1961. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 407-8-9 Hill Building, Montgomery 2, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from points in Santa Rosa County, Fla., to points in Tennessee, Mississippi, Louisiana, South Carolina, and Georgia.

HEARING: February 28, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Examiner J. Thomas Schneider.

No. MC 115322 (Sub-No. 28), filed December 12, 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: *Frozen foods* from points in Hartford County, Conn., to points in Virginia.

NOTE: Applicant states that it has leased operating rights of Seaboard Food Express under MC-F-7462.

HEARING: February 19, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 115499 (Sub-No. 10), filed December 20, 1961. Applicant: LOWER LAKES CARRIER, INC., P.O. Box 712, Ashtabula, Ohio. Applicant's attorney: D. G. Dottore, 502 Park Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide*, in containers, from Ashtabula, Ohio, and Niagara Falls, N.Y., to points in Massachusetts and Connecticut, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodity specified in this application, on return.

HEARING: February 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 116273 (Sub-No. 5), filed November 6, 1961. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Street, Cicero, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and nitrogen solutions*, in bulk, in tank vehicles, from the plant site of the Amoco Chemicals Corporation located approximately six (6) miles southwest of Joliet, Ill. to points in

Minnesota, Iowa, Wisconsin, Missouri, Indiana, Michigan, and Ohio.

HEARING: March 1, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 117165 (Sub-No. 11), filed November 20, 1961. Applicant: C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, 1000 Michigan Avenue, St. Louis, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing, insulating materials and perlite products*, from Florence, Ky., to points in Illinois, Michigan, Missouri, and Wisconsin, and *damaged, rejected and refused shipments* of the above-specified commodities, on return.

HEARING: March 8, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 117574 (Sub-No. 60), filed January 7, 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: *Pipe, conduit, attachments, parts and fittings therefor*, between Rootstown, Ohio, and points within five miles thereof, on the one hand, and, on the other, points in Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Kansas, Nebraska, Kentucky, and Michigan.

HEARING: January 31, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 117995 (Sub-No. 4), filed January 9, 1962. Applicant: NEIL B. OLMSTED, E. B. OLMSTED AND ALVIN H. ANDERSON, doing business as REFRIGERATED TRUCK LINES, Route 3, Box 147, Mount Vernon, Wash. Applicant's attorney: George R. Labissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, not frozen, (1) between points in Washington, Oregon, Idaho, and California, on the one hand, and, on the other, points in New York, Kentucky, Wyoming, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Wisconsin, Oklahoma, Ohio, South Dakota, Utah, Arizona, and Louisville, Ky., (2) between points in Idaho, on the one hand, and, on the other, points in Oregon and Washington, and (3) between points in California, on the one hand, and, on the other, points in Washington and Oregon.

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 118865 (Sub-No. 5), filed December 6, 1961. Applicant: CEMENT EXPRESS, INC., Hokes Mill Road and Lemon Street, York, Pa. Applicant's representative: Adolph E. Solie, 1025 Seminole Highway, Madison 5, Wis. Au-

thority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Cement portland and masonry*, from York, Pa., to points in Connecticut, Massachusetts, New Jersey, New York, and Rhode Island.

NOTE: Applicant states it is controlled by certain stockholders and officers of Tose, Inc.

HEARING: February 19, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 118314 (Sub-No. 1), filed December 20, 1961. Applicant: MAGIC CITY PRODUCE CO., INC., 2501 Third Place W., Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413-414 Bell Building, Montgomery 4, 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 119219 (Sub-No. 3), (RE-PUBLICATION), filed July 1, 1960, published FEDERAL REGISTER, issue of August 17, 1960, and republished this issue. Applicant: RAYMOND L. BURT, doing business as BURT DISTRIBUTING COMPANY, 935 Florida, SE., Albuquerque, N. Mex. Applicant's representative: L. C. Cypert, Room 2, 1115½ Central Avenue NE., Albuquerque, N. Mex. Notice of the filing of the subject application was published in the FEDERAL REGISTER of August 17, 1960. The application was heard at Santa Fe, N. Mex., on November 10, 1960. A Report and Order by Joint Board 87, composed of John Block, Jr., of New Mexico, was served December 2, 1960, and became effective by operation of law. An Order of the Commission, division 1, entered in the subject proceeding December 29, 1961, provides that upon consideration of the record in the above-entitled proceeding, and of petition of applicant, filed August 18, 1961, for reconsideration, that the proceeding be reopened for reconsideration on the present record, and also provides that notice of the application, as filed, be published in the FEDERAL REGISTER. The application on Form BMC 78, received July 1, 1960, sets forth the authority sought on page 1, Item II of the application, as follows: "to continue an operation instituted on May 28, 1960, as a contract carrier, by motor vehicle, in interstate or foreign commerce, over regular routes, in the transportation of meats, meat products, meat by-products, and dairy products, and listed in Sections A, B, and C of Appendix I of the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, in vehicles equipped with temperature control devices, in distribution service on traffic originating outside, N. Mex., from Albuquerque, N. Mex., to points and places in New Mexico." Item

III, page 1 reads: "Serving all intermediate points and the off-route points of Espanola and Los Alamos, N. Mex., on route 2 between Albuquerque and Taos, N. Mex." Item IV, page 2 reads: "Empty containers or other such incidental facilities used in transporting the commodities specified in this application will be transported on return trips." A notation on page 1 reads as follows:

"From Albuquerque, N. Mex., over U.S. Highway 85 to junction New Mexico Highway 44, thence over New Mexico Highway 44 to junction New Mexico Highway 422, thence over New Mexico Highway 422 to junction U.S. Highway 85, thence over U.S. Highway 85 through Santa Fe, N. Mex., to Las Vegas, N. Mex.
"From Albuquerque, N. Mex., over U.S. Highway 85 to junction New Mexico Highway 44, thence over New Mexico Highway 44 to junction New Mexico Highway 422, thence over New Mexico Highway 422 to junction U.S. Highway 85, thence over U.S. Highway 85 to Santa Fe, N. Mex., thence over U.S. Highway 64 to Taos, N. Mex., serving the off-route points of Espanola and Los Alamos, N. Mex.

"From Albuquerque, N. Mex., over U.S. Highway 85 to junction New Mexico Highway 44, thence over New Mexico Highway 44 to junction New Mexico Highway 422, thence over New Mexico Highway 422 to junction U.S. Highway 85, thence over U.S. Highway 85 to Santa Fe, N. Mex., thence over U.S. Highway 285 to Espanola, N. Mex., thence over unnumbered New Mexico Highway 4 to junction unnumbered New Mexico Highway, thence over said unnumbered New Mexico Highway to Los Alamos, N. Mex.

"From Albuquerque, N. Mex., over U.S. Highway 85 to junction New Mexico Highway 44, thence over New Mexico Highway 44 to Aztec, N. Mex., thence over U.S. Highway 550 to Shiprock, N. Mex.

"From Albuquerque, N. Mex., over U.S. Highway 66 to Gallup, N. Mex.

"Serving all intermediate points on the above-described routes for delivery only."

No. MC 119513 (Sub-No. 2), filed December 14, 1961. Applicant: HARRY EUGENE DEVILBLISS, doing business as DEVILBLISS TRUCK SERVICE, Post Office, Uniontown, Md. Applicant's representative: Donald E. Freeman, 97 Uniontown Road, Westminster, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural wire and cordage*, in truckloads from Baltimore, Md., to points in Delaware, Florida, Georgia, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, and West Virginia.

NOTE: Applicant states the proposed operation will be under continuing contract with Allied Cordage Company, Baltimore, Md.

HEARING: February 21, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 119641 (Sub-No. 30), filed November 9, 1961. Applicant: RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building,

Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulating materials, and perlite products*, from Florence, Ky., to points in Illinois, Indiana, Iowa, Wisconsin, Missouri, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Arkansas, and Ohio, and *damaged and rejected shipments*, on return.

HEARING: March 8, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 119670 (Sub-No. 2), filed December 6, 1961. Applicant: THE VICTOR TRANSIT CORPORATION, P.O. Box 115, Winton Place Station, Cincinnati 32, Ohio. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building, roofing, and insulating materials, and perlite products*, from Florence, Ky., to points in Illinois, Indiana, the lower peninsula of Michigan, New York, Ohio, Pennsylvania, Virginia, West Virginia, Alabama, Tennessee, Wisconsin, and New Jersey, and (2) *machinery, equipment, materials and supplies* used in the manufacture, packing and shipping of building, roofing and insulating materials, and perlite products, from points in Illinois, Indiana, the lower peninsula of Michigan, New York, Ohio, Pennsylvania, Virginia, West Virginia, Alabama, Tennessee, Wisconsin, and New Jersey to Florence, Ky.

HEARING: March 8, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 119697 (Sub-No. 3), filed November 27, 1961. Applicant: CHRISTPENS TRUCK LINES, INC., 348 West 42d Place, Chicago, 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: *Brick, tile and refractory products*, from points in Lawrence and Beaver Counties, Pa., and points in Stark, Carroll, and Tuscarawas Counties, Ohio, to points in Illinois.

HEARING: March 5, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 119777 (Sub-No. 4), filed December 20, 1961. 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: *Pallets, skids, bases, boxes, crating, veneer, baskets, oak treads, oak risers, oak sills, oak molding, cardboard cartons, nails and lumber* between points in Muhlenberg County, Ky., on the one hand, and on the other, points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and all states east of the Mississippi River.

HEARING: February 23, 1962, at the Offices of the Interstate Commerce Com-

mission, Washington, D.C., before Examiner James A. McKiel.

No. MC 119917 (Sub-No. 7), filed January 2, 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: *Shelled salted peanuts*, in mixed loads with bakery products, the quantity of peanuts not to exceed 5 percent of the aggregate load, from Atlanta, Ga., to points in Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Virginia, Tennessee, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above and *rejected shipments*, on return.

NOTE: Applicant states it already holds authority to transport bakery products from Atlanta, Ga., to all points in the aforesaid destination states, and is not herein seeking any additional authority to transport bakery products.

HEARING: February 23, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner J. Thomas Schneider.

No. MC 123067 (Sub-No. 13), filed December 1, 1961. Applicant: M & M TANK LINES, INC., P.O. Box 4174, North Station, Winston-Salem, N.C. Applicant's representative: Frank C. Philips, P.O. Box 612, Winston-Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, fuel oils, jet fuels, and lubricating oils*, in bulk, in tank vehicles, from Wilmington, N.C., to points in Virginia.

NOTE: Applicant states, "S. H. Mitchell, President, also controls Hennis Freight Lines, Inc., operating under MC 64994 and Subs thereto".

HEARING: January 31, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 123407 (Sub-No. 3), filed October 12, 1961. Applicant: SEURING TRANSIT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials*, from L'Anse, Mich., to points in Wisconsin, Illinois, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Missouri, Indiana, Ohio, and Pennsylvania, and (2) *Machinery, equipment, materials and supplies used in the manufacture, processing and transmission of building materials*, from points in the above-named States to L'Anse, Mich.

NOTE: Applicant states Robert W. Sawyer, president and principal stockholder of applicant, has applications pending for a Certificate in MC 123303, and Subs 1 and 4 thereof. It is intended that substitution of Seuring Transit, Inc. as applicant will be sought in those dockets.

HEARING: February 26, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 123470 (Sub-No. 1) (AMENDED AND REASSIGNED NEW DOCKET NUMBER), filed September 25, 1961, published FEDERAL REGISTER, issue of November 29, 1961, amended by letter of January 8, 1962, and republished as amended, this issue. Applicant: WILLIAM HAROLD HUSTON, doing business as HUSTON TRUCK LINE, 219 Maple Street, Friend, Nebr. Applicant's attorney: James E. Ryan, 214 Sharp Building, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lignite, treated and untreated, in bags only, and bentonite clay, in bags only*, from points in Butte County, S. Dak., Crook and Weston Counties, Wyo., and Bowman County, N. Dak., to points in Nebraska (except Omaha), in Oklahoma, Kansas (except Kansas City), Missouri (except Kansas City and St. Louis), Texas, Colorado (except Denver), Iowa, and South Dakota, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: As originally filed and noticed in the FEDERAL REGISTER, applicant sought authority to conduct the above-described operations as a *common carrier*. This republication reflects the amendment to show *contract authority* sought under a continuing contract with the American Colloid Company of Skokie, Ill. Carrier holds Certificate MC 104523 and subs thereunder. Accordingly, dual operations may be involved.

HEARING: Remains as assigned January 29, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner W. Elliott Nefflen.

No. MC 123794 (Sub-No. 1), filed December 20, 1961. Applicant: A. F. T. MOTOR FREIGHT, INC., P.O. Box 349, Conshohocken, Pa. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel shelving, lockers and cabinets, sheet steel, culvert pipe, galvanized sheet steel, metal laths, pipe, reinforcing steel rods, nails, and other sheet metal products*, from the plant site of the Alan Wood Steel Company in the Philadelphia, Pa., Commercial Zone to New York, N.Y., Washington, D.C., points in Westchester, Putnam, and Dutchess Counties, N.Y., points in Virginia on, east and north of a line beginning at the Maryland-Virginia state line, and extending along U.S. Highway 15 to junction with U.S. Highway 250, thence along U.S. Highway 250 to junction with U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay and points in Accomack and Northampton Counties, Va.; (2) *returned or rejected shipments of the above-described commodities* from above-specified destination points to the site of the Alan Wood Steel Company plant in the Philadelphia, Pa., Commercial Zone; and (3) *sheet steel, sheet steel products, metal lath, pipe, reinforcing steel rods, and nails* between the site of the Alan Wood Steel Company plant in

the Philadelphia Commercial Zone, on the one hand, and on the other, points in Delaware, Maryland, and New Jersey.

NOTE: Applicant states that it holds authority to transport the named commodities to and from the Philadelphia, Pa., Commercial Zone, but for reasons of convenience for both this shipper and the applicant, it would be preferable to serve the plant through another gateway or gateways leading to the plant property (comprising 1,000 acres of land) outside the Philadelphia Commercial Zone. In effect, therefore, applicant indicates its request is for no additional authority, but only for an additional approach to the plant property of the Alan Wood Steel Company.

NOTE: By amendment applicant adds: "It will be understood that applicant does not here seek authority to abandon any of its present operating rights; it merely seeks to add to its present rights to and from the Philadelphia Commercial Zone the right to serve the plant of the Alan Wood Steel Company through another gateway or other gateways lying outside of the Philadelphia Commercial Zone."

HEARING: February 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 123909 (Sub-No. 1), filed December 21, 1961. Applicant: LE MAR CORPORATION, P.O. Box 165, Winchester, Va. Applicant's attorney: Francis W. McInerney, 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 Allegany Ballistics Laboratory at Pinto, W. Va., near Cumberland, Md., on the one hand, and on the other, points in Connecticut, Delaware, Florida, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Utah, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states that M. I. Novick, Treasurer of Le Mar Corporation, and a 50 percent stockholder, is also Vice President and Director of Novick Transfer Co., Inc.

HEARING: February 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Dallas Russell.

No. MC 123952, filed October 2, 1961, originally published FEDERAL REGISTER issue of December 28, 1961, republished as reassigned this issue. Applicant: RENTAR TRUCKING, INC., 89-89 Union Turnpike, Glendale 27, N.Y. Applicant's attorney: Arthur Kaplan, 2 Lafayette Street, New York 7, N.Y. Previous notice of filing of the subject application covering the transportation of such merchandise as is dealt in by retail department stores, etc., between specified points in New York, New Jersey, Connecticut, and Pennsylvania, assigned the application for hearing January 30, 1962, at New York, N.Y., before Examiner Raymond V. Sar. This republication advises of the following change: **ADVANCED DATE OF HEARING:** January 24, 1962, at 346 Broadway, New York, N.Y. (same place), reassigned before Examiner Henry A. Cockrum.

No. MC 124072, filed November 29, 1961. Applicant: SEA, MOTOR, AIR, RAIL, TRANSPORTATION COMPANY, a corporation, 810 East 47th Street, Chicago 53, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*; (a) between points in Illinois on and north of U.S. Highway 20, and points in New York, Connecticut, Massachusetts, Rhode Island, and those in Indiana, Ohio, Pennsylvania, Maryland, Delaware, and New Jersey on and north of U.S. Highway 40; and (b) between Sault Ste. Marie, Mich., and points in New York, Connecticut, Massachusetts, Rhode Island, and those in Indiana, Ohio, Pennsylvania, Maryland, and Delaware on and north of U.S. Highway 40. (2) *New furniture* (crated and uncrated); between Grand Rapids, Mich. and points in that part of Indiana bounded on the east by U.S. Highway 27 and on the south by U.S. Highway 40, including points on said highway boundaries, those in Missouri on and north of U.S. Highway 66, points in Kansas, those in Oklahoma on and north of U.S. Highway 66, those in Colorado on and east of U.S. Highway 85, and those in Nebraska and Iowa on and south of U.S. Highway 30. (3) *New furniture* (crated); between Hammond, Ind. and points in Ohio, Pennsylvania, New York, Maryland, Delaware, Massachusetts, Connecticut and Rhode Island. (4) *Building materials (limited to lumber, plaster, cement, nails, asbestos and siding)*; between Traverse City, Mich., and points in Illinois, Indiana, Kentucky, and Ohio. (5) *Machinery parts*; between East Chicago, Ind., and points in Ohio, Pennsylvania, Indiana, Missouri, Illinois, Wisconsin, and Michigan.

HEARING: March 6, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 124094, filed December 14, 1961. Applicant: ROBERT BAKER BAYLES, Box 102, Bluemont, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* between points in Maryland, Virginia, West Virginia, and the District of Columbia.

HEARING: February 21, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Laurence E. Masoner.

No. MC 124105, filed December 18, 1961. Applicant: BAGGETT BULK TRANSPORT, INC., 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and lime and limestone*, in bulk and in packages, and *masonry and portland cement*, in packages, from Longview (Shelby County), Ala., to points in Georgia.

NOTE: Applicant states it is a wholly-owned subsidiary of Baggett Transportation Company.

HEARING: March 5, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 157, or if, the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

No. MC 124107, filed December 21, 1961. Applicant: V. F. LANASA, INC., 1817 East Franklin Street, Richmond, Va. Applicant's attorney: Richard D. Obenshain, Mutual Building, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., to Norfolk, Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: February 16, 1962, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 68.

No. MC 124134, filed January 3, 1962. Applicant: ALABAMA 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 Tarrant City (Birmingham), Ala., to points in Oktibbeha County, Miss., and *rejected and returned shipments* of the above-specified commodity, on return.

NOTE: Applicant has pending contract carrier authority in MC 119008, therefore, dual operations may be involved. Common control may also be involved.

HEARING: March 2, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 14, or if, the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

MOTOR CARRIERS OF PASSENGERS

No. MC 1002 (Sub-No. 16), filed January 2, 1962. Applicant: ASBURY PARK-NEW YORK TRANSIT CORPORATION, 275 Broadway, Keyport, N.J. Applicant's attorney: Edward W. Currie, 123 Main Street, Matawan, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) between Wall Township and Matawan Township, N.J., beginning at the junction of New Jersey Highway 34 and Monmouth County Highway 524, formerly known as Monmouth County Highway 19, in Wall Township, thence over New Jersey Highway 34 through Atlantic, Holmdel, and Marlboro Townships to the junction of New Jersey Highway 34 and Lloyd Road in Matawan Township, and return over the same routes, serving all intermediate points, (2) between Neptune Township and Wall Township, N.J., beginning at the junction of Main Street and New Jersey Highway 33, in Ocean Grove, Neptune Township, thence over New Jersey Highway 33 to junction New Jersey Highway 33 and New Jersey Highway 34 in Wall Township, and return over the same routes, serving all intermediate points, and (3) between points in Wall Township, N.J., beginning at the junction of New Jersey Highway 38 and the Garden State Parkway Northbound Entrance Ramp 97 in Wall Township, thence over New Jersey Highway 38 to the junction of New Jersey Highway 38

and New Jersey Highway 34 in Wall Township, and return over the same routes, serving all intermediate points.

NOTE: Applicant states Coastal Cities Coach Company, a New Jersey corporation, is owned by the same stockholders, and stock is held in the same proportion. It also operates under the same management.

HEARING: February 19, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 1501 (Sub-No. 253), filed December 6, 1961. Applicant: THE GREY-HOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Robert J. Bernard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers and mail*, in the same vehicle with passengers, between Ozark, Ala., and Junction U.S. Highway 231 and Alabama Highway 134 near Newton, Ala.; from Ozark over unnumbered County Highway to its junction with Alabama Highway 134, thence over Alabama Highway 134 to its junction with U.S. Highway 231, and return over the same route, serving all intermediate points.

HEARING: March 1, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 100, or if the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

No. MC 3647 (Sub-No. 316), filed December 6, 1961. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between junction New Jersey Highway 34 and New Jersey Highway 79, Matawan Borough, N.J., and junction New Jersey Highway 34 and Lloyd Road, Matawan Township, N.J.; from junction New Jersey Highways 34 and 79, over New Jersey Highway 34 to junction Lloyd Road, and return over the same route, serving all intermediate points.

HEARING: February 19, 1962 at the State Office Building, Room 212, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 3647 (Sub-No. 317), filed December 7, 1961. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, Public Service Coordinated Transport, Law Department, 180 Boyden Avenue, Maplewood, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, (1) Between Howell Township, N.J., and Lakewood Township, N.J., as follows: From junction U.S. Highway 9 and Aldrich Road, Howell Township, N.J., over Aldrich Road to junction of New Prospect Road, Jackson Township,

N.J., thence over New Prospect Road to junction County Line Road, Lakewood, N.J., 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., as follows: 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.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12776, filed October 27, 1961. Applicant: NEVADARAMA, INC., 181 O'Farrell Street, San Francisco, Calif. For a license (BMC 5) to engage in operations as a *broker* at San Francisco, San Jose, Sacramento, Stockton, and Oakland Calif., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *Passengers*, both as individuals and groups, in round-trip and charter all-expense conducted "package" tours, between points in California and Nevada.

HEARING: February 12, 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.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 10928 (Sub-No. 43), filed January 2, 1962. Applicant: SOUTHERN PLAZA EXPRESS, INC., P.O. Box 10572, Dallas 7, 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 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, commodities requiring special equipment and those injurious or contaminating to other lading), (1) serving the site of the Rice University Research Center located near Houston, Tex., as an off-route point in connection with applicant's authorized regular-route operations between Houston and Texas City, Tex., and (2) from the intersection of U.S. Highway 75 and Farm-to-Market Road 528, thence over Farm-to-Market Road 528 to the Rice University Research Center; alternate routes, from the intersection of U.S. Highway 75 with Spencer Highway, Genoa-Red Bluff Road, Kirby Road, and Farm-to-Market Road 528, thence over above-specified highways and roads to the Rice University Research Center, and return over the same routes, serving no intermediate

points and coordinating the service with that rendered under other authority held by applicant.

NOTE: Common control may be involved.

No. MC 41849 (Sub-No. 13), January 8, 1962. Applicant: KEIGHTLEY BROS., INC., 1601 South 39th Street, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1311-12 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities* (except petroleum products and cement), between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission.

No. MC 66562 (Sub-No. 1870), filed January 9, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Hammond, La., and Bogalusa, La.; from Hammond over U.S. Highway 190 to Covington, La., thence over Louisiana Highway 21 to Bogalusa, and return over the same route, serving the intermediate point of Covington, La. **RESTRICTION:** The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 86687 (Sub-No. 64), filed January 2, 1962. Applicant: SEABOARD AIR LINE RAILROAD COMPANY, a corporation, 3600 West Broad Street, Richmond, Va. Applicant's attorney: Wilkes C. Robinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between junction U.S. Highway 17 and South Carolina Highway 41; from junction U.S. Highway 17 and South Carolina Highway 41, thence over U.S. Highway 17 to Georgetown, S.C., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations, and (2) between junction U.S. Highways 521 and 17A and junction U.S. Highway 17A and South Carolina Highway 41; from junction U.S. Highways 521 and 17A, thence over U.S. Highway 17A to junction with South Carolina Highway 41, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations.

No. MC 107496 (Sub-No. 222), filed January 2, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Albany, Ill., and points within five (5) miles thereof to points in Iowa.

NOTE: Applicant states it is wholly owned by John Ruan. Applicant controls and owns all of the outstanding capital stock of Illinois-Ruan Transport Corporation, an Illinois corporation, which also operates as a common carrier by motor vehicle in interstate commerce for the transportation of petroleum and other products, in bulk.

No. MC 109637 (Sub-No. 198), filed January 8, 1962. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Applicant's representative: H. N. Nunnally (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles, from Bowling Green, Ky., to points in Tennessee (except Nashville, Tenn., and points within 10 miles thereof).

No. MC 112750 (Sub-No. 91), filed January 3, 1962. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: James K. Knudson, 1821 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies and advertising literature* (excluding motion picture film used primarily for commercial theatre and television exhibition)—(a) between Boston, Mass., on the one hand, and on the other, points in Grafton, Merrimack, Belknap, Cheshire, and Sullivan Counties, N.H., under contract with Eastman Kodak Company; and (b) between Portland, Maine, on the one hand, and on the other, points in Strafford, Rockingham, Hillsboro, Merrimack, Keene, and Sullivan Counties, N.H., under contract with Bicknell Photo Service of Portland, Maine. (2) *Sales audit media*, consisting of *charge sales tickets, cash sales tickets, charge credit sales tickets, refund slips, cash register tapes, application forms and accompanying documents*, between Providence, R.I., on the one hand, and on the other, points in Middlesex, Essex and Bristol Counties, Mass., under contract with Cherry & Webb Company of Providence, R.I.

No. MC 113959 (Sub-No. 2), filed January 8, 1962. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rotodome units*, from Marion, Va., to Bethpage (Nassau County) and Peconic (Suffolk County), Long Island, N.Y., and Belmont, Calif.

NOTE: Applicant holds common carrier authority in MC 107544 and Subs thereunder.

No. MC 123992 (Sub-No. 1) (2d CORRECTION), filed November 15, 1961, re-

published as corrected in the FEDERAL REGISTER, issue of December 20, 1961, two words republished, as corrected, this issue. Applicant: SCHWERMAN CO. OF PA., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Application as previously republished in the FEDERAL REGISTER, issue of December 20, 1961, is corrected in two places as follows:

1. In line 22 (third column) the word printed as "Monogalia" is corrected to read "Monongalia".

2. In line 26 (third column) the last word printed as "Writ" is corrected to read "Wirt".

No. MC 124079 (CLARIFICATION), filed December 5, 1961, published FEDERAL REGISTER issue of December 20, 1961, clarified December 29, 1961, and republished, as clarified, this issue. Applicant: JACK BOWER, doing business as BOWER'S TOWING, 376 East Cuyahoga Falls Avenue, Akron, Ohio. Applicant's attorney: Harold M. Wilson, First National Tower, Akron, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Any motor or other highway vehicles designed for general highway transportation, which are dead, wrecked, disabled, abandoned, repossessed, stolen and embezzled*, with and without cargo, by wrecker equipment only, (2) *dollies*, where said vehicles are in such condition that the vehicle cannot be towed and (3) *replacement vehicles and equipment for wrecked and disabled vehicles*, by wrecker service only, between points in Medina, Portage, Stark, Summit, and Wayne Counties, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia.

NOTE: Applicant states that the proposed operation is restricted to exclude vehicles of the armed services or forces shipped by the United States Government, by wrecker service only. The purpose of this republication is to substitute the above restriction in lieu of the restriction previously published.

MOTOR CARRIERS OF PASSENGERS

No. MC 45626 (Sub-No. 46), filed January 5, 1962. Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vt. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, in special operations, including the right to tack or join intersecting routes over which carrier is presently authorized to operate; Between westerly junction New York Highways 7 and 22 and junction Vermont Highway 346 and U.S. Highway 7, from westerly junction New York Highways 7 and 22, over New York Highway 22 to junction New York Highway 346, thence over New York Highway 346 to the New York-Vermont State line, thence over Vermont Highway 346 to junction U.S. Highway 7, and return over the same route, serving all intermediate points.

NOTE: Applicant states it presently holds regular route authority over other routes authorizing and permitting operations between the terminal points of the route applied for. Applicant also states that the route applied for is being sought by applicant primarily in order to permit it to improve its existing routes for service to and from the new Pownal, Vermont, Race Track which is presently under construction on U.S. Highway 7 near the village of Pownal, Vt.

No. MC 119093 (Sub-No. 2), filed December 27, 1961. Applicant: SMITH BUS SERVICE, INC., 302 York Street, Manchester, Md. Applicant's representative: Donald E. Freeman, 97 Uniontown Road, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between Hanover, Pa., and Upperco-Fowblesburg, Md.: from Hanover, Pa., over Pennsylvania Highway 94 to the Maryland-Pennsylvania state line, and thence over Maryland Highway 30 to Upperco (Arcadia)-Fowblesburg, Md., and return over the same route, serving the intermediate points of Bandanna and State Line, Pa., and Melrose, Manchester, Greenmount, and Hampstead, Md.

No. MC 123082 (Sub-No. 2), filed December 26, 1961. Applicant: PEOPLES TRANSIT COMPANY, INC., Frostburg, Md. Applicant's representative: Donald E. Freeman, 97 Uniontown Road, Box 24, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Cumberland, Md., and Piedmont, W. Va.: from Cumberland over U.S. Highway 40 to Frostburg, Md., thence over Maryland Highway 36 to the Maryland-West Virginia state line (and Piedmont city line), and return over the same route, serving the intermediate points of Lavale, Eckhart Mines, Frostburg, Borden-Shaft, Midland, Lonaconing, Pekin, Moscow, Barton, Franklin, and Westernport, Md.

NOTE: Applicant states that it holds authority from the Maryland Public Service Commission to serve the same route and intermediate points in intrastate transportation.

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-7978 (correction) (SHAMROCK VAN LINES, INC.—PURCHASE—LAGRETA LOWMAN REELY) published in the January 4, 1962, issue of the FEDERAL REGISTER on page 67. The vendee's name SHAMROCK VAN LINES, INC., was incorrectly shown as Southern Tank Lines, Inc.

No. MC-F-8012 (MIDWEST EMERY FREIGHT SYSTEM, INC.—PUR-

CHASE—INDEPENDENT TRUCKERS, INC. (EDWARD G. GARVEY, TRUSTEE), published in the December 6, 1961, issue of the FEDERAL REGISTER on page 11708. Supplement filed January 8, 1962, to show joinder of MIDWEST TRANSFER COMPANY OF ILLINOIS, 7000 South Pulaski Road, Chicago, Ill., as party applicant (together with MILTON D. RATNER); as parties controlling vendee.

No. MC-F-8034 (correction) (H. W. TAYNTON CO., INC.—PURCHASE—ITHACA TRANSPORTATION SERVICE, INC.), published in the January 10, 1962, issue of the FEDERAL REGISTER. APPLICATION SHOULD HAVE BEEN SHOWN AS A MERGER IN LIEU OF PURCHASE.

No. MC-F-8038. Authority sought for purchase by EAZOR EXPRESS, INC., 15 26th Street, Pittsburgh 2, Pa., of the operating rights and property of NORTHWESTERN TRANSFER CO., 134 North Young Street, Milwaukee 1, Wis., and for acquisition by THOMAS EAZOR, also of Pittsburgh, Pa., of control of such rights and property through the purchase. Applicant's attorneys: Axelrod, Goodman, and Steiner, 39 South La Salle Street, Chicago 3, Ill., and James F. Flanagan, 111 West Washington Street, Chicago, Ill. Operating rights sought to be transferred: *General commodities*, excepting, among others, commodities in bulk, but not excepting household goods, as a *common carrier* over regular routes between Milwaukee, Wis., and Chicago, Ill., serving all intermediate and certain off-route points; and, *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes between points in Milwaukee County, Wis., and between Milwaukee, Wis., on the one hand, and, on the other, points in Waukesha County, Wis. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Illinois, Indiana, New Jersey, Ohio, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8039. Authority sought for purchase by ARTHUR W. SORENSEN, an individual, doing business as SORENSEN TRANSPORTATION COMPANY, Old Amity Road, Bethany, Conn., of a portion of the operating rights of H & B FREIGHTWAYS, INC. (JOHN H. KRICK, TRUSTEE), Totoket Road, North Branford, Conn. Applicants' attorneys: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn., and Gerald W. Brownstein, 157 Church Street, New Haven, Conn. Operating rights sought to be transferred: *Groceries and packinghouse products*, as a *common carrier* over regular routes from New York, N.Y., to Hartford, Conn., serving certain intermediate and off-route points, and *general commodities*, excepting, among others, household goods and commodities in bulk over irregular routes between New Haven, Conn., on the one hand, and, on the other, Momauguin, Morris Cove, Lighthouse Point, Short Beach, Silver Sands, Double Beach, Stony Creek, and Guilford, Conn. Vendee is authorized to operate as a *common carrier* in New Jersey, Massachusetts, Connecticut, Del-

aware, Maryland, Pennsylvania, and New York. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8040. Authority sought for purchase by HENRY SCHMAELZLE, an individual, doing business as HENRY SCHMAELZLE TRANSPORTATION, 148 Davenport Avenue, New Haven, Conn., of a portion of the operating rights of H & B FREIGHTWAYS, INC. (JOHN H. KRICK, TRUSTEE), Totoket Road, North Branford, Conn. Applicants' attorneys: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn., and Gerald W. Brownstein, 157 Church Street, New Haven, Conn. Operating rights sought to be transferred: *Scrap metals*, as a *common carrier* over irregular routes between points in Connecticut, on the one hand, and, on the other, New York, N.Y., Philadelphia, Pa., and points in New Jersey. Vendee holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8041. Authority sought for control by TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas 7, Tex., of CONTINENTAL DISPATCH, INC., 425 Bolton Avenue, Alexandria, La. Applicants' attorney: Warren A. Goff, 315 Continental Avenue, Dallas 7, Tex. Operating rights sought to be controlled: Authority applied for under applications filed August 18, 1961, in Docket Nos. MC-123883 and MC-123883 Sub 1, to transport as a *common carrier* over irregular routes, *commercial papers, documents and written instruments*, ordinarily used in banks and banking institutions, destined to or originating at banks or banking institutions (excluding coins, currency, negotiable securities; stationary and supplies), between points in Arkansas, those in Mississippi on and north of U.S. Highway 80, those in Missouri on and south of Missouri Highway 84, on the one hand, and, on the other, Memphis, Tenn., and between points in Rapides Parish, La., points in Louisiana on and east of Louisiana Highway 19 from the Louisiana Mississippi State Line to Baton Rouge, La., thence from Baton Rouge over Louisiana Highway 1 to the Gulf of Mexico, points in Mississippi, on and south of U.S. Highway 80, points in Baldwin and Mobile Counties, Ala., and Pensacola, Fla., on the one hand, and, on the other, New Orleans, La. TRANSCONTINENTAL BUS SYSTEM, INC., is authorized to operate as a *common carrier* in Illinois, Missouri, Kansas, California, New Mexico, Colorado, Texas, Oklahoma, Utah, Arizona, Nevada, Nebraska, Arkansas, Louisiana, Indiana, and Iowa. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8042. Authority sought for purchase by PAUL E. MERRILL, an individual, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine, of the operating rights and property of CLESS G. DAVIS, an individual, doing business as QUEEN CITY TRANSPORTS, 179 St. Paul Street, Burlington, Vt. Applicant's attorney: Francis E. Barrett, Professional Building, 25 Bryant Avenue, East Milton

86, Mass. Operating rights sought to be transferred: *Petroleum products*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from South Portland, Maine, Troy, N.Y., and points within 20 miles of Troy, to points in Vermont, traversing New Hampshire for operating convenience only; from Fort Edward, Whitehall, and Montcalm Landing (about two miles south of Ticonderoga, N.Y.), N.Y., to certain points in Vermont; and from Burlington, Vt., to points in Coos and Grafton Counties, N.H. Vendee is authorized to operate as a *common carrier* in Maine, New Hampshire, Rhode Island, and Massachusetts. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8043. Authority sought for purchase by R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville 1, Ind., of the operating rights of ECK MILLER CONTRACT CO., INC., 1125 Sweeney Street, Owensboro, Ky., and for acquisition by R. L. JEFFRIES, 3015 Hartig Avenue, Evansville, Ind., C. R. JEFFRIES, 4209 Jennings Lane, Evansville, Ind., and O. E. JEFFRIES, 2926 Hartig Avenue, Evansville, Ind., of control of such rights through the purchase. Applicants' attorney: Ernest A. Brooks II, 1311 Ambassador Building, St. Louis 1, Mo. Operating rights sought to be transferred: *Such commodities* as require the use of special equipment by reason of size or weight, but not including motor vehicles, as a *common carrier* over irregular routes, from points in Ohio, Indiana, Illinois, Missouri, Tennessee, Virginia, West Virginia, and the lower Peninsula of Michigan, to points in Indiana, and Kentucky within 150 miles of Owensboro, Ky., including Owensboro; RESTRICTIONS: (1) The service authorized above is restricted against the transportation of traffic moving between any two points both of which are in Indiana, and (2) the above-specified authority may not be joined with any of the other authority granted herein for the purpose of rendering through service; *such commodities* as require the use of special equipment by reason of size or weight, and *parts thereof*, when moving in connection therewith, from points in Indiana, Illinois, Kentucky, and Tennessee within 150 miles of Owensboro, Ky., to points in Ohio, Indiana, Illinois, Missouri, Tennessee, Virginia, West Virginia, and the lower Peninsula of Michigan, and; *oil well and mine machinery, pipe, and supplies*, between points in Indiana, Illinois, Kentucky, and Tennessee within 200 miles of Owensboro, Ky., on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, Tennessee, Mississippi, and Georgia; and between points within 35 miles of Owensboro, Ky., on the one hand, and, on the other, points in West Virginia. Vendee is authorized to operate as a *common carrier* in Indiana, Illinois, Kentucky, Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, West Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8044. Authority sought for purchase by SUBLER TRANSFER, INC.,

East Main Street, Versailles, Ohio, of a portion of the operating rights of PHILIP S. ZANGHI, an individual, doing business as RED LINE TRANSFER CO., 2320 Monumental Road, Baltimore, Md., and for acquisition by KENNETH SUBLER, BASIL SUBLER and RUBY SUBLER, all of Versailles, Ohio, of control of such rights through the purchase. Applicants' attorney: Taylor C. Burneson, 3430 Le Veque-Lincoln Tower, Columbus 15, Ohio. Operating rights sought to be transferred: *Agricultural commodities, packing-house products, groceries* (except bananas), and *canned goods*, as a *common carrier* over a regular route between Baltimore, Md., and Harrisburg, Pa., serving the intermediate point of York, Pa., *agricultural commodities, packing-house products, groceries* (except bananas), and *canned goods*, over irregular routes, from Baltimore, Md., Harrisburg, York, Scranton, and Philadelphia, Pa., and New York, N.Y., to Baltimore, Md., Harrisburg, York, Scranton, Philadelphia, Pittsburgh, and Wilkes-Barre, Pa., New York, N.Y., Richmond, Va., and Washington, D.C., traversing Delaware and New Jersey for operating convenience only, *bananas*, from New York, N.Y., and Philadelphia, Pa., to Harrisburg, York, Scranton, Wilkes-Barre, and Pittsburgh, Pa., and *bakery products*, from Wilkes-Barre, Pa., to Baltimore, Md., and Washington, D.C. Vendee is authorized to operate as a *common carrier* in Maryland, Illinois, Ohio, Delaware, New Jersey, Kentucky, New York, Wisconsin, Pennsylvania, New Hampshire, Maine, Connecticut, Virginia, Nebraska, Indiana, West Virginia, Massachusetts, Rhode Island, Minnesota, Michigan, Missouri, Vermont, Iowa, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8045. Authority sought for purchase by VON DER AHE VAN LINES, INC., 4601 Olive Street, St. Louis 8, Mo., of the operating rights of ARCHER VAN LINES, INC., 2900 South Main Street, Salt Lake City, Utah, and for acquisition by R. L. VON DER AHE, also of St. Louis, Mo., of control of such rights through the purchase. Applicants' attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. Operating rights sought to be transferred: *Household goods*, as a *common carrier* over irregular routes between Julesburg, Colo., and points within 75 miles thereof, on the one hand, and, on the other, points in Wyoming, South Dakota, Nebraska, and Kansas. Vendee 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-8047. Authority sought for control by HOWARD H. HOLDCROFT, 3200 Highway 75 North, Sioux City, Iowa, of PREMIER TRUCKING SERVICE CO., 2315 East Fourth Street, Sioux City, Iowa. Applicants' attorney: R. G. May, 316 Security Bank Building, Sioux Falls, S. Dak. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between

points in the Chicago, Ill., Commercial Zone, on the one hand, and, on the other, Sioux City, Iowa, and Omaha and South Omaha, Nebr., and *paper boxes*, from Morris, Ill., to Des Moines and Sioux City, Iowa, and Omaha and South Omaha, Nebr. HOWARD H. HOLDCROFT holds no authority from this Commission. However, he is affiliated with HOLDCROFT TRANSPORTATION COMPANY, 32d and Highway 75N, Box 266, Sioux City, Iowa, which is authorized to operate as a *common carrier* in Nebraska, Iowa, South Dakota, Missouri, and Minnesota. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8048. Authority sought for control by THEODORE EARL HAINES, P.O. Box 677, Winchester, Va., of THE J. P. BRESLIN TRUCKING & TERMINAL CORPORATION, 142 West Ostend Street, Baltimore, Md. Applicants' representative: Theodore Earl Haines, P.O. Box 81, Winchester, Va. Operating rights sought to be controlled: *Canned goods, dried fruit, and matches*, as a *common carrier* over irregular routes between Baltimore, Md., on the one hand, and, on the other, points in Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia, within 300 miles of Baltimore. THEODORE EARL HAINES holds no authority from this Commission. However, he is affiliated with THE J. AND L. LINES, INC., P.O. Box 677, Winchester, Va., which is authorized to operate as a *common carrier* in Maryland, Virginia, West Virginia, Ohio, Pennsylvania, New York, North Carolina, South Carolina, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8049. Authority sought for purchase by E. B. OLMSTED and NEIL B. OLMSTED, a partnership, doing business as OLMSTED TRANSPORTATION COMPANY, Route 3, Box 147, Mt. Vernon, Wash., of a portion of the operating rights of HOME TRANSFER & STORAGE CO., 1906 Southeast 10th, Portland, Ore. Applicants' attorney: George R. LaBissoniere, 333 Central Building, Seattle 4, Wash. 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 Seattle, Wash., and Sedro Woolley, Wash., between Mount Vernon, Wash., and Deception Pass Bridge, Wash., serving all intermediate and certain off-route points, and over an alternate route for operating convenience only, *household goods*, over irregular routes between points in Skagit County, Wash., on the one hand, and, on the other, points in Idaho, Oregon, and Washington, and *heavy machinery*, between points in Skagit County, Wash., on the one hand, and, on the other, points in Whatcom, Snohomish, King, and Pierce Counties, Wash., and between points in Skagit County, Wash. Vendee holds no authority from this Commission, however, NEIL B. OLMSTED AND E. B. OLMSTED are equal partners with ALVIN ANDER-

SON, doing business as REFRIGERATED TRUCK LINES, Rt. 3, Box 147, Mt. Vernon, Wash., which are authorized to operate as a *common carrier* in Washington, Illinois, Iowa, Michigan, Minnesota, Nebraska, Utah, California, Wisconsin, and Oregon. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8050. Authority sought for purchase by RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa, of the operating rights and property of DENVER CHICAGO TRANSPORT COMPANY, INC., 45th Avenue at Jackson Street, Denver, Colo., and for acquisition by JOHN RUAN, also of Des Moines, of control of such rights and property through the purchase. Applicants' attorneys: Rex H. Fowler, 503 Central National Bank Building, Des Moines, Iowa, H. L. Fabritz, 408 Southeast 30th St., Des Moines, Iowa, and Axelröd, Goodman, and Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be transferred: *Petroleum products*, in bulk, in tank vehicles, as a *common carrier* over regular routes from Casper and Sinclair, Wyo., and the Texas Company refinery, near Casper, Wyo., to points in Colorado, serving the intermediate points on Colorado Highway 13 between the Wyoming-Colorado State line and Rifle, Colo., including Rifle, Colo., and those on U.S. Highway 6 between Rifle, Colo., and the Colorado-Utah State line; the intermediate and off-route points in Dolores, Montezuma, La Plata, San Juan, Archuleta, and Hinsdale Counties, Colo., and all other intermediate points in Colorado which on April 7, 1939, were not served by a standard gauge railroad, restricted to delivery only; the intermediate and off-route points of Craig, Colo., and those within two miles of Craig, and the Texas Company refineries, near Casper, Wyo., restricted to pick-up only; and the off-route point of The White Eagle refinery, near Casper, Wyo., for pick-up of shipments moving via Durango, Colo., to points in the above-named Colorado Counties; *liquid petroleum products*, from Casper, Wyo., to Denver, Colo., serving the intermediate point of Berthoud, Colo., restricted to delivery only, from Denver, Colo., to Laramie, Wyo., and from Denver, Colo., to Evergreen, Colo., serving no intermediate points, *petroleum products*, in bulk, in tank vehicles, over regular and irregular routes, from Sinclair, Wyo., and the Texas Company refinery, near Casper, Wyo., over irregular routes to junction of the above-specified regular routes, thence over these routes to junction of certain specified routes in Colorado, thence over these routes to certain points in Colorado, *crude oil*, in bulk, in tank vehicles, over irregular routes, from points in Logan, Morgan, and Weld Counties, Colo., to points in Wyoming, *petroleum products*, in bulk, in tank vehicles, from points in Wyoming, to points in Colorado and South Dakota, and *rejected shipments* of petroleum products, in bulk, in tank vehicles from the destination points described immediately above, to points in Wyoming, *petroleum products*, in bulk, in tank vehicles, be-

tween points in Colorado, between points in Colorado, on the one hand, and, on the other, points in Utah, from points in Colorado to points in Kansas and Nebraska, from points in Wyoming to points in Nebraska, from Denver, Colo., and Cheyenne, Wyo., and points within ten miles of each, and from the site of the Texas Company refinery, near Casper, Wyo., to points in South Dakota, and from points in Wyoming to points in Utah, *petroleum and petroleum products*, in bulk, in tank vehicles, from points in Nebraska to points in Colorado and Wyoming, *petroleum and petroleum products* (except crude petroleum and liquefied petroleum gas), in bulk, in tank vehicles from Sidney, Nebr., to points in South Dakota, and from Sidney, Nebr., to points in Kansas, *hydrochloric acid*, in bulk, in tank vehicles, from Sterling, Colo., and Kimball, Nebr., to points in Wyoming, from Sterling, Colo., to points in Nebraska, and from Wichita, Kans., to Denver, Colo., *caustic soda*, in bulk, in tank vehicles, from Wichita, Kans., to Denver, Colo., and Cheyenne, Wyo., and from the plant site of the Dow Chemical Company located approximately nine miles from Denver, Colo., to points in Montana, *sulphuric acid*, in bulk, in tank vehicles, from Casper, Wyo., to points in South Dakota, from Denver, Colo., to Edgemont, S. Dak., and from Denver Colo., to Casper, Wyo., *ammonium hydroxide* and *ammonium phosphate*, in bulk in tank vehicles, from Henderson, Colo., to points in South Dakota, Nebraska, and Wyoming, *molasses*, in bulk, in tank vehicles, between Denver, Colo., on the one hand, and, on the other, points in Wyoming, Kansas, Nebraska and South Dakota, and from Gering, Nebr., to points in South Dakota, Colorado, and Wyoming, and from Torrington, Wyo., to points in South Dakota, Colorado, and Nebraska, *vegetable oils*, in bulk, in tank vehicles, from Sidney, Nebr., to points in Missouri, Kansas, Colorado, and Utah, *concrete aggregates* from Laramie, Wyo., to points in Colorado, Utah, Nebraska, Idaho, Kansas, and South Dakota, *petroleum products*, other than crude oil in its natural state, from points in Wyoming and Colorado, to points in Nebraska, from points in Colorado, to points in Wyoming and South Dakota, from points in Colorado and Laramie County, Wyo., to points in Kansas, and between points in Wyoming. **RESTRICTION:** The authority under the commodity description immediately above is restricted against the following transportation: *Petroleum products*, in bulk, in tank vehicles, from points in Wyoming and Colorado, to points in Nebraska, and from points in Colorado, to points in Kansas, *crude petroleum*, in bulk, in tank vehicles, between points in Moffat and Rio Blanco Counties, Colo., between points in Moffat and Rio Blanco Counties, Colo., on the one hand, and, on the other points in Uintah County, Utah, between points in Colorado, and from points in Colorado, to points in Nebraska, *sulphuric, hydrochloric, and hydrofluoric acids*, in bulk, in tank vehicles, from Denver and Sterling, Colo., to points in Wyoming, *air-entraining solutions*, in bulk, in tank

vehicles, from Denver, Colo., to Glen Canyon Dam Site, Ariz., and points within five miles of the Dam Site, *asphalt* and *road oil*, in bulk, in tank vehicles, from Sinclair, Wyo., to Pocatello, Idaho, and points within five miles thereof, *residual fuel oils Nos. 4, 5, and 6*, in bulk, in tank vehicles, from Sinclair, Wyo., to points in Idaho, *petroleum products*, in bulk, in tank vehicles, from points in Colorado, to points in South Dakota, *spent sulphuric acid*, in bulk, in tank vehicles, from Casper, Wyo., to Denver, Colo., *nitric acid*, in bulk, in tank vehicles, from Louviers, Colo., to Jeffrey City, Wyo., *anhydrous ammonia*, in bulk, in tank vehicles, restricted to shipments having a prior movement by rail, from points in Wyoming, to Jeffrey City, Wyo., and Waltman, Wyo., *liquid caustic soda* (sodium hydroxide), and *solutions thereof*, in bulk, from the site of the Rocky Mountain Arsenal located near Ladora, Colo., to Harrisburg, Nebr., and points within 15 miles thereof, *anhydrous hydrazine*, in bulk, in tank vehicles, from Lake Charles, La., and Saltville, Va., to Nimbus and Santa Susana, Calif., and the site of the Rocky Mountain Arsenal at Denver, Colo., *unsymmetrical dimethylhydrazine*, in bulk, in tank vehicles, from Baltimore, Md., to Nimbus and Santa Susana, Calif., and the site of the Rocky Mountain Arsenal at Denver, Colo., *unsymmetrical dimethylhydrazine and anhydrous hydrazine mixtures*, in bulk, in tank vehicles, from the site of the Rocky Mountain Arsenal at Denver, Colo., to U.S. Government missile sites and supporting missile installations and to missile testing and research facilities in Arizona, Arkansas, California, Florida, Kansas, New York, and Tennessee, and *acids and chemicals* in bulk, from Denver, Colo., to points in South Dakota. Vendee is authorized to operate as a *common carrier* in Iowa, Illinois, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, North Dakota, South Dakota, Indiana, Michigan, Ohio, Colorado, Oklahoma, Arkansas, Louisiana, Kentucky, Texas, Pennsylvania, and Tennessee. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 62-499; Filed, Jan. 16, 1962;
8:48 a.m.]

[Nos. 33590, 33591]

RATES; GENERAL INCREASES

JANUARY 12, 1962.

General increases—transcontinental, No. 33590; general increases in transcontinental rates via freight forwarders, No. 33591.

In the above-entitled proceedings, by orders dated October 13, 1960, the Commission, by division 2, instituted investigations into the lawfulness of certain increases in the class and commodity rates for the transportation of property in transcontinental movements by motor common carriers and freight forwarders. Special procedures were followed as set forth in the amended order of February 2, 1961. Direct evidence and rebuttal

were submitted in writing, and oral cross-examination was held at Kansas City, Mo. The initial decision of Hearing Examiner Leonard J. Kassel was served on January 12, 1962, upon the parties whose appearances are shown therein. The order of the Hearing Examiner directs the respondents to cancel the affected tariff schedules, and discontinues these proceedings. His findings are as follows:

Findings—In No. 33590, the examiner finds that:

(1) The weighted average operating ratios of the class I and II respondents are not shown to be substantially related to the traffic on which the increased rates apply;

(2) The respondents have not shown that any group of carriers are representative of the respondents generally in relation to the affected traffic;

(3) The respondents have not shown the effect of the increased expenses on the traffic on which the increased rates apply;

(4) The withholding of increases between certain points in the excluded territory and the application of the increases between other points cause undue preference to the former localities and undue prejudice to the latter localities;

(5) And that these respondents have failed to sustain the statutory burden of proving that the rates in issue are just and reasonable.

In No. 33591, the examiner finds that:

(1) The evidence relating to the increased expense to the forwarders is lacking in probative value for failure to supply the underlying data;

(2) Assuming the alleged increased expense has probative value, there is no showing (a) of its relation to the traffic on which the increased rates apply, and (b) that an increase in rates on a segment of traffic which will yield increased revenue approximately 2.25 times the increased expense on all traffic is just and reasonable;

(3) The withholding of increases between certain points in the excluded territory and the application of the increases between other points cause undue preference to the former localities and undue prejudice to the latter localities;

(4) And that the respondents have failed to sustain the statutory burden of proving that the rates in issue are just and reasonable.

Copies of the Hearing Examiner's initial decision may be obtained by any interested person from the Secretary, Interstate Commerce Commission, Washington 25, D.C.

Exceptions to the Hearing Examiner's initial decision may be filed by interested parties on or before February 16, 1962.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 62-500; Filed, Jan. 16, 1962;
8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 12, 1962.

Protests to the granting of an application must be prepared in accordance

with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37507: *Synthetic plastics east of the Rocky Mountains.* Filed by Southwestern Freight Bureau, Agent (No. B-8129), for interested rail carriers. Rates on synthetic plastics, other than liquid (returned shipments), in carloads, between points in official (including Illinois), southern, southwestern and western trunk-line territories.

Grounds for relief: Carrier competition.

Tariffs: Supplements 26, 1, 1, and 1 to Southwestern Freight Bureau tariffs I.C.C. 4354, 4455, 4456 and 4457, respectively.

FSA No. 37508: *Barite from points in Arkansas and Missouri.* Filed by Southwestern Freight Bureau, Agent (No. B-8135), for interested rail carriers. Rates on barite (barytes), ground, not precipitated or refined by chemical process, in carloads, from Butterfield, Dierks, Glenwood, Malvern and National, Ark., Cadet Fountain Farm, Mineral Point,

Potosi, Tiff, Valles Mines and Vineland, Mo., to specified points in Texas.

Grounds for relief: Market competition.

Tariff: Supplement 7 to Southwestern Freight Bureau tariff I.C.C. 4429.

FSA No. 37509: *Plaster from Cody, Wyo., to southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8132), for interested rail carriers. Rates on plaster and related articles, in carloads, from Cody, Wyo., to points in southwestern territory.

Grounds for relief: Market competition.

Tariff: Supplement 124 to Southwestern Freight Bureau tariff I.C.C. 4149.

FSA No. 37510: *Joint motor-rail rates—M-K-T and Chicago Express, Incorporated, et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 324), for interested carriers. Rates on commodities, moving on class and commodity rates, loaded in highway trailers of the motor carriers over the highway, thence transported on railroad flat cars of the railroad, between points in Kansas, Missouri, Oklahoma and Texas, on the one hand, and points in Illinois,

Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania and Wisconsin, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 37511: *Iron or steel bars from and to points in WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A-2220), for interested rail carriers. Rates on iron or steel bars, in carloads, from Chicago and points grouped therewith, Chicago Heights, Joliet, Alton, East St. Louis and Federal, Ill., St. Louis, Mo., and Kansas City, Mo.-Kans. to Chicago, Ill., and points grouped therewith, Council Bluffs, Iowa, Jefferson City and North Jefferson, Mo., and Omaha, Nebr.

Grounds for relief: Barge and market competition.

Tariffs: Supplements 34 and 46 to Western Trunk Line Committee tariffs I.C.C. A-4347 and A-4271, respectively.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-497; Filed, Jan. 16, 1962; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—JANUARY

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