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MAIN READING ROOM

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Announcing

**PRINCIPAL OFFICIALS
IN THE
EXECUTIVE BRANCH**

**Appointed January 20-
February 20, 1961**

A listing of more than 250 appointments of key officials made after January 20, 1961. Serves as a supplement to the 1960-61 edition of the U.S. Government Organization Manual

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3395

RED CROSS MONTH, 1961

By the President of the United States
of America

A. Proclamation

WHEREAS the American National Red Cross was established officially by the Congress of the United States and operates under grant of authority from the Government but nevertheless receives its support solely from the voluntary contributions and efforts of the American people; and

WHEREAS the charter of the Red Cross imposes upon it specific duties and responsibilities in providing welfare services for the armed forces and for veterans and their families, and in meet-

ing the needs of families suffering from disasters; and

WHEREAS the American National Red Cross, working with the eighty-five nation League of Red Cross Societies, helps to alleviate human suffering caused by disaster or disease throughout the world; and

WHEREAS in communities across this Nation more than two million Red Cross volunteers help their neighbors with youth services, a blood program, first aid, water safety, nursing services, and other humanitarian activities; and

WHEREAS, throughout its eighty years of varied and commendable services in our Nation, the Red Cross has earned the respect and gratitude of our citizens:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America and Honorary Chairman of the American National Red

Cross, do hereby designate March 1961 as Red Cross Month; and I urge all Americans to support the Red Cross in its local, national, and international missions of mercy.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-eighth day of February in the year of our Lord nineteen [SEAL] hundred and sixty-one, and of the Independence of the United States of America the one hundred and eighty-fifth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 61-2017; Filed, Mar. 3, 1961;
1:27 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission PART 4—POLITICAL ACTIVITY

Miscellaneous Amendments

Paragraphs (b), (d), and (e) of § 4.205, § 4.206, paragraph (b) of § 4.306, and §§ 4.307 and 4.308 of Part 4 are amended as set out below.

§ 4.205 Hearing; procedure.

(b) All testimony shall be under oath or affirmation. All statements, affidavits, and documents which are to be considered as evidence shall be available for review by the employee or his representative.

(d) The proceedings at the hearing shall be reported stenographically unless by stipulation the parties agree to a summary of facts. A copy of the transcript without cost, or a summary of the testimony if not recorded verbatim, shall be furnished to each party. If the proceedings are not taken by a reporter on behalf of the Commission, a summary of the testimony shall be prepared by the examiner or in accordance with directions given by him, to which the parties may file written exceptions. The summary and the exceptions, if any, shall be certified by the examiner and shall become part of the record. It shall be within the discretion of the examiner to permit and fix the time for the filing of briefs.

(e) The examiner shall submit the record and the report of the hearing to the Commissioners with his recommended decision as to the violation found by the General Counsel and the penalty to be imposed, if any.

§ 4.206 Waiver of hearing.

If the employee waives a hearing, the case shall be submitted on the record to the Commission.

§ 4.306 Hearing on appeal to the Commission.

(b) The hearing shall be held before an examiner designated by the Commission. All testimony shall be under oath or affirmation. Affidavits and other documentary evidence may be introduced. All statements, affidavits, and documents which are to be considered as evidence shall be available for review by the employee or his representative.

§ 4.307 Examiner's recommendation.

The examiner assigned shall submit the record and the report of hearing, together with a recommendation, to the Commissioners.

§ 4.308 Waiver of hearing.

If the employee waives a hearing, the case shall be submitted, on the record, to the Commissioners.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521; 3 CFR 1954 Supp.)

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

[F.R. Doc. 61-1930; Filed, Mar. 6, 1961; 8:45 a.m.]

PART 28—OFFICIAL PERSONNEL FOLDER

Disposition of Folder After Transfer or Separation

Paragraph (b) of § 28.4 is amended as set out below.

§ 28.4 Disposition of folder after transfer or separation.

(b) Official Personnel Folders of persons separated from the service shall be retained by the last employing agency for thirty (30) days after separation and then transferred to the General Services Administration, Federal Records Center, St. Louis, Missouri.

(Sec. 4, E.O. 10561, Sept. 13, 1954, 19 F.R. 5963)

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

[F.R. Doc. 61-1931; Filed, Mar. 6, 1961; 8:45 a.m.]

Title 7—AGRICULTURE

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

PART 909—ALMONDS GROWN IN CALIFORNIA

Revised Salable and Surplus Percentages for 1960-61 Crop Year

Notice was published in the FEDERAL REGISTER on February 15, 1961 (26 F.R. 1291) that there was under consideration a proposal to increase the salable percentage for California almonds during the 1960-61 crop year which began July 1, 1960, from 75 percent to 84 percent, with a corresponding decrease in the surplus percentage. The proposed revisions were based on recommendations of the Almond Control Board and other available information, in accordance with the applicable provisions of Marketing Agreement No. 119, as amended, and Order No. 9, as amended (7 CFR Part

909), regulating the handling of almonds grown in California. Said amended marketing agreement and order are effective under the 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).

The notice afforded interested persons opportunity to file written data, views or arguments pertaining thereto with the Department for consideration prior to the revision of salable and surplus percentages for the 1960-61 crop year. The prescribed time has elapsed and no such communications have been received.

Based on the Almond Control Board's revised estimate of trade demand and data now available to the Department, it is expected that the quantity of salable almonds (as previously established for the 1960-61 crop year) will not be sufficient to meet a trade demand now estimated at 55 million pounds instead of the 50 million pounds previously estimated. Other estimates remain essentially unchanged. It will be necessary, in order to make available a quantity of salable almonds sufficient to satisfy the enhanced trade demand, and the desirable handler carryover requirements on June 30, 1961, to increase the salable percentage from 75 percent to 84 percent and reduce the complementary surplus percentage from 25 percent to 16 percent.

After consideration of all relevant matters presented, including those in the notice, it is hereby found that the quantity of salable almonds is not sufficient to satisfy trade demand and desirable handler carryover requirements for the 1960-61 crop year, and that revising such salable and surplus percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the salable and surplus percentages in § 909.210 Salable and surplus percentages for almonds during the crop year beginning July 1, 1960 (25 F.R. 8711) applicable to the total kernel weight of almonds received by handlers for their own accounts during the 1960-61 crop year are hereby revised by changing the "75 percent" and "25 percent" to read, respectively, "84 percent" and "16 percent".

It is hereby further found that good cause exists for not postponing the effective date of this action later than the date of its publication in the FEDERAL REGISTER in that revising the salable and surplus percentages for almonds during the current crop year relieves restrictions on the handling of almonds (5 U.S.C. 1001-1011).

Dated March 1, 1961, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
*Deputy Director,
Fruit and Vegetable Division.*

[F.R. Doc. 61-1991; Filed, Mar. 6, 1961; 8:50 a.m.]

[Lemon Reg. 888, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 953.995 (Lemon Regulation 888, 26 F.R. 1658) are hereby amended to read as follows:

(ii) District 2: 209,250 cartons.

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

Dated: March 2, 1961.

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

[F.R. Doc. 61-1967; Filed, Mar. 6, 1961; 8:47 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 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of Malathion on Peanuts

A petition has been filed with the Food and Drug Administration by American Cyanamid Company, 30 Rockefeller Plaza, New York 20, New York, request-

ing an amendment of the regulation establishing a tolerance of 8 parts per million for residues of malathion in or on peanuts from postharvest application, so as to specify that the residues be determined on the nuts, after removal of the shells.

After consideration of the data submitted in the petition and other relevant material and under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), § 120.111 is amended to provide for the amendment requested, as follows:

In § 120.111. *Tolerances for residues of malathion*, paragraph (a)(2) is amended to read as follows:

(2) From postharvest application: 8 parts per million in or on peanuts (determined on the nuts after shell is removed and discarded) and the following grains: Barley, corn, oats, rice, rye, sorghum, wheat.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: February 27, 1961.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 61-1970; Filed, Mar. 6, 1961; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

MONOGLYCERIDE CITRATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by The Griffith Laboratories, Inc., Chicago, Illinois, and other relevant material, has concluded that the following regulation should issue in conformity with section 409 of the Federal Food, Drug, and Cosmetic Act with respect to the food additive monoglyceride citrate as a synergist and solubilizer in antioxidant formulations for oils and

fats. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), *It is ordered*, That Subpart D of the food additive regulations (21 CFR Part 121) be amended by adding thereto the following new section:

§ 121.1036 Monoglyceride citrate as a synergist and solubilizer in antioxidant formulations for oils and fats.

A food additive that is a mixture of glyceryl monooleate and its citric acid monoester manufactured by the reaction of glyceryl monooleate with citric acid under controlled conditions may be safely used as a synergist and solubilizer for antioxidants in oils and fats, when used in accordance with the conditions prescribed in this section.

(a) The food additive meets the following specifications:

Acid number, 70-100.

Total citric acid (free and combined), 14 percent-17 percent.

(b) It is used, or intended for use, in antioxidant formulations for addition to oils and fats whereby the additive does not exceed 200 parts per million (0.02 percent) of the combined weight of the oil or fat and the additive.

(c) To assure safe use of the additive:

(1) The container label shall bear, in addition to the other information required by the act, the name of the additive.

(2) The label or accompanying labeling shall bear adequate directions for the use of the additive which, if followed, will result in a food that complies with the requirements of this section.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 27, 1961.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 61-1968; Filed, Mar. 6, 1961; 8:47 a.m.]

Title 30—MINERAL RESOURCES.

Chapter I—Bureau of Mines, Department of the Interior
REVISION OF FEES

On pages 128-132 of the FEDERAL REGISTER of January 7, 1961, there was published a notice and text of proposed revision of fees and charges for services for investigating and testing equipment and devices stipulated in various parts of Chapter 1, Title 30, Code of Federal Regulations.

In accordance with the policy of the Department of the Interior, interested persons were given 30 days in which to submit written comments, suggestions, or objections concerning the proposed revision. No unfavorable comment or adverse criticism was received.

Minor editorial corrections have been made and clarifying headings have been added. No other change has been made in the text and the revision of fees is hereby adopted as set forth below. The revised fees and charges for services performed or products furnished by the Bureau of Mines, U.S. Department of the Interior, shall apply on and after the date of publication in the FEDERAL REGISTER regardless of the date of application for such services or products.

MARLING J. ANKENY,
Director, Bureau of Mines.

Approved: March 1, 1961.

STEWART L. UDALL,
Secretary of the Interior.

PART 10—COAL ANALYSIS FOR NON-FEDERAL APPLICANTS

[Bureau of Mines Schedule 3C]

Section 10.4 of Part 10 of Subchapter A of this Chapter, pertaining to "Coal Analysis for Non-Federal Applicants," is revised to read as follows:

§ 10.4 Fees.

(a) The following fees are charged for each sample:

1. Moisture and ash, or sulfur, or volatile matter, or free-swelling index \$4.50
2. Proximate analysis (moisture, ash, and volatile matter) 6.00
3. B.t.u. determination 7.50
4. Proximate analysis, sulfur, and B.t.u. 12.50
5. Ultimate analysis (moisture, ash, carbon, hydrogen, sulfur, and nitrogen) 22.50
6. Ultimate analysis and B.t.u. 28.00
7. Proximate and ultimate analyses, and B.t.u. 29.50
8. Fusibility of ash 10.00
9. Hardgrove grindability index 10.00

(b) Fees for tests not included in the above list will be based on the services required, and the applicant will be notified accordingly.

PART 11—SELF-CONTAINED BREATHING APPARATUS

[Bureau of Mines Schedule 13D]

Section 11.3 of Part 11 of Subchapter B of this Chapter, pertaining to "Self-

Contained Breathing Apparatus," is revised to read as follows:

§ 11.3 Fees.

	Apparatus with separate regenerator	Oxygen generating apparatus	Demand-type apparatus
1. Complete 2-hour self-contained breathing apparatus inspection and tests.....	\$1,600	\$1,600	\$1,600
2. Complete 1-hour self-contained breathing apparatus inspection and tests.....	1,500	1,500	1,500
3. Complete ¾-hour self-contained breathing apparatus inspection and tests.....	1,500	1,500	1,500
4. Complete ½-hour self-contained breathing apparatus inspection and tests.....	1,500	1,500	1,500
5. Separate preliminary 2-hour apparatus inspection and tests.....	250	250	250
6. Separate preliminary 1-hour apparatus inspection and tests.....	250	250	250
7. Separate preliminary ¾-hour apparatus inspection and tests.....	250	250	250
8. Separate preliminary ½-hour apparatus inspection and tests.....	250	250	250
9. Separate supplementary facepiece assembly.....	250	250	-----
10. Separate regenerator 2-hour apparatus inspection and tests.....	175	-----	-----
11. Separate regenerator 1-hour apparatus inspection and tests.....	175	-----	-----
12. Separate regenerator ¾-hour apparatus inspection and tests.....	175	-----	-----
13. Separate regenerator ½-hour apparatus inspection and tests.....	175	-----	-----
14. Special reducing valve inspection and tests, all models.....	175	175	175
15. Separate auxiliary parts inspection and tests, each part.....	120	120	120
16. Fees for tests of unusually complicated apparatus, for unusual tests or tests not included in this list, or for tests required for extensions of approval, will be based on the actual costs of testing, which will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before tests are begun.....	-----	-----	-----

NOTE: If a self-contained breathing apparatus fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the self-contained breathing apparatus is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be determined in advance by the Bureau and the

applicant will be notified accordingly. Such fee shall be paid before tests are begun.

PART 12—SUPPLIED-AIR RESPIRATORS

[Bureau of Mines Schedule 19B]

Paragraph (c) of § 12.4 of Part 12 of Subchapter B of this Chapter, pertaining to "Supplied-Air Respirators," is revised to read as follows:

§ 12.4 Conditions under which supplied-air respirators will be tested.

* * * * *

(c) Fees.

1. Types A or AE supplied-air respirators (complete)..... \$375
 - (i) Blower, single outlet..... 130
 - (ii) Each blower outlet more than one (at time of blower testing)..... 15
 - (iii) Air-supply line (hose)..... 135
 - (iv) Body harness..... 20
 - (v) Respiratory-inlet covering (facepiece) 120
2. Types B or BE supplied-air respirators (complete)..... 310
 - (i) Air-supply line (hose)..... 105
 - (ii) Body harness..... 20
 - (iii) Respiratory-inlet covering (facepiece) 120
3. Types C or CE supplied-air respirators, continuous-flow class (complete) 325
 - (i) Air-supply line (hose)..... 100
 - (ii) Respiratory-inlet covering (facepiece) 130
4. Types C or CE supplied-air respirators, demand class (complete)..... 340
 - (i) Air-supply line (hose)..... 110
 - (ii) Respiratory-inlet covering (facepiece) 130
5. Additional examination and tests of respirator in connection with other tests, per man-day required 40
6. Fees for tests of unusually complicated apparatus, for unusual tests or tests not included in this list, or for tests required for extensions of approval, will be based on the actual cost of testing, which will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before the tests are begun.

NOTE: If a respirator fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the respirator is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be determined in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.

PART 13—GAS MASKS

[Bureau of Mines Schedule 14F]

Paragraph (c) of § 13.5 of Part 13 of Subchapter B of this Chapter, pertaining to "Gas Masks," is revised to read as follows:

§ 13.5 Conditions under which gas masks will be tested.

* * * * *

(c) Fees.

1. Type A—Acid gases, complete mask \$1,150

2. Type B—Organic vapors, complete mask.....	\$615
3. Type C—Ammonia, complete mask.....	615
4. Type D—Carbon monoxide self-rescuer.....	600
5. Type AE, BE, etc.—Dusts, fumes, mists, fogs, and smokes in combinations with any of the above types. Fee in addition to that required for tests with gases or vapors.....	260
6. Type AB—Acid gases and organic vapors, complete mask.....	1,460
7. Complete mask with canister designed for a single gas or vapor.....	615
8. Facepiece, complete.....	90
9. Canister alone, fee for complete mask minus fee for facepiece.....	
10. Extension of approval to another gas or vapor, or complete re-testing with a gas or vapor in case of failure.....	525
11. Type N—Universal gas mask for all gases and vapors ordinarily encountered in industry, including filters for dusts, fumes, mists, fogs, and smokes.....	1,950
12. Additional examination and tests in connection with other tests, per man-day required.....	40
13. Fees for tests of unusually complicated apparatus, for unusual tests or tests not included in this list, or for tests required for extensions of approval, will be based on the actual costs of testing, which will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before the tests are begun.	

NOTE: If a gas mask fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the gas mask is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be determined in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.

PART 14—FILTER-TYPE, DUST, FUME, AND MIST RESPIRATORS

[Bureau of Mines Schedule 21A]

Paragraph (c) of § 14.4 of Part 14 of Subchapter B of this Chapter, pertaining to "Filter-Type, Dust, Fume, and Mist Respirators," is revised to read as follows:

§ 14.4 Conditions under which respirators will be tested.

(c) Fees.

1. Pneumoconiosis-producing and nuisance dusts, single-use filter, complete respirator.....	\$240
2. Pneumoconiosis-producing and nuisance dusts, reusable filter, complete respirator.....	290
3. Toxic dusts, single-use filter, complete respirator.....	260
4. Toxic dusts, reusable filter, complete respirator.....	325
5. Dusts, single-use filter, complete respirator.....	290
6. Dusts, reusable filter, complete respirator.....	410
7. Fumes, complete respirator.....	310
8. Silica mist, complete respirator.....	260

9. Chromic-acid mist, complete respirator.....	\$325
10. Facepiece, dust or mist respirator.....	60
11. Facepiece, fume respirator.....	75
12. Pneumoconiosis-producing and nuisance dusts and mists, complete respirator.....	290
13. Pneumoconiosis-producing and nuisance dusts and chromic-acid mist, complete respirator.....	350
14. Pneumoconiosis-producing and nuisance dusts and mists, and chromic-acid mist, complete respirator.....	410
15. Pneumoconiosis-producing and nuisance mists, and chromic-acid mist, complete respirator.....	380
16. Toxic dusts and Pneumoconiosis-producing and nuisance mists, complete respirator.....	325
17. Toxic dusts and chromic-acid mist, complete respirator.....	380
18. Toxic dusts, pneumoconiosis-producing and nuisance mists and chromic-acid mist, complete respirator.....	435
19. Dusts and pneumoconiosis-producing and nuisance mists, complete respirator.....	350
20. Dusts and chromic-acid mist, complete respirator.....	410
21. Dusts, pneumoconiosis-producing and nuisance mists, and chromic-acid mist, complete respirator.....	465
22. Dusts, fumes, and pneumoconiosis-producing and nuisance mists, complete respirator.....	460
23. Dusts, fumes, and chromic-acid mist, complete respirator.....	510
24. Dusts, fumes, pneumoconiosis-producing and nuisance mists, and chromic-acid mist, complete respirator.....	550
25. Dusts and fumes, complete respirator.....	400
26. Additional examination and tests of respirator in connection with other tests, per man-day required.....	40
27. Fees for tests of unusually complicated apparatus, for unusual tests or tests not included in this list, or for tests required for extensions of approval, will be based on the actual costs of testing, which will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before the tests are begun.	

NOTE: If a respirator fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the respirator is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be determined in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.

PART 14a—NONEMERGENCY GAS RESPIRATORS (CHEMICAL CARTRIDGE RESPIRATORS, INCLUDING PAINT SPRAY RESPIRATORS)

[Bureau of Mines Schedule 23B]

Paragraph (d) of § 14a.5 of Part 14a of Subchapter B of this chapter, pertaining to "Nonemergency Gas Respirators (Chemical Cartridge Respirators, Including Paint Spray Respirators)," is revised to read as follows:

§ 14a.5 Fees.

(d) The following fees are charged for testing types B and BE nonemergency gas respirators:

1. Type B—Organic vapors, complete respirator.....	\$525
2. Type BE—Dusts, fumes, or mists in combination with organic vapors. Fee for filter tests in addition to that required for Type B:	
(i) Pneumoconiosis-producing and nuisance dusts.....	130
(ii) Toxic dusts.....	160
(iii) Dusts—combination of (i) and (ii).....	190
(iv) Fumes.....	190
(v) Silica mist.....	160
(vi) Chromic-acid mist.....	220
(vii) Mists of paints, lacquers, and enamels.....	670
3. Facepiece alone.....	75
4. Cartridge(s) alone.....	450
5. Additional examination and tests of respirator in connection with other tests, per man-day required.....	40
6. Fees for tests of unusually complicated apparatus, for unusual tests or tests not included in this list, or for tests required for extensions of approval, will be based on the actual costs of testing, which will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before the tests are begun.	

NOTE: If a respirator fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the respirator is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be determined in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.

PART 16—STEMMING DEVICES

[Bureau of Mines Schedule 27B]

Section 16.4 of Part 16 of Subchapter C of this Chapter, pertaining to "Stemming Devices," is revised to read as follows:

§ 16.4 Fees.

(a) Complete tests for approval.....	\$1,150
(b) Individual tests:	
1. Chemical.....	60
2. Physical examination.....	23
3. Gallery, per shot.....	17
4. Rough handling.....	12
5. Flammability.....	35
6. Fee for tests not included in this list will be based on actual costs.	
(c) Fee for tests required by changes in design will be determined by the Bureau; minimum fee.....	100

Fees for additional tests, described in paragraph (c) of § 16.10 of this Part, will be determined by the Bureau and will be in addition to this fee. If the applicant withdraws the stemming device after testing has begun, or if the device fails to pass any of the required tests, the Bureau will charge a minimum of \$100 and will return to the applicant any part of the remaining fee not required to compensate the Bureau for its services.

PART 17—BLASTING DEVICES

[Bureau of Mines Schedule 26A]

Section 17.4 of Part 17 of Subchapter C of this Chapter, pertaining to "Blasting Devices," is revised to read as follows:

§ 17.4 Fees.

- (a) Complete tests for approval when electrical tests are not required \$1,080
- (b) Complete tests for approval when electrical tests are required 1,300
- (c) Individual tests:
 - 1. Chemical 110
 - 2. Physical examination 60
 - 3. Gallery, per shot 13
 - 4. Pendulum friction, per sample 30
 - 5. Gaseous products, per sample 110
 - 6. Shell temperature 90
 - 7. Electrical 220
 - 8. Fee for tests not included in this list will be based on actual costs.
- (d) Fee for tests required by changes in design will be determined by the Bureau; minimum fee 500

¹ If the applicant withdraws the blasting device after testing has begun, or if the device fails to pass any of the required tests, the Bureau will charge a minimum of \$500 and will return to the applicant any part of the remaining fee not required to compensate the Bureau for its services.

PART 18—ELECTRIC MOTOR-DRIVEN MINE EQUIPMENT, JUNCTION BOXES AND OTHER ACCESSORY EQUIPMENT

[Bureau of Mines Schedule 2F]

Section 18.3 of Part 18 of Subchapter D of this Chapter, pertaining to "Electric Motor-Driven Mine Equipment, Junction Boxes and Other Accessory Equipment," is revised to read as follows:

§ 18.3 Fees.

- (a) Detailed inspection of each explosion-proof enclosure \$50
- NOTE:** When less than 20 explosion tests are required, the inspection fee shall be \$25.
- (b) Explosion tests of each explosion-proof enclosure 40
- NOTE:** When less than 20 explosion tests are required, the fee shall be \$20.
- (c) Each series of tests necessary to prove the adequacy of electrical clearances, insulation durability, intrinsic safety, surface temperature, or ventilation of each enclosure 45
- (d) Each field inspection of completely assembled equipment 40
- (e) Tests of portable cable:
 - 1. Damage-resistance tests 30
 - 2. Development tests to determine resistance to damage by mine car running over cable will be charged at the rate of \$3 for each five runs over the cable. The minimum charge is \$6.
 - 3. Flame-resistance tests 20

4. Development flame-resistance tests will be charged at the rate of \$4 per test sample. The minimum charge is \$8.

- (f) Examining and recording drawings and specifications preparatory to issuing an approval \$45
- (g) Examining and recording drawings and specifications for each investigation of a motor, starter, or other individual explosion-proof unit considered independently of a complete machine assembly for certification 25
- (h) Examining and recording drawings and specifications for an extension of approval 45
- (i) Examining and recording drawings and specifications for an extension of certification 25
- (j) No charge will be made for inspections and tests made solely for the Bureau's information.

NOTE: When investigation, inspection, or testing is required to be performed at locations other than the Bureau's premises, the applicant shall reimburse the Bureau for traveling, subsistence, and incidental expenses of its representative(s) in accordance with standard Government travel regulations. Such reimbursement shall be in addition to the fee charged for investigation, inspection, or testing.

PART 19—ELECTRIC CAP LAMPS

[Bureau of Mines Schedule 6D]

Section 19.2 of Part 19 of Subchapter D of this Chapter, pertaining to "Electric Cap Lamps," is revised to read as follows:

§ 19.2 Fees.

- (a) Detailed inspection \$50
- (b) Safety tests (headpiece) 80
- (c) Headpiece dropping 10
- (d) Headpiece smash 20
- (e) Battery sparking 20
- (f) Battery dropping 10
- (g) Battery spilling 30
- (h) Bulb uniformity (current consumption) 20
- (i) Bulb life 110
- (j) Light distribution 140
- (k) Discharge voltage (battery) 40
- (l) Cord slatting 50
- (m) Final examination and recording of drawings and specifications requisite to issuing an approval 45
- (n) Examining and recording of drawings and specifications requisite to issuing an extension of approval 45
- (o) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of \$100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.

PART 20—ELECTRIC MINE LAMPS OTHER THAN STANDARD CAP LAMPS

[Bureau of Mines Schedule 10C]

Section 20.4 of Part 20 of Subchapter D of this Chapter, pertaining to "Electric Mine Lamps Other Than Standard Cap Lamps," is revised to read as follows:

§ 20.4 Fees.

- (a) Detailed inspection \$50
- (b) Safety tests in gas 40
- (c) Battery sparking 20
- (d) Battery spilling 30
- (e) Dropping 10
- (f) Bumping 40
- (g) Explosion tests 40
- (h) Final examination and recording of drawings and specifications requisite to issuing an approval 45
- (i) Examining and recording drawings and specifications requisite to issuing an extension of approval 45
- (j) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of \$100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.

¹ Applies to all lamps.
² Applies only if cord is involved.
³ Applies only to storage-battery lamps.
⁴ Applies only to trip lamps.
⁵ Applies only to units in explosion-proof housings.

PART 21—FLAME SAFETY LAMPS

[Bureau of Mines Schedule 7C]

Section 21.3 of Part 21 of Subchapter D of this Chapter, pertaining to "Flame Safety Lamps," is revised to read as follows:

§ 21.3 Fees.

- (a) Detailed inspection \$50
- (b) Mechanical tests of complete lamp
 - 1. Dropping test 10
 - 2. Impact test with 5# weight 20
 - 3. Tension test with 10# weight 20
 - 4. Bonnet test (pendulum impact) 20
 - 5. Temperature of external parts 10
- (c) Mechanical tests of glasses
 - 1. Impact test with 1# weight 20
 - 2. Temperature test 10
- (d) Safety tests—moving and still mixtures 80
- (e) Safety tests—igniter 40
- (f) Time of burning 10
- (g) Detection of methane and deficiency of oxygen 50
- (h) Final examination and recording of drawings and specifications requisite to issuing an approval 45
- (i) Examining and recording drawings and specifications requisite to issuing an extension of approval 45

(j) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of \$100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.

(g) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of \$100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.

(j) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of \$100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.

PART 22—PORTABLE METHANE DETECTORS

[Bureau of Mines Schedule 8C]

Section 22.3 of Part 22 of Subchapter D of this Chapter, pertaining to "Portable Methane Detectors," is revised to read as follows:

§ 22.3 Fees.

- (a) Detailed inspection..... \$50
- (b) Safety—intrinsically safe circuits..... 40
- (c) Battery spilling..... 30
- (d) Battery dropping..... 10
- (e) Accuracy..... 80
- (f) Life tests of replaceable components..... 40
- (g) Field tests..... 30
- (h) Final examination and recording of drawings and specifications requisite to issuing an approval..... 45
- (i) Examining and recording drawings and specifications requisite to issuing an extension of approval..... 45
- (j) Tests to assist an applicant in evaluating equipment intended for certification may be at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of \$100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.

PART 24—SINGLE-SHOT BLASTING UNITS

[Bureau of Mines Schedule 12D]

Section 24.1 of Part 24 of Subchapter D of this Chapter, pertaining to "Single-Shot Blasting Units," is revised to read as follows:

§ 24.1 Fees.

- (a) Detailed inspection..... \$50
- (b) Intrinsic safety tests..... 40
- (c) Life tests of replaceable parts or complete unit..... 40
- (d) Discharge voltage test..... 40
- (e) Firing capacity test..... 40
- (f) Dropping test..... 10
- (g) Final examination and recording of drawings and specifications requisite to issuing an approval..... 45
- (h) Examining and recording drawings and specifications requisite to issuing an extension of approval..... 45
- (i) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of \$100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.

PART 26—LIGHTING EQUIPMENT FOR ILLUMINATING UNDERGROUND WORKINGS

[Bureau of Mines Schedule 29A]

Section 26.6 of Part 26 of Subchapter D of this Chapter, pertaining to "Lighting Equipment for Illuminating Underground Workings," is revised to read as follows:

§ 26.6 Fees.

- (a) Detailed inspection..... \$50
- (b) Explosion tests, each series..... 40
- (c) Dropping test..... 10
- (d) Temperature test..... 5
- (e) High-potential test..... 10
- (f) Safety tests in methane-air mixtures¹..... 80
- (g) Short-circuit test¹..... 10
- (h) Flame-resistance test (cable connectors)..... 5
- (i) Final examination and recording of drawings and specifications requisite to issuing an approval..... 45
- (j) Examining and recording drawings and specifications requisite to issuing and extension of approval..... 45
- (k) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of \$100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.

¹ Applies to cable connectors submitted for certification.

PART 23—TELEPHONE AND SIGNALING DEVICES

[Bureau of Mines Schedule 9B]

Section 23.4 of Part 23 of Subchapter D of this Chapter, pertaining to "Telephone and Signaling Devices," is revised to read as follows:

§ 23.4 Fees.

- (a) Detailed inspection..... \$50
- (b) Explosion tests (each compartment)..... 40
- (c) Intrinsic safety..... 40
- (d) Life tests of replaceable parts..... 40
- (e) Final examination and recording of drawings and specifications requisite to issuing an approval..... 45
- (f) Examining and recording drawings and specifications requisite to issuing an extension of approval..... 45

PART 25—MULTIPLE-SHOT BLASTING UNITS

[Bureau of Mines Schedule 16E]

Section 25.4 of Part 25 of Subchapter D of this Chapter, pertaining to "Multiple-Shot Blasting Units," is revised to read as follows:

§ 25.4 Fees.

- (a) Detailed inspection..... \$50
- (b) Timing and energy requirement determination..... 30
- (c) Safety tests in methane-air mixtures..... 40
- (d) High-potential test..... 10
- (e) Dropping test..... 10
- (f) Life test of complete unit..... 100
- (g) Firing capacity test..... 30
- (h) Final examination and recording of drawings and specifications requisite to issuing an approval..... 45
- (i) Examining and recording drawings and specifications requisite to issuing an extension of approval..... 45

PART 31—DIESEL MINE LOCOMOTIVES

[Bureau of Mines Schedule 22]

Paragraph (c) of § 31.3 of Part 31 of Subchapter E of this Chapter, pertaining to "Diesel Mine Locomotives," is revised to read as follows:

§ 31.3 Conditions under which approvals may be granted; preliminary steps.

(c) Fees.

- 1. Preliminary review of drawings, specifications, and related data—new machine..... \$35

2. Tests to determine composition of engine exhaust gases..... \$400

NOTE: For preliminary or check testing that requires only carbon dioxide and carbon monoxide determinations, the fee shall be \$200.

3. Tests to determine effectiveness of engine flame arrester..... 120

NOTE: For check testing a redesigned flame arrester that requires less than 20 tests, the fee shall be \$60.

4. Detailed inspection of engine flame arrester 35

5. Detailed inspection of manifolds, exhaust conditioners, and other parts of intake and exhaust systems 45

6. Detailed inspection of electrical units—each explosion-proof enclosure 50

NOTE: When less than 20 explosion tests are required, the inspection fee shall be \$25.

7. Explosion tests of electrical units—each explosion-proof enclosure..... 40

NOTE: When less than 20 explosion tests are required, the fee shall be \$20.

8. Exhaust conditioner performance tests to determine rate of water consumption 45

9. Each field inspection of completely assembled machine..... 80

10. Tests of exhaust-gas dilution not made concurrently with field inspection of completely assembled machine..... 55

11. Final examination and recording of drawings and specifications preparatory to issuing an approval 45

12. Examining and recording drawings and specifications for an extension of approval, each 4 hours or fraction thereof..... 15

NOTE: When investigation, inspection, or testing is required to be performed at locations other than the Bureau's premises, the applicant shall reimburse the Bureau for traveling, subsistence, and incidental expenses of its representative(s) in accordance with standard Government travel regulations. Such reimbursement shall be in addition to the fee charged for investigation, inspection, or testing.

PART 32—MOBILE DIESEL-POWERED EQUIPMENT FOR NON-COAL MINES

[Bureau of Mines Schedule 24]

Paragraph (c) of § 32.3 of Part 32 of Subchapter E of this Chapter, pertaining to "Mobile Diesel-Powered Equipment for Non-coal Mines," is revised to read as follows:

§ 32.3 Conditions under which approvals may be granted or tests made; preliminary steps preceding approval tests and inspections.

(c) Fees.

1. Preliminary review of drawings, specifications, and related data—each new machine..... \$35

2. Tests to determine composition of engine exhaust gases..... 350

NOTE: For preliminary or check testing that requires only carbon dioxide and carbon monoxide determinations, the fee shall be \$175.

3. Detailed inspection of exhaust-gas cooling system..... 35

4. Detailed inspection of electrical system 20

5. Each field inspection of completely assembled machine..... 75

6. Exhaust-gas-dilution tests independent of field inspection..... 55

7. Final examination and recording of drawings and specifications preparatory to issuing an approval..... 45

8. Final examination and recording of drawings and specifications preparatory to issuing a certification of an engine subassembly..... 30

9. Examining and recording of drawings and specifications for an extension of approval or certification of an engine subassembly, each 4 hours or fraction thereof..... 15

NOTE: When investigation, inspection, or testing is required to be performed at locations other than the Bureau's premises, the applicant shall reimburse the Bureau for traveling, subsistence, and incidental expenses of its representative(s) in accordance with standard Government travel regulations. Such reimbursement shall be in addition to the fee charged for investigation, inspection, or testing.

PART 34—FIRE-RESISTANT CONVEYOR BELTS

[Bureau of Mines Schedule 28]

Section 34.5 of Part 34 of Subchapter E of this Chapter, pertaining to "Fire-Resistant Conveyor Belts," is revised to read as follows:

§ 34.5 Fees.

(a) Flame test..... \$20

(b) Drum-friction test..... 40

(c) Fees for unusual tests, or tests not included in this list, which might be necessary, will be based on actual costs of testing, and will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before tests are begun.

(Sec. 5, 36 Stat. 370, as amended, and sec. 212(a), 66 Stat. 709; 30 U.S.C. 7, 482(a). Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, and secs. 201, 209, 66 Stat. 692, 703; 30 U.S.C. 3, 5, 471, 479)

[F.R. Doc. 61-1958; Filed, Mar. 6, 1961; 8:45 a.m.]

Title 25—INDIANS

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

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Fort Belknap Indian Irrigation Project, Montana

There was published in the FEDERAL REGISTER on January 4, 1961 (26 F.R. 13), a notice of intention to amend § 221.30 of 25 CFR to Part 221 provide for an increase in the annual operation and maintenance assessment rate for the Three-Mile Unit of the Fort Belknap Indian Irrigation Project from \$2.00 to \$3.20 per acre. The amendment also deletes the words "including the lands operated as a tribal farming and livestock enterprise;" and adds in lieu thereof the words "including lands under pumping contract with the Fort Belknap Indian Irrigation Project."

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below.

STEWART L. UDALL,
Secretary of the Interior.

MARCH 1, 1961.

Section 221.30 is amended to read as follows:

§ 221.30 Charges.

Pursuant to the provisions of the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the basic annual charges for operation and maintenance against the irrigable lands to which water can be delivered under the constructed works of the Fort Belknap Indian Irrigation Project in Montana are hereby fixed (a) for the Milk River and White Bear Units, including lands under pumping contract with the Fort Belknap Indian Irrigation Project at \$2.65 per acre for the year 1961 and thereafter until further notice; (b) for the Peoples Creek (Hays), Brown, and Ereaux Units at \$2.00 per acre for the year 1961 and thereafter until further notice; (c) and for the Three-Mile Unit at \$3.20 per acre for the year 1961 and thereafter until further notice.

[F.R. Doc. 61-1956; Filed, Mar. 6, 1961; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 61-290]

PART 3—RADIO BROADCAST SERVICES

Television Broadcast Stations; Extension of Time for Compliance

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of March 1961;

The Commission having under consideration the provisions of §§ 3.690(a) and 3.691(a) of its rules, which require that television broadcast stations have type-approved frequency and modulation monitors at the stations whenever the transmitter is in operation;

It appearing that the time specified for compliance with the requirements of §§ 3.690(a) and 3.691(a) was last extended to February 28, 1961; and

It further appearing that since there is outstanding a notice of proposed rule making in this matter (Docket No. 13854), with time for filing reply comments to expire on March 23, 1961, the Commission deems it appropriate to postpone the effective date of these sections of the rules pending final decision in this docket.

It further appearing that the amendment herein ordered is procedural in nature and effects a relaxation of the Rules; therefore, compliance with the requirements of section 4 of the Administrative Procedure Act is not required; and

It further appearing that authority for the amendments adopted herein is contained in Sections 303 (e), (f), and (r) and 4(i) of the Communications Act of 1934, as amended;

It is ordered, That effective March 1, 1961, §§ 3.690(a) and 3.691(a) are amended, by substituting the words "pending final decision in Docket No. 13854," in the parenthetical sentence to each of these sections.

Released: March 2, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-1990; Filed, Mar. 6, 1961;
8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF 2,3,5,6-TETRACHLORONITROBENZENE

Notice of Withdrawal of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512, as amended 52 Stat. 1784; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice*, of the general regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.8), Sterwin Chemicals, Inc., 1450 Broadway, New York 18, New York, has withdrawn its petition for establishment of a tolerance of zero for residues of 2,3,5,6-Tetrachloronitrobenzene in or on potatoes, notice of which was published in the FEDERAL REGISTER of October 4, 1960 (25 F.R. 9474).

The withdrawal of this petition is without prejudice to a future filing.

Dated: February 28, 1961.

[SEAL]

ROBERT S. ROE,
Director, Bureau of
Biological and Physical Sciences.

[F.R. Doc. 61-1969; Filed, Mar. 6, 1961; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 204]

[Reg. D]

RESERVES OF MEMBER BANKS

Notice of Proposed Rule Making

The Board of Governors of the Federal Reserve System is considering amending Part 204 [Reg. D] for the following purposes: (1) To provide a new basis for classifying reserve cities that would supersede the basis adopted by the Board in 1947, and (2) at the same time to set forth the factors that will be considered by the Board in passing upon applications by individual member banks in reserve or central reserve cities for permission to maintain reserves prescribed for banks not located in reserve or central reserve cities. The proposed amendments are designed to implement the purposes of section 19 of the Federal Reserve Act as amended by the Act of July 28, 1959 (73 Stat. 263).

If the proposed amendments are adopted, the effect would be to classify as reserve cities, in addition to cities in

which there are Federal Reserve Banks or branches of Federal Reserve Banks, every city in which, during 1960, (1) all member banks had aggregate average demand deposits equal to $\frac{2}{5}$ of 1 percent (\$487 million) or more of the United States total of demand deposits of all member banks of the Federal Reserve System, or (2) one member bank had average demand deposits equal to $\frac{1}{4}$ of 1 percent (\$304 million) or more of the United States total, or (3) all member banks had aggregate average inter-bank demand deposits equal to $\frac{2}{5}$ of 1 percent (\$53 million) or more of the United States total of such deposits. As a result, (1) the following existing reserve cities, in addition to Federal Reserve Bank and Reserve Bank branch cities (except New York and Chicago until July 28, 1962) would be continued as reserve cities: Columbus, Ohio; Des Moines, Iowa; Ft. Worth, Texas; Indianapolis, Indiana; Miami, Florida; Milwaukee, Wisconsin; National City (National Stock Yards), Illinois; St. Paul, Minnesota; Tulsa, Oklahoma; and Washington, D.C.; (2) the following existing reserve cities would be discontinued as reserve cities effective June 1, 1961, unless requests for their continuance as such are granted by the Board as provided in the proposed amendments: Kansas City, Kansas; Pueblo, Colorado; Toledo, Ohio; Topeka, Kansas; and Wichita, Kansas; and (3) the following cities would be designated as additional reserve cities effective June 1, 1962: Albany, New York; Hartford, Connecticut; Newark, New Jersey; Phoenix, Arizona; Savannah, Georgia; and Winston-Salem, North Carolina. Individual member banks in newly designated reserve cities, as well as banks in existing reserve or central reserve cities not heretofore granted such permission, would be entitled to apply to the Board for permission to carry country-bank reserves, in which event such applications would be considered in the light of the factors stated in the proposed amendments.

The proposed amendments would read as follows:

§ 204.2 [Amendment]

1. Subparagraph (2) of paragraph (a) of § 204.2 is amended to read as follows:

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph, a member bank located in a central reserve city or in a reserve city may hold and maintain the reserve balances which are in effect for member banks not located in reserve or central reserve cities if, upon application to the Board of Governors, the Board grants permission for the holding and maintaining of such lower reserve balances after consideration of all factors relating to the character of such bank's business, including, but not limited to, the amount of such member bank's total assets, the amount of its total deposits, the amount of its

total demand deposits, the amount of its demand deposits owing to banks, the nature of its depositors and borrowers, the rate of activity of its demand deposits, the amount and frequency of its borrowings from its Federal Reserve Bank or other lenders, its geographical location within the city, and its competitive position with relation to other banks in the city. Any such permission shall be subject to revocation by the Board at any time in the light of changed circumstances, and all such grants of permission may be subject to annual review by the Board.

2. Part 204 is amended by inserting after § 204.3 thereof a new section to read as follows:

§ 204.4 Classification of cities for reserve purposes.

(a) Effective June 1, 1961, except as otherwise provided in paragraph (c) of this section, the following cities shall be classified as reserve cities:

(1) Every city (except New York and Chicago until July 28, 1962) in which there is situated a Federal Reserve Bank or a branch of a Federal Reserve Bank.

(2) Every city in which the aggregate average daily amount of the total demand deposits (including such deposits held at both in-town and out-of-town offices) of all member banks of the Federal Reserve System which had their head offices in such city on January 1, 1961, was equal, during the calendar year 1960, to $\frac{2}{5}$ of 1 percent or more of the aggregate average daily amount of demand deposits held by all member banks of the Federal Reserve System.

(3) Every city in which there was situated on January 1, 1961, the head office of a member bank which, during the calendar year 1960, had an aggregate average daily amount of total demand deposits (including such deposits held at both in-town and out-of-town offices) equal to $\frac{1}{4}$ of 1 percent or more of the aggregate average daily amount of demand deposits held by all member banks of the Federal Reserve System.

(4) Every city in which the aggregate average daily amount of the demand deposits owing to banks (including such deposits held at both in-town and out-of-town offices) of all member banks of the Federal Reserve System which had their head offices in such city on January 1, 1961, was equal, during the calendar year 1960, to $\frac{2}{5}$ of 1 percent or more of the aggregate average daily amount of demand deposits owing to banks held by all member banks of the Federal Reserve System.

(5) Any city classified as a reserve city on January 1, 1961, but not falling within the scope of subparagraph (2), (3), or (4) of this paragraph, if a written request for the continuance of such a city as a reserve city (together with a certified copy of a resolution of the board of directors of such member bank duly au-

thorizing such request) is received on or before May 15, 1961, by the Federal Reserve Bank of the district in which the city is located from at least one member bank which has its head office in such city, and if such request is granted by the Board of Governors.

(b) Effective as of June 1, 1964, and as of June 1 of each third year after June 1, 1964, the Board of Governors will continue previously made reserve city classifications, designate additional cities as reserve cities, and terminate reserve city classifications of cities previously designated as such, in accordance with the standards set forth in paragraph (a) of this section; except that (1) such action will be based upon deposits of member banks which had their head offices in such cities on January 1, 1964, or on January 1 of each third year after 1964, (2) average daily deposit amounts will be computed for the calendar year preceding such action, and (3) requests for continuance of reserve city designations as provided in subparagraph (5) of para-

graph (a) of this section will be considered if received by the Federal Reserve Bank of the appropriate district not later than one month prior to the effective date of such action.

(c) Notwithstanding other provisions of this section, the classification of any city as an additional reserve city pursuant to either paragraph (a) or (b) of this section shall not become effective until one year after the date as of which its classification would otherwise be effective under such paragraphs or until after such longer period as the Board may prescribe.

§ 204.51 [Amendment]

§§ 204.52, 204.53 [Revocation]

3a. Effective June 1, 1961, paragraph (b) of § 204.51 of Part 204, relating to classification of reserve cities, and §§ 204.52 and 204.53 are revoked.

b. Effective July 28, 1962, paragraph (a) of § 204.51, relating to classification of central reserve cities, is revoked.

This notice is published pursuant to section 4 of the Administrative Procedure Act and section 2 of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2). Authority to amend this part is contained in sections 11(e), 11(i), and 19 of the Federal Reserve Act as amended (12 U.S.C. 248 (e), (i), 461, 462, 462b).

To aid in the consideration of the foregoing matter, the Board will consider any relevant data, views, or arguments that may be received in writing not later than April 1, 1961. Although such material may be sent directly to the Board, it is preferable that it be sent to the Federal Reserve Bank of the appropriate district for transmittal to the Board.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,

[SEAL] MERRITT SHERMAN,

Secretary.

[F.R. Doc. 61-1955; Filed, Mar. 6, 1961;
8:45 a.m.]

Notices

ATOMIC ENERGY COMMISSION

[Docket No. 50-181]

MARTIN CO.

Notice of Issuance of Construction Permit for Production Facility

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Office of the Federal Register on February 10, 1961, the Atomic Energy Commission has issued Construction Permit No. CPCSF-1 authorizing The Martin Company to construct a chemical separation facility at the Company's site at Quehanna, Pennsylvania. Notice of the proposed action was published in the FEDERAL REGISTER on February 11, 1961, 26 F.R. 1231.

Dated at Germantown, Md., this 1st day of March 1961.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Licensing and Regulation.

[F.R. Doc. 61-1921; Filed, Mar. 6, 1961;
8:45 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

AMERICAN MAIL LINE, LTD., ET AL.

Notice of Agreement Filed for Approval

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

Agreement No. 8485-1, between American Mail Line, Ltd., American President Lines, Ltd., and Pacific Far East Line, Inc., modifies approved Agreement No. 8485, providing for a coordinating committee of representatives of each of these companies, to prepare a study and make recommendations for further cooperation between the companies in order to effect economies and more efficient operations in their Trans-Pacific services. The purpose of the modification is to provide that the expenses of the coordinating committee shall be shared by each party on a percentage basis, as set forth in the modification, instead of on an equal basis between the parties, as presently provided.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this

agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 2, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-1971; Filed, Mar. 6, 1961;
8:48 a.m.]

WEST COAST OF ITALY, SICILIAN AND ADRIATIC PORTS/NORTH ATLANTIC RANGE CONFERENCE

Notice of Agreement Filed for Approval

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

Agreement No. 2846-12, between the member lines of the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference, modifies the basic agreement of that conference (No. 2846, as amended), in the trade from West Coast of Italy ports, Sicilian ports, and ports on the Adriatic Sea to North Atlantic ports of the United States. The purpose of the modification is to include a provision dealing with the expulsion of any member from the conference under conditions set forth in the modification.

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

Dated: March 2, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-1972; Filed, Mar. 6, 1961;
8:48 a.m.]

PACIFIC STRAITS CONFERENCE AND COMPAGNIE MARITIME DES CHARGEURS REUNIS

Notice of Agreement Filed for Approval

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

Agreement No. 5680-H, between the member lines of the Pacific Straits Con-

ference and Compagnie Maritime des Chargeurs Reunis covers admission of that carrier to associate membership in that Conference. As an associate member Compagnie Maritime des Chargeurs Reunis will be obligated to observe all the rates, rules and regulations and decisions of the Conference, will have no vote in Conference affairs, will be permitted to participate in Conference contracts made by the Conference members, and will not share in the expenses of the Conference, except as may be specifically agreed upon between the parties. Agreement No. 5680-H, upon approval, will supersede and cancel Agreement No. 5680-C, the associate membership agreement of Compagnie de Transports Oceaniques with the Pacific Straits Conference.

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

Dated: March 2, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-1973; Filed, Mar. 6, 1961;
8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 12130]

EASTERN AIR LINES, INC., AND MOHAWK AIRLINES, INC.

Notice of Prehearing Conference

In the matter of the application of Eastern Air Lines, Inc., and Mohawk Airlines, Inc., under section 401(h) of the Federal Aviation Act of 1958 for approval of the transfer of certain route authority from Eastern Air Lines, Inc., to Mohawk Airlines, Inc.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 14, 1961 at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Chief Examiner Francis W. Brown.

Dated at Washington, D.C., March 2, 1961.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-1979; Filed, Mar. 6, 1961;
8:49 a.m.]

[Docket No. 12185; Order No. E-16462]

OVERSEAS NATIONAL AIRWAYS, INC.

Reduced Charter Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of March 1961.

On February 1, 1961, Overseas National Airways, Inc., filed tariff revisions to become effective March 3, 1961, proposing charter rates within the continental United States for DC-6 and DC-7 aircraft of \$2.45 per mile, live or ferry. Effective March 12, 1961, ONA proposed to reduce its DC-6 and DC-7 live charter rates between continental United States on the one hand and Guam, Honolulu, or Okinawa on the other hand from \$2.552 to \$2.407 per aircraft mile.

Telegraphic complaints were received February 23, 1961, from Riddle Airlines, Inc., and from Saturn Airways, Inc., against ONA's March 3 proposal. These carriers have filed written complaints requesting suspension of ONA's rates for CAM movements of \$2.45 per aircraft mile. In support of its complaint, Riddle asserts that the prevailing CAM rates are from \$2.75 to \$3.00 per aircraft mile, that the floor for CAM rates should be higher than those which the Board has established for MATS passenger rates and that Riddle had filed its protest as soon as possible after it became aware of the ONA rates.¹

The tariffs in question are by their terms applicable to civilian use as well as to military charter service. The Board notes that there have been some recently effective charter rate reductions filed by ONA and by other supplemental carriers and that there are now on file other proposals for reduced charter rates. The Board is concerned with these recent rate proposals which have the outward manifestations of the start of a "rate war" with respect to bids for military traffic. The level of these newly proposed rates for DC-7 aircraft appears below the general pattern established for such aircraft and raises significant questions as to the lawfulness of such proposals.

Upon consideration of this tariff and all relevant matters, the Board finds that such tariff proposals with respect to rates for DC-7 charter service may be unjust or unreasonable or unjustly discriminatory or unduly preferential or unduly prejudicial and should be investigated. In view of the departure of this proposal from the existing general level of rates, and the numerous recent and proposed

¹The Board's rules of practice provide that a complaint seeking suspension of a tariff ordinarily will not be considered unless filed within 15 days before the effective date of the tariff complained against. The rules provide that a telegraphic complaint in a shown emergency may be sent within the above time limits but must be confirmed by complaint filed and served. 14 CFR 322.505. Although the telegraphic or written complaints of Riddle and Saturn are not within the 15-day period in our rules, the Board deems the problems presented by the tariff proposals of sufficient importance to consider the question of suspension.

tariff changes, the Board has concluded to suspend the operation of such DC-7 tariff proposals and the use thereof pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 404, and 1002 thereof,

It is ordered, That:

1. An investigation is hereby instituted to determine whether the rates per charter mile and per ferry mile for DC-7 aircraft between points within the Continental United States on 8th and 9th Revised Pages 6, and the rate per charter mile for DC-7 aircraft between Travis A.F.B., California, and Guam, Mariana Islands, or Honolulu, Hawaii, or Okinawa, Ryukyu Islands, on 9th Revised Page 6 of Overseas National Airways, Inc., C.A.B. No. 22 (Overseas National Airways, series) are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful rates.

2. Pending investigation, hearing, and decision by the Board, the rates per charter mile and per ferry mile for DC-7 aircraft between points within the Continental United States on 8th and 9th Revised Pages 6, and the rate per charter mile for DC-7 aircraft between Travis A.F.B., California, and Guam, Mariana Islands, Honolulu, Hawaii, Okinawa, Ryukyu Islands, on 9th Revised Page 6 of Overseas National Airways, Inc., C.A.B. No. 22 (Overseas National Airways, series), are suspended and their use deferred to and including May 31, 1961, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The complaints of Riddle Airlines, Inc., Docket 12149, and of Saturn Airways, Inc., Docket 12150, are consolidated herein.

4. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

5. Copies of this order shall be filed with the tariff and shall be served upon Riddle Airlines, Inc., Saturn Airways, Inc., and Overseas National Airways, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

[F.R. Doc. 61-1980; Filed, Mar. 6, 1961; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13955-13957; FCC 61M-325]

STUART W. EPPERSON ET AL.

Order Scheduling Prehearing Conference

In re applications of Stuart W. Epperson, North Wilkesboro, North Carolina,

Docket No. 13955, File No. BP-13009; Tobert B. Brown, Taylorsville, North Carolina, Docket No. 13956, File No. BP-13564; Felix C. Abernethy, Granite Falls, North Carolina, Docket No. 13957, File No. BP-13773; for construction permits.

It is ordered, This 27th day of February 1961, that a prehearing conference, pursuant to § 1.111 of the Commission's rules, will be held in the above-entitled matter at 10:00 a.m., March 16, 1961, in the Commission's offices in Washington, D.C.

Released: March 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-1981; Filed, Mar. 6, 1961; 8:49 a.m.]

[Docket No. 13481; FCC 61M-322]

NATHAN FRANK (WNBE-TV)

Order Scheduling Prehearing Conference

In re proposal filed by Nathan Frank (WNBE-TV), New Bern, North Carolina, Docket No. 13481; for specification of transmitter and antenna site.

The Hearing Examiner having under consideration the Commission's Memorandum Opinion and Order in the above-entitled proceeding released February 27, 1961 (FCC 61-234), deleting the issues and parties respondent and designating new issues and a new party respondent (Richmond Television Corporation, the licensee of Station WRVA-TV, Richmond, Virginia); and, as a consequence thereof, the desirability of scheduling a further prehearing conference as soon as practicable for the purpose of establishing dates and procedural ground rules for the conduct of the hearing;

It is ordered, On the Hearing Examiner's own motion, this 28th day of February 1961, pursuant to the provisions of 47 CFR 1.111 that the parties or their counsel are directed to appear for a prehearing conference at the offices of the Commission, Washington, D.C., at 10 a.m., Tuesday, March 14, 1961.¹

Released: March 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-1982; Filed, Mar. 6, 1961; 8:49 a.m.]

¹In order to conserve time counsel are requested to confer a day or two beforehand with a view to reaching advance agreement upon—such matters as will conduce maturation, dates for exchange of exhibits and such other dates as may be deemed necessary. In view of the design of the prehearing conference procedure to encourage the formulation of agreements by the parties looking towards the elimination of unessentials, so that hearing may proceed with proper dispatch, it is requested that the parties or their counsel attend this conference prepared fully to discuss—and to agree upon—such matters as will conduce materially to the attainment of this objective.

[Docket No. 12881; FCC 61M-335]

STANLEY M. HAUSER**Order Scheduling Prehearing Conference**

In the matter of Stanley M. Hauser, 27 West 84th Street, New York 24, New York, Docket No. 12881; application for renewal of radiotelegraph and radiotelephone first class operator licenses Nos. T1-2-1093; P1-2-6990.

The Examiner having under consideration the "Petition for Pre-Hearing Conference" filed by the Chief, Field Engineering and Monitoring Bureau in the above-entitled matter on February 21, 1961;

It appearing that hearing in the above-entitled matter has been continued without date pending judicial review in a case involving similar facts, and that said judicial review has now been completed, and further proceedings in the instant case can now go forward; and

It further appearing that the petition requests a prehearing conference on March 16, 1961, but that said requested date is not suitable and available to all of the parties;

It is ordered, This 1st day of March 1961, that the "Petition for Pre-Hearing Conference" filed by the Chief, Field Engineering and Monitoring Bureau on February 21, 1961, is granted in part, and that a prehearing conference in the above-entitled matter shall be held on March 30, 1961, in the offices of the Commission, Washington, D.C., at 10:00 a.m.

Released: March 2, 1961

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] **BEN F. WAPLE,**
Acting Secretary.[F.R. Doc. 61-1983; Filed, Mar. 6, 1961;
8:49 a.m.]

[Docket No. 13601; FCC 61M-326]

**HOPKINSVILLE BROADCASTING CO.,
INC. (WHOP)****Order Scheduling Prehearing Conference**

In re application of Hopkville Broadcasting Company, Incorporated (WHOP), Hopkinsville, Kentucky, Docket No. 13601, File No. BP-12506; for construction permit.

The Hearing Examiner having under consideration "Motion of Extension of Engineering Exchange Date", filed on behalf of the applicant herein on February 24, 1961, in which it is requested that the dates of exchange of affirmative engineering be moved from February 27, 1961, to March 6, 1961, and that a further prehearing conference be held on March 13, 1961;

It appearing that good cause exists why the motion should be granted; the other parties to the proceeding, namely Stations WTCJ, Tell City, Indiana, WHCO, Sparta, Illinois, and Chief Broadcast Bureau have consented to a grant of the instant motion and a waiver of § 1.43 of the Commission's rules thereby permitting immediate consideration of said pleading;

Accordingly, it is ordered, This 27th day of February 1961, that the motion for extension of engineering exchange date is hereby granted and the affirmative engineering exhibits shall be exchanged on March 6, 1961;

It is further ordered, That a further prehearing conference will be held on March 13, 1961, 10:00 a.m., in the Offices of the Commission, Washington, D.C.;

It is further ordered, That the hearing scheduled in this proceeding for March 17, 1961, 10:00 a.m., in the Offices of the Commission, Washington, D.C., be, and the same shall remain in effect.

Released: March 1, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] **BEN F. WAPLE,**
Acting Secretary.[F.R. Doc. 61-1984; Filed, Mar. 6, 1961;
8:50 a.m.]

[Docket Nos. 13805-13807; FCC 61M-334]

KOMY, INC., ET AL.**Order Continuing Hearing**

In re applications of KOMY, Inc., Watsonville, California, Docket No. 13805, File No. BPH-2942; G. Stuart Nixon, San Jose, California, Docket No. 13806, File No. BPH-2961; Franklin Mieuli (KHIP), San Francisco, California, Docket No. 13807, File No. BPH-3075; for construction permits.

The Hearing Examiner having under consideration a petition to continue hearing filed on February 28, 1961, by Franklin Mieuli;

It appearing that pursuant to previous agreement reached at a prehearing conference the parties propose to use official 1960 U.S. Census data and that such data has not yet been received by the petitioner's consulting engineer; and

It further appearing that all of the other parties have consented to the requested continuance from the present date of March 2 until March 13, 1961;

It is ordered, This 1st day of March 1961, that the petition to continue hearing is granted and the hearing is continued from March 2 to March 13, 1961.

Released: March 2, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] **BEN F. WAPLE,**
Acting Secretary.[F.R. Doc. 61-1985; Filed, Mar. 6, 1961;
8:50 a.m.]

[Docket Nos. 13848, 13849; FCC 61M-327]

**MARTIN THEATRES OF GEORGIA,
INC. (WTVM) AND COLUMBUS
BROADCASTING CO., INC. (WRBL-
TV)****Order Continuing Hearing**

In re applications of Martin Theatres of Georgia, Inc. (WTVM), Columbus, Georgia, Docket No. 13848, File No. BMPCT-5490; Columbus Broadcasting Company, Inc. (WRBL-TV), Columbus, Georgia, Docket No. 13849, File No.

BMPCT-5491; for modification of construction permits.

The Hearing Examiner having under consideration a petition filed February 24, 1961, by the above applicants requesting that the hearing in the above-entitled proceeding now scheduled to begin March 1, 1961, be continued to March 22, 1961; and

It appearing that the applicants intend to file a petition for leave to amend their presently pending application by proposing a reduction in the overall height of said structure, if the lower tower will meet with the approval of the Federal Aviation Agency; and

It further appearing that applicants' proposal to reduce height of antenna structure has been submitted to the Federal Aviation Agency and the continuance is requested to give the Federal Aviation Agency further time to study and take action on the proposal; and

It further appearing that all counsel have agreed to the immediate favorable consideration of the joint petition for continuance, and good cause for granting the same having been shown;

It is ordered, This the 27th day of February 1961, that the joint petition for continuance is granted and the hearing now scheduled to begin March 1, 1961, is continued to March 22, 1961.

Released: March 2, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] **BEN F. WAPLE,**
Acting Secretary.[F.R. Doc. 61-1986; Filed, Mar. 6, 1961;
8:50 a.m.]

[Docket Nos. 13830-13836; FCC 61M-318]

**MIDDLE TENNESSEE BROADCASTING
CO. (WKRM) ET AL.****Order Scheduling Prehearing Conference**

In re applications of The Middle Tennessee Broadcasting Company (WKRM), Columbia, Tennessee, Docket No. 13830, File No. BP-12393; WBAC, Inc. (WBAC), Cleveland, Tennessee, Docket No. 13831, File No. BP-12478; Florence Broadcasting Company, Incorporated (WJOD), Florence, Alabama, Docket No. 13832, File No. BP-13832; Cullman Broadcasting Company, Incorporated (WKUL), Cullman, Alabama, Docket No. 13833, File No. BP-13149; Radio Greeneville, Inc. (WGRV), Greeneville, Tennessee, Docket No. 13834, File No. BP-13167; WKGN, Inc. (WKGN), Knoxville, Tennessee, Docket No. 13835, File No. BP-13485; Franklin County Radio and Broadcasting Company, Inc. (WCDDT), Winchester, Tennessee, Docket No. 13836, File No. BP-13677; for construction permits.

The Hearing Examiner having under consideration further proceedings in the above-entitled matter;

It appearing that a further prehearing conference in advance of the dates presently set for the exchange of exhibits is highly desirable and that good cause has been shown therefor; and

It further appearing that March 16, 1961, is the presently scheduled date for the exchange of exhibits; and

It further appearing that the presently scheduled dates of April 10, 1961, for notification of witnesses and a further prehearing conference, and April 28, 1961, for the formal hearing should remain firm at this time;

It is ordered, On the Examiner's own motion, this 27th day of February 1961, that a further prehearing conference in the above-entitled matter shall be held in the offices of the Commission, Washington, D.C., on March 7, 1961, at 9:30 a.m.

Released: March 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, Acting Secretary.

[F.R. Doc. 61-1987; Filed, Mar. 6, 1961; 8:50 a.m.]

[Docket Nos. 13749-13753; FCC 61M-337]

ROLLINS BROADCASTING, INC., ET AL.

Order Scheduling Prehearing Conference

In re applications of Rollings Broadcasting, Inc., Wilmington, Delaware, Docket No. 13749, File No. BPCT-2583; The Wilmington Television Co., Inc., Wilmington, Delaware, Docket No. 13750, File No. BPCT-2603; WHYI, Inc., Wilmington, Delaware, Docket No. 13751, File No. BPCT-2634; Metropolitan Broadcasting Corporation, Wilmington, Delaware, Docket No. 13752, File No. BPCT-2715; National Telefilm Associates, Inc., Wilmington, Delaware, Docket No. 13753, File No. BPCT-2769; for construction permits for new television broadcast stations (Channel 12).

It is ordered, This 1st day of March 1961, on the Hearing Examiner's own motion, that all parties or their counsel are directed to appear for a further prehearing conference in the above-captioned proceeding at the offices of the Commission in Washington, D.C., at 2:00 p.m., March 8, 1961.

Released: March 2, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, Acting Secretary.

[F.R. Doc. 61-1988; Filed, Mar. 6, 1961; 8:50 a.m.]

CHAIRMAN; GENERAL COUNSEL

Delegation of Authority

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of March 1961;

The Commission having under consideration sections 0.211(d) and 0.322(a) concerning delegations of authority to act within the purview of section 403(a) of the Federal Tort Claims Act;

It appearing that Public Law 86-238, section 1(2), September 8, 1959, 73 Stat. 472, authorized agency heads to act on

claims under the Federal Tort Claims Act not exceeding \$2,500 rather than claims not exceeding \$1,000 as had previously been the case; and

It further appearing that it would be appropriate that sections 0.211(d) and 0.322(a) of the Commission's Statement of Delegations of Authority should conform with the Federal Tort Claims Act, as amended;

It is ordered, That, effective March 13, 1961, sections 0.211(d) and 0.322(a) of the Commission's Statement of Organization, Delegations of Authority, and Other Information are amended as follows:

SEC. 0.211 Delegation to Chairman.

(d) To act within the purview of section 403(a) of the Federal Tort Claims Act, as amended, 28 U.S.C. 2672, upon tort claims directed against the Commission where the amount of damages does not exceed \$2,500.

SEC. 0.322 Matters delegated to the General Counsel. (a) The General Counsel is delegated authority to act, in the absence of the Chairman, within the purview of section 403(a) of the Federal Tort Claims Act, as amended, 28 U.S.C. 2672, upon tort claims directed against the Commission where the amount of damages does not exceed \$2,500.

Released: March 2, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, Acting Secretary.

[F.R. Doc. 61-1989; Filed, Mar. 6, 1961; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61-24 etc.]

AMERICAN LOUISIANA PIPE LINE CO. ET AL.

Notice of Applications and Date of Hearing

FEBRUARY 28, 1961.

American Louisiana Pipe Line Company, Docket No. CP61-24; Tidewater Oil Company, Docket No. CI61-125; Pan American Petroleum Corporation, Docket No. CI61-164; Socony Mobil Oil Company, Inc., Docket No. CI61-254; Humble Oil & Refining Company, Docket No. CI61-307; Union Producing Company, Docket No. CI61-318.

Take notice that each of the above has applied for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act. The respective applications, and supplements thereto, are on file with the Commission and open to public inspection.

The independent producer applicants propose to sell to American Louisiana Pipe Line Company (American Louisiana) natural gas produced in the Holly Ridge Field, Tensas Parish, Louisiana, and to charge a total initial price of 19.75 cents per Mcf (at 15.025 psia) con-

¹ Appendix for mailing addresses of applicants filed as part of original document.

sisting of 18.25 cents per Mcf base price plus 1.5 cents per Mcf tax reimbursement. The Commission's Statement of General Policy No. 61-1 (25 F.R. 9578) indicated 17 cents per Mcf plus applicable tax reimbursement as the appropriate price for this area.

American Louisiana proposes to purchase in the Holly Ridge Field approximately 1,362 MMcf per year (at 14.73 psia) and seeks authority to construct and operate (1) approximately 25 miles of 8 5/8-inch diameter pipe line to connect with existing main line facilities in Franklin Parish, Louisiana, and (2) appurtenant metering facilities.

American Louisiana estimates the cost of its proposed facilities to be \$840,000 and proposes to finance such costs with funds on hand.

American Louisiana states that the dry recoverable gas reserves in the Paluxy "D" producing sand of the Holly Ridge Field totalled approximately 31,056 MMcf (at 14.73 psia), as of July 1, 1960, divided among eight working interests.²

American Louisiana states that it will be able to substitute this permanent gas supply for a portion of the spot purchases of gas which it relied upon in its application in Docket No. G-18312 for authority to expand its delivery capacity.

These related applications should be heard on a consolidated record 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 April 10, 1961, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests, petitions to intervene, and notices of intervention may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 22, 1961.

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 61-1974; Filed, Mar. 6, 1961; 8:48 a.m.]

[Docket Nos. G-14755, G-19780, RP60-8]

PANHANDLE EASTERN PIPE LINE CO.

Order Granting Motion for Continuance

FEBRUARY 28, 1961.

On February 15, 1961, Panhandle Eastern Pipe Line Company (Panhandle) filed a motion requesting that the hearing in the above-designated consolidated proceeding be convened on May 2, 1961,

²In addition to the five producer applicants, American Louisiana Lists Seaboard Oil Co., J. R. McDermott & Co., Inc., and Colonial Petroleum Inc., as owning minor working interests in the Holly Ridge Field. American Louisiana states it has signed a contract with McDermott. McDermott, however, has not yet applied for a certificate of public convenience and necessity.

in lieu of March 20, 1961, the date said proceeding was set for hearing by Commission order issued January 6, 1961. Objections to the motion were filed on February 27, 1961, by the East Ohio Gas Company.

On December 1, 1960, the Commission in Docket Nos. G-2306, et al. consolidated for hearing numerous certificate proceedings involving Panhandle. Hearings on such proceedings commenced on January 31, 1961, and have been and are continuing to be held from time to time. Panhandle alleges that such proceedings have required and will continue to require Panhandle's technical staff to prepare extensive material. By our order of January 6, 1961, herein, we consolidated for purpose of hearing and set for hearing on March 20, 1961, Panhandle's rate proceedings in Docket Nos. G-14755, G-19780, and RP60-8. The preparation by Panhandle's technical staff in these consolidated proceedings will be extensive. Panhandle alleges that because of the above circumstances it will be physically impossible for Panhandle to present its case on March 20, 1961.

The Commission finds: Good cause exists to grant the motion filed by Panhandle on February 15, 1961, to convene this consolidated proceeding on May 2, 1961, in lieu of March 20, 1961.

The Commission orders: The motion filed by Panhandle on February 15, 1961, to convene this consolidated proceeding on May 2, 1961, is hereby granted.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-1975; Filed, Mar. 6, 1961;
8:49 a.m.]

[Docket No. DA-1011 Calif.]

CALIFORNIA

Determination and Vacation of Withdrawals

FEBRUARY 28, 1961.

Lands withdrawn in Power Site Reserve No. 300 and Projects Nos. 98, 226, 1912, and 1995; Docket No. DA-1011—California, United States Department of the Interior.

The Secretary of the United States Department of the Interior has requested that the Commission give consideration to a determination under section 24 of the Federal Power Act with respect to such lands as are withdrawn for power purposes in secs. 16 through 21, T. 13 S., R. 31 E., and in secs. 10 through 14, T. 13 S., R. 30 E., Mount Diablo Meridian, California, in connection with a recreation development within the Cedar Grove area of the Sequoia National Forest and Kings Canyon National Park. Such lands are described as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 13 S., R. 30 E.,
Sec. 10, all;
Sec. 11, W $\frac{1}{2}$ and SE $\frac{1}{4}$;
Sec. 12, SW $\frac{1}{4}$;
Sec. 13, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and
SE $\frac{1}{4}$;
Sec. 14, N $\frac{1}{2}$.

T. 13 S., R. 31 E.,
Sec. 16, all;
Sec. 17, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 18, all;
Sec. 19, N $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 20, N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 21, W $\frac{1}{2}$.

The above-described lands lie on both sides of the South Fork Kings River and its tributary, Roaring River, partly within Kings River Canyon in an area possessing considerable scenic and recreational values.

The lands, except for a few parcels in secs. 16, 17, 19, 20, and 21, T. 13 S., R. 31 E., were variously reserved pursuant to the filing on January 17, 1921, August 11, 1921, and February 7, 1944, respectively, of the applications for preliminary permits for proposed Projects Nos. 98, 226, and 1912. The applications for preliminary permits for proposed Projects No. 98 and 226 were rejected on June 15, 1923, and March 24, 1924, respectively, and the application for a preliminary permit for proposed Project No. 1912 was denied August 22, 1944.

Most of the lands reserved in connection with proposed Project No. 98 were also reserved pursuant to an application filed on May 1, 1948, and later revised, for a preliminary permit for proposed Project No. 1995. Notice of the withdrawal of the lands in connection with Project No. 1995 was not given. The application was subsequently withdrawn.

The lands in the S $\frac{1}{2}$ of sec. 16, in the N $\frac{1}{2}$ S $\frac{1}{2}$ of sec. 17, in the S $\frac{1}{2}$ of sec. 18, in the N $\frac{1}{2}$ N $\frac{1}{2}$ of sec. 19, in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the N $\frac{1}{2}$ NW $\frac{1}{4}$ of sec. 20, and in the W $\frac{1}{2}$ of sec. 21, T. 13 S., R. 31 E., are also withdrawn in Power Site Classification No. 300, dated June 9, 1937.

Practically all of the above-described withdrawn lands are also included in First Form Reclamation withdrawals dated January 17, 1939, and March 20, 1939.

The lands lying immediately adjacent to the South Fork Kings River, except for those in secs. 16 and 21, T. 13 S., R. 31 E., upstream from the junction of Roaring River, lie within the boundaries of the Sequoia National Forest. The excepted lands, and the lands lying beyond the river, are within the Kings Canyon National Park. The Cedar Grove Administration Site of the Forest Service, situated in sec. 13, T. 13 S., R. 30 E., was withdrawn by order dated November 1, 1907, and it appears from recent forest maps that portions of the site may be in use as forest camps.

The land in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 17, T. 13 S., R. 31 E., was patented at the time of its purported withdrawal in connection with Project No. 226.

The land in sec. 16, T. 13 S., R. 31 E., originally a school selection, has been reconveyed, except for the land in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ thereof, to the United States. The interest of the United States in the land in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ was quitclaimed to the owner in 1957.

The power potential of the greater part of the lands lies in their use for the proposed Cedar Grove project, the damsite for which is located in sec. 10, T. 13 S., R. 30 E., on the South Fork Kings River

at the downstream end of the lands. Proposed Projects Nos. 98, 1912, and 1995 contemplated this development which would divert water through a 10-mile tunnel and conduit to a powerhouse downstream in sec. 36, T. 12 S., R. 28 E., and would flood in varying degree portions of the lands as far upstream as sec. 18, T. 13 S., R. 31 E.

The proposed development of the Kings River system, outlined in the California Water Plan, includes a similar Cedar Grove project on a smaller scale.

Proposed Project No. 98, in addition, planned another upstream diversion at the proposed Sentinel Reservoir, dropping water through a conduit to a powerhouse in sec. 13, T. 13 S., R. 30 E. The conduit followed the north bank of the South Fork through secs. 16, 17, and 18, T. 13 S., R. 31 E.

Proposed Project No. 226 contemplated the use of portions of sec. 20, T. 13 S., R. 31 E., for conduit location. A diversion was planned upstream on Roaring River at Roaring Dam, thence through a three-mile conduit to a powerhouse in sec. 17, T. 13 S., R. 31 E., just below the confluence of the two rivers.

Under the various proposed plans practically all of the above-described lands were to be used for plant facilities, dam sites, flowage or conduit and tunnel location.

No plan is known that proposes use of the lands in connection with power development within the foreseeable future.

The Commissions finds:

(1) The lands in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 16 and in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 17, T. 13 S., R. 31 E., Mount Diablo meridian, California, are not subject to the provisions of Section 24 of the Federal Power Act, but in any event the existing power withdrawals of record pertaining to said lands serve no useful purpose. Therefore, vacation of the existing withdrawals of record pertaining to said lands under Section 24 of the Federal Power Act pursuant to the filing of the applications for preliminary permits for proposed Projects Nos. 98, 226 and 1995 is in the public interest.

(2) Inasmuch as power development affecting the hereinafter-described lands does not appear imminent and use of said lands in the meantime for other purposes will not injure materially their power value, a determination as hereinafter provided with respect thereto is justified.

The Commissions determines: The value of the following-described lands will not be injured or destroyed for purposes of power development by location, entry, or selection under the public laws, subject to the provisions of Section 24 of the Federal Power Act, as amended:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 13 S., R. 30 E.,
Sec. 10, all;
Sec. 11, W $\frac{1}{2}$ and SE $\frac{1}{4}$;
Sec. 12, SW $\frac{1}{4}$;
Sec. 13, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and
SE $\frac{1}{4}$;
Sec. 14, N $\frac{1}{2}$.

T. 13 S., R. 31 E.,
 Sec. 16, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SE $\frac{1}{4}$;
 Sec. 17, N $\frac{1}{2}$, and N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 18, all;
 Sec. 19, N $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 20, N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 21, W $\frac{1}{2}$.

The Commission orders: The existing power withdrawals of record pertaining to the lands described in finding (1) herein under Section 24 of the Federal Power Act pursuant to the filing of the applications for preliminary permits for proposed Projects Nos. 98, 226 and 1995 are vacated.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-1976; Filed, Mar. 6, 1961;
 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3941]

ALABAMA POWER CO.

Notice of Proposed Issuance and Sale at Competitive Bidding of Bonds

FEBRUARY 27, 1961.

Notice is hereby given that Alabama Power Company ("Alabama"), an electric utility company and a subsidiary company of The Southern Company ("Southern"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized as follows:

Alabama proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, \$13,000,000 principal amount of First Mortgage Bonds, $\frac{1}{2}$ percent Series due 1991. The interest rate on the new bonds (which will be a multiple of $\frac{1}{8}$ of 1 percent) and the price, exclusive of accrued interest, to be paid to Alabama (which will be not less than 99 percent nor more than 102 $\frac{3}{4}$ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an Indenture dated as of January 1, 1942, between Alabama and Chemical Bank & Trust Company (now Chemical Bank New York Trust Company), as Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated as of March 1, 1961.

Alabama also proposes to issue 80,000 shares of its \$100 par value preferred stock and to sell the same at competitive bidding pursuant to Rule 50 under the Act. The dividend rate of the new preferred stock (which will be a multiple of .04 percent) and the price, exclusive of accrued dividends, to be paid to the com-

pany (which will be not less than \$100 per share nor more than \$102.75 per share) will be determined by the competitive bidding. The general provisions which apply to the preferred stock of all classes which are now or may hereafter be authorized or created are set forth in the joint agreement between Alabama and Birmingham Electric Company dated October 21, 1952. In addition to the terms and conditions therein, Alabama has agreed that further terms and conditions applicable to the preferred stock may be imposed by the order of the Commission with respect to the issuance of the new preferred stock.

The proceeds from the sale of the new bonds and preferred stock are to be applied toward the construction or acquisition of permanent improvements, extensions, and additions to Alabama's utility plant. The company's construction expenditures for the year 1961 are estimated at \$51,300,000.

Alabama further proposes to issue, on or prior to June 1, 1961, \$2,769,000 principal amount of First Mortgage Bonds, $\frac{1}{2}$ percent Series due 1987 under the provisions of the above-described Indenture and to surrender such bonds to the Trustee on or prior to said date, in accordance with the improvement or sinking fund provisions of the Indenture. The bonds are to be identical with those authorized by the Commission on April 30, 1957 (Holding Company Act Release No. 13457) and are to be issued on the basis of property additions, thus making available for construction purposes cash which would otherwise be used to satisfy the improvement or sinking fund requirements or to purchase bonds for such purpose.

The fees and expenses to be incurred by Alabama are estimated as follows:

	For the new bonds	For the new preferred stock
Alabama mortgage privilege tax.....	\$19,500	
Federal original issue tax.....	14,300	\$6,000
Filing fee—Securities and Exchange Commission.....	1,339	824
Charges of trustee (including counsel).....	6,300	
Charges of transfer agent and registrar.....		515
Cost of definitive bonds and stock certificates.....	3,500	200
Printing and preparation of registration statement, prospectus, competitive bidding papers, supplemental indenture, etc.....	6,000	6,000
Recording supplemental indenture.....	1,500	
Services of Southern Services, Inc.....	5,000	5,000
Fee of counsel, Winthrop, Stimson, Putnam & Roberts.....	8,500	6,500
Fee of accountants, Arthur Andersen & Co.....	3,000	3,000
Miscellaneous, including telephone and telegraph charges and traveling expenses.....	2,500	2,500
	71,439	32,539

The fees of Reid & Priest, independent counsel for the underwriters, are estimated at \$5,000 in connection with the sale of the new bonds and \$4,000 in connection with the sale of the new preferred stock and are to be paid by the underwriters. The fees and expenses to be paid by Alabama with respect to the

issuance of bonds for improvement fund purposes are estimated at \$1,250.

The application states that the proposed transactions have been expressly authorized by the Alabama Public Service Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the matters proposed.

Notice is further given that any interested person may, not later than March 14, 1961, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-1960; Filed, Mar. 6, 1961;
 8:46 a.m.]

[File No. 812-1381]

GEORGE MORDY AND CO., INC.

Notice of Filing of Application Exempting Transaction Between Affiliates

FEBRUARY 28, 1961.

Notice is hereby given that George Mordy & Co., Inc. ("Mordy"), a corporation organized under the laws of California, has filed an application under section 17(b) of the Investment Company Act of 1940 (the "Act") for an order exempting from the provisions of section 17(a) of the Act the proposed sale by Mordy of its furniture and fixtures, office equipment and office supplies to Mordy & Company ("Purchaser") for \$2,754.72.

Purchaser, a California corporation, proposes to sell and issue all of its stock to Spring Street Capital Co. ("Spring Street"), a registered closed-end, non-diversified investment company. The application states that purchaser will render investment advice (at cost) to Spring Street and perform management and technical consulting services for Spring Street and other corporations including possibly concerns in which Spring Street has made investments.

It is represented that the proposed purchase price for the furniture and fixtures will be \$917.50. This figure represents an appraisal of the market value of such items made by an independent furniture dealer in the Los Angeles area. The proposed purchase price for the office equipment is \$1,664.72; this sum represents the cost of such equipment less

accumulated depreciation. The office supplies are to be purchased for \$172.50 which is the cost of such supplies to Mordy.

All of Mordy's voting securities are held by George Mordy and R. Paul Toepfen, both of whom are officers and directors of Spring Street. At the present time, Mordy is in the process of being voluntarily dissolved.

Pursuant to the definition contained in section 2(a)(3) of the Act, Mordy is an affiliated person of Messrs. Mordy and Toepfen and Messrs. Mordy and Toepfen, in turn, are affiliated persons of Spring Street. Generally speaking, section 17(a) of the Act prohibits an affiliated person (Mordy) of an affiliated person (Messrs. Mordy and Toepfen) of a registered investment company (Spring Street) from selling any property to such registered company or any company controlled by such registered company (Purchaser), unless the Commission by order upon application pursuant to section 17(b) of the Act grants an exemption from section 17(a) of the Act, upon a finding that the terms of the proposed transaction, including the consideration to be paid or received are reasonable and fair and do not involve overreaching on the part of any person concerned; and that the proposed transaction is consistent with the policy of the investment company concerned, and consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than March 17, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-1961; File, Mar. 6, 1961;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 458]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 2, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Com-

merce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63758. By order of February 23, 1961, Division 4, acting as an Appellate Division, approved the transfer to L. D. Easter, E. M. Easter, M. E. Easter, L. W. Easter, L. B. Easter, M. M. Morse, and R. L. Easter, a partnership, doing business as Highway Transport Company, Des Moines, Iowa, of Certificates Nos. MC 113617 and MC 113617 Sub 9, issued November 4, 1959, and December 22, 1958, respectively, to L. D. Easter, E. M. Easter, M. E. Easter, L. W. Easter, L. B. Easter and M. M. Morse, a partnership, doing business as Highway Transport Company, Des Moines, Iowa, authorizing the transportation, over irregular routes, of automobiles, in initial movements, in truckaway service, and automobile show equipment, automobile show paraphernalia, and advertising matter used in connection with the distribution and sale of motor vehicles, from Kenosha, Wis., to points in Colorado, Kansas, and Nebraska, new automobiles, and parts, in initial movements, in truckaway service, from Kenosha, Wis., to points in a described portion of Iowa, livestock, between Nevada, Iowa, and points within 10 miles of Nevada north of U.S. Highway 30 on the one hand, and, on the other, Chicago, Ill., from Cambridge, Iowa, and points (including Jordan, Iowa) south of U.S. Highway 30 within 25 miles of Cambridge, to Chicago, Ill., egg cases and fillers, from Chicago, Ill., to Colorado, Iowa, and foreign-made automobiles, in truckaway service, from Kenosha, Wis., to points in Colorado, Nebraska, Kansas, and a described portion of Iowa. William A. Landau, P.O. Box 1634, Des Moines 6, Iowa, practitioner for applicants.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-1964; Filed, Mar. 6, 1961;
8:46 a.m.]

[Notice 11]

APPLICATIONS FOR LOAN GUARANTIES

MARCH 1, 1961.

Notice is hereby given of the filing of the following application under part V of the Interstate Commerce Act:

Finance Docket No. 21494 filed February 28, 1961, by Erie-Lackawanna Railroad Company, 140 Cedar Street, New York 6, New York, for guaranty by the Interstate Commerce Commission of a loan in amount not exceeding \$15,000,000. Applicant's representative: M. C.

Smith, Jr., Vice President and General Counsel, Erie-Lackawanna Railroad Company, 1336 Midland Building, Cleveland 15, Ohio. Loan is for the purpose of reimbursing applicant's treasury for expenditures made from its own funds after January 1, 1957, for additions and betterments and other capital improvements.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-1965; Filed, Mar. 6, 1961;
8:46 a.m.]

ORGANIZATION OF DIVISIONS AND BOARDS AND ASSIGNMENT OF WORK, BUSINESS AND FUNCTIONS

MARCH 2, 1961.

The organization minutes of the Interstate Commerce Commission being assignment of work, business and functions pursuant to section 17 of the Interstate Commerce Act, as amended, (49 U.S.C. 17) to become effective March 7, 1961, are set forth below.

[SEAL] HAROLD D. McCoy,
Secretary.

Chairman—Everett Hutchinson (Jan. 1, 1961—Dec. 31, 1961).

Vice chairman—Rupert L. Murphy (Mar. 7, 1961—Dec. 31, 1961).

Divisions—

Division One—Commissioners Laurence K. Walrath (Chairman), Rupert L. Murphy and Charles A. Webb.

Division Two—Commissioners Howard G. Freas (Chairman), Abe McGregor Goff and Clyde E. Herring.

Division Three—Commissioners Kenneth H. Tuggle (Chairman), John H. Winchell and Donald P. McPherson.

Commission committees—

Legislation—Everett Hutchinson (as ex officio Chairman), Commissioners Freas and Tuggle.

Rules—Everett Hutchinson (as ex officio Chairman), Vice Chairman Murphy and Commissioner Goff.

NOTE: References are to the Interstate Commerce Act, as amended, unless otherwise specified.

1.1 The following organization schedule and assignment of work and functions shall be effective until duly changed:

DIVISIONS OF THE COMMISSION

2.1 There shall be three divisions of the Commission to be known, respectively, as divisions one, two, and three.

2.2 As provided by section 17 of the Interstate Commerce Act, as amended, each division shall have authority to hear and determine, order, certify, or report or otherwise act as to any work, business, or functions assigned or referred to it under the provisions of that section, and with respect thereto shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations.

2.3 Each division with regard to any case or matter assigned to it, or any question brought to it under this delegation of duty and authority, may call

upon the whole Commission for advice and counsel, or for consideration of any case or question by an additional Commissioner or Commissioners assigned thereto; and the Commission may recall and bring before it as such any case, matter or question so allotted or assigned and may either dispose of such case, matter, or question itself, or may assign or refer the matter to the same or another division.

2.4 From such assignment of work there shall be reserved for consideration and disposition by the Commission (1) all investigations on the Commission's own motion heretofore entered upon and hereafter instituted, except as may be otherwise provided, and (2) all applications for rehearing, reargument or other reconsideration and all cases before the Commission for reconsideration, except as hereinafter otherwise provided; and there shall also be excepted from this assignment of work all cases submitted to the Commission and specially referred to a division, the various cases enumerated in any previous order of the Commission as reserved for consideration and disposition by the Commission, and all cases otherwise specially assigned.

2.5 When a Commissioner is transferred from a division he shall continue to serve as a member of such division in lieu of his successor for the purpose of clearing up accumulated work, which shall be limited to the disposition of cases submitted on oral argument prior thereto, and still pending for decision, cases in which drafts of final reports or orders have been circulated, and other matters requiring official action which are under active consideration at the time of the transfer.

2.6 Divisions as constituted prior to March 7, 1961, shall remain in existence for the purpose of disposing of matters circulated to them, or which have been the subject of oral argument, before that date.

TERMS, DUTIES, AND RESPONSIBILITIES OF THE CHAIRMAN, VICE CHAIRMAN, AND SENIOR COMMISSIONER PRESENT

3.1 The Chairman and Vice Chairman each shall be elected by the Commission for a term of one calendar year. Prior to election each must have served three full years as a member of the Commission. Each shall be relieved during his term of any regular assignment as a member of a division. In the absence of the Chairman, his duties and responsibilities are delegated to the Vice Chairman, who shall be Acting Chairman. In the absence of the Vice Chairman, and the Chairman is present, the duties and responsibilities of the Vice Chairman are delegated to the Chairman. In the absence of both the Chairman and Vice Chairman, their respective duties and responsibilities are delegated to the senior Commissioner present, who shall be Acting Chairman. In addition to his duties as indicated under "Assignment of Duties to Individual Commissioners" and "Reporting of Heads of Bureaus and Offices", the Vice Chairman may act as a member of any division of the Commission, when designated by the Chair-

man, when a member is unable to serve because of absence or other cause. Duties and responsibilities of the Chairman, Vice Chairman and the senior Commissioner present are in addition to any other duties that may be assigned or delegated to them. The following duties and responsibilities are delegated to the Chairman:

3.2(a) He shall be the executive head of the Commission with general responsibility for (1) the over-all management and functioning of the Commission, (2) the formulation of plans and policies designed to increase the effectiveness of the Commission in the administration of the Interstate Commerce Act and related acts, (3) prompt identification and early resolution, at the appropriate level, of major substantive regulatory problems, and (4) the development and improvement of staff support to carry out the duties and functions of the Commission.

(b) Subject to the provisions of paragraph (c) of this item, there are hereby delegated to the Chairman of the Commission the executive and administrative functions of the Commission with respect to: (1) the appointment, supervision, and removal of personnel employed under the Commission, except those in the immediate offices of Commissioners other than the Chairman, subject to Civil Service rules and regulations, (2) the distribution of business among such personnel and among administrative units of the Commission, (3) the use and expenditure of funds, and (4) civil defense and defense mobilization functions transferred, delegated, or assigned to the Commission, including the functions delegated, within the meaning of section 201(a)(3) of Executive Order 10480 of August 14, 1953, as amended, to "the Commissioner of the Interstate Commerce Commission who is responsible for the supervision of the bureau which administers the car-service functions of the Commission". Existing delegations of executive or administrative functions of the divisions, individual Commissioners, boards of employees, or individual employees shall remain in effect until the further order of the Chairman.

(c) (1) In carrying out any of his functions the Chairman shall be governed by general policies of the Commission and by such regulatory decisions, findings, and determinations as the Commission may by law be authorized to make. (2) The appointment by the Chairman of the heads of offices and bureaus of the Commission shall be subject to the approval of the Commission.

3.3 He shall preside at all sessions of the Commission, and shall see that every vote and official act of the Commission required by law to be recorded is accurately and promptly recorded by the Secretary or the person designated by the Commission for such purpose.

3.4 Except regular sessions, which shall be provided for by general regulation of the Commission, he shall call the Commission into special session whenever in his opinion any matter or business of the Commission so requires,

but he shall, in any event, call a special session for the consideration of any matter or business upon request of a majority of the members.

3.5 He shall exercise general control over the Commission's argument calendar and conference agenda.

3.6 He shall act as correspondent and spokesman for the Commission in all matters where an official expression of the Commission is required.

3.7 He shall (a) bring to the attention of any Commissioner, division, or board any delay or failure in the work under his or its supervision, and (b) initiate ways and means of correcting or preventing avoidable delays in the performance of any work or the disposition of any official matter.

3.8 He shall be ex officio Chairman of the Committee on Legislation and of the Committee on Rules.

3.9 He may designate a Commissioner to fill a vacancy on any Committee until the Commission otherwise orders.

3.10 Pursuant to the general objectives and broad policies, or to specific instructions of the Commission, he shall supervise, guide and direct the Managing Director; the Secretary and the General Counsel in the performance of their duties.

3.11 In accordance with section 1003(a) of the Civil Aeronautics Act of 1938, he is directed, when the occasion arises, in conjunction with corresponding action by the Chairman of the Civil Aeronautics Board, to designate a like number of Commissioners to function as members of a joint board to consider and pass upon matters referred to it as provided under subsection (c) of such section.

3.12 The Chairman may from time to time make such provisions (consistent with the delegation limitations of section 17(2) of the Interstate Commerce Act) as he shall deem appropriate authorizing the performance by any Commissioner or by any officer, employee, or administrative unit under his jurisdiction of any function delegated to the Chairman.

ASSIGNMENT OF DUTIES TO DIVISION

4.1 Work, business, and functions of the Commission are assigned and referred to the respective divisions for action thereon, as follows:

4.2 *Division One—Operating Rights Division.* (a) Section 5(2), so far as related to authorizing continuance of control, within the principle of the Hannon and Schwerman cases, 39 M.C.C. 620, 80 M.C.C. 382, upon institution of newly-authorized operations.

(b) Section 203(b), relating to partial exemption from the provisions of Part II, including determinations as to the necessity for application of Part II to transportation within a municipality, between contiguous municipalities, or within an adjacent zone, and the determination of the limits of such zones, referred to in section 203(b)(8) and to casual transportation operations by motor vehicle, referred to in section 203(b)(9).

(c) Section 204(a) (1), (2), (3), (3a), and (5), so far as relates to reasonable

requirements with respect to continuous and adequate service and transportation of baggage and express by common carriers, and to qualifications and maximum hours of service of employees, safety of operation and equipment, and comfort of passengers, for motor carriers, but not including requirements for the safe transportation of explosives and other dangerous articles, and not including matters assigned to and determined by a Motor Carrier Board pursuant to Item 7.8.

(d) Section 204(a) (4) and section 211 (a) to (c), inclusive, relating to the regulation of brokers (other than their accounts, records, and reports, the transfer of brokers' licenses, changes in control of corporations or associations holding brokers' licenses and security for the protection of the public).

(e) Section 204(a) (4a), relating to certificates of exemption to motor carriers operating solely within a single State.

(f) Section 204(a) (7), so far as relates to inquiries into the management of the business of motor carriers and brokers and persons controlling, controlled by, or under common control with motor carriers, and requests for information deemed necessary to carry out the provisions of Part II.

(g) Section 204(b), relating to the establishment of classifications of brokers or of groups of carriers and just and reasonable rules, regulations and requirements therefor.

(h) Sections 204(c), 304(e) and 403 (f), so far as relating to investigation of complaints of alleged noncompliance with the provisions of Parts II, III, and IV assigned to Division 1 or requirements established pursuant thereto.

(i) Section 204 (e) and (f), and section 204(a) (6), so far as it relates to the lease and interchange of vehicles by motor carriers, including authority to act on applications for approval of contract carrier rental contracts under § 207.6(b) of the lease and interchange regulations (49 CFR 207.6(b)), except, in each case, matters assigned to and determined by a Motor Carrier Board pursuant to Item 7.8.

(j) Sections 206, 207, and 208, relating to certificates of public convenience and necessity.

(k) Section 209, relating to permits.

(l) Section 210, relating to dual operations.

(m) Section 210a(a), relating to applications for temporary authority for service by common or contract carriers by motor vehicle when certified to the Division by the Temporary Authorities Board.

(n) Section 211, relating to brokerage licenses.

(o) Section 212(a) (including section 204(c) when pertinent thereto), relating to suspension, change, and revocation of certificates, permits, and licenses, except determination of uncontested motor carrier revocation proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Temporary Authorities Board.

(p) Section 212(c), relating to issuance of certificates of public convenience and necessity in lieu of permits outstanding on August 22, 1957.

(q) Section 215 and section 211(c), relating to security for the protection of the public, except matters assigned to and determined by a Motor Carrier Board pursuant to Item 7.8.

(r) Section 224, relating to identification of motor carriers.

(s) Section 302(e) and section 303 (b) to (h), inclusive, relating to exemptions of water carriers from the provisions of Part III.

(t) Section 303(l), 309, and 310, relating to certificates of public convenience and necessity and permits; section 311(a), relating to temporary authorities; section 410 (a) to (f), inclusive, section 410 (h) and (i), relating to permits.

(u) Section 304(c) relating to classifications of groups of water carriers subject to Part III and rules, regulations, and requirements relating thereto.

(v) Section 403 (c) and (d), relating to authority to prescribe reasonable rules and regulations governing the filing of surety bonds, policies of insurance, etc., by freight forwarders, except matters assigned to and determined by a Motor Carrier Board pursuant to Item 7.8.

(w) Any matters arising under Parts II, III, and IV not specially assigned or referred to other divisions.

(x) In connection with the foregoing assignments, Division 1 is authorized to institute, conduct, and determine investigations into motor carrier, water carrier, and freight forwarder practices pertaining to matters covered by such assignments.

4.3. *Division Two—Rates, Tariffs, and Valuation Division.* (a) Section 1(14) (b), relating to contracts of common carriers by railroad or express companies for the furnishing of protective service against heat or cold.

(b) Sections 3(2), 223, 318, and 414, so far as relating to the prescription of rules governing the delivery of freight and the settlement of rates and charges, and to prevent unjust discrimination.

(c) Section 4, relating to long-and-short haul and aggregate-of-intermediate rates, and relief therefrom when such proceedings have been formally heard, when applications are certified to the Division by the Fourth Section Board, when fourth-section relief arises as a result of an order or requirements of the Commission, or a division thereof, or when applications are to be considered in connection with general rate-increase proceedings.

(d) Section 5a, relating to agreements between or among carriers.

(e) Section 6, except paragraphs (11) and (12), relating to schedules of carriers under Part I, sections 217 and 218 relating to tariffs of common carriers and schedules of contract carriers under Part II, section 306 relating to tariffs of common carriers and schedules of contract carriers under Part III, and section 405 relating to tariffs of freight forwarders under Part IV—including, among other matters, the promulgation

or prescription of forms, specifications, rules, or regulations to effectuate such provisions of law, as well as applications or petitions involving the construction, interpretation or application of such forms, specifications, rules or regulations, except matters arising under section 6(3), 217(c), 218(a), 306(d), 306(e), and 405(d), assigned to and determined by the Special Permission Board pursuant to Item 7.9 unless certified to the Division by the Special Permission Board or recalled by the Division.

(f) Section 6 (11) and (12), relating to jurisdiction over rail and water traffic with respect to physical connections between rail lines and docks, the establishment of proportional rates to or from ports, and through rail-and-water arrangements in foreign commerce, conferred upon the Commission by the Panama Canal Act (49 U.S.C. 51); and section 201(c), Transportation Act, 1920, as amended, 49 U.S.C. 141(c).

(g) Institution of investigations of intrastate rates, fares, and charges, classifications and practices under section 13(3) of Part I and section 406(f) of Part IV on the petition of carriers or freight forwarders.

(h) Sections 15(7), 216(g), 218(c), 307 (g) and (i), and 406(e), relating to the disposition (1) by declining to suspend or (2) by entering an order of investigation or (3) by entering an order of investigation and suspension, either on its own motion or on petitions or requests for suspension of schedules and tariffs, and relating to authority to institute investigations into rates, fares, charges, and practices of carriers under Parts I, II, III, and IV, as ancillary to such investigations or such investigation and suspension proceedings: (1) when there are petitions or requests for suspension of proposed general increases in rates, fares, or charges for application throughout a rate territory or region, or of wider scope, or (2) when there are involved petitions for suspension of schedules or tariffs filed in purported compliance with any decision, order, or requirement of the Commission or a Division thereof, or (3) when such matter is certified to the Division by the Board of Suspension or recalled by the Division.

(i) Sections 15(13), 225, 314, and 415, relating to fixation of reasonable allowances to the owner of property transported for transportation services rendered, and I. & S. No. 11, The Tap Line Case.

(j) Section 19a, relating to the valuation of the property of carriers.

(k) Section 20 (1) to (10), inclusive; section 204(a) (1), (2), and (4); section 220 (a) to (f), inclusive; section 222 (b), (d), and (g); sections 313, 316(b), 317 (d) and (e); and sections 412, 417(b), and 421 (d) and (e), so far as those sections relate to accounting and statistical reports, records, and accounts of carriers, lessors, brokers, freight forwarders and other persons under Parts I, II, III, and IV, and so far as matters arising under the stated sections are not assigned.

(l) Section 20(11) of Part I, section 219 of Part II and section 413 of Part IV so far as relating to the authorization of

released rates and ratings except matters assigned to and determined by the Released Rates Board pursuant to Item 7.10 unless certified to the Division by the Released Rates Board or recalled by the Division.

(m) Section 22.

(n) Section 204(c), section 304(e), and section 403(f), so far as relating to the investigation of complaints of alleged noncompliance with provisions of Parts II, III, and IV hereinbefore assigned to Division Two or requirements established pursuant thereto, except as otherwise assigned to the Temporary Authorities Board (Item 7.4(b)) and Division 1 (Item 4.2(o)).

(o) Section 220(a) relating to contracts between motor contract carriers and shippers.

(p) Section 304(d) of Part III, relating to relief from the provisions of that part because of competition from carriers engaged in foreign commerce.

(q) Section 409 relating to contracts between freight forwarders and motor carriers, including authority to institute, conduct, and determine investigations pertaining thereto.

(r) All formal cases not otherwise herein assigned or referred to another division, or reserved to the Commission, arising under Part I, and all formal cases involving rates, fares, or charges arising under Parts II, III, and IV.

(s) Matters coming from the Board of Reference, relating to instructions concerning the informal consideration of unusual matters and cases for which there is no governing precedent.

4.4 *Division Three—Finance, Safety, and Service.* (a) Section 1(9), relating to switch connections.

(b) Section 1 (10) to (14) (a), inclusive, and section 1 (15) to (17), inclusive, relating to car-service and emergency directions with respect thereto, except matters assigned to and determined by the Safety and Service Boards pursuant to Item 7.7.

(c) Section 1 (18) to (20), inclusive, relating to certificates of public convenience and necessity, except determination of applications which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, unless certified to the Division by a Finance Board or recalled by the Division. (See Item 7.6(c).)

(d) Section 1(21) so far as relating to the compulsory construction of new roads or procurements of additional facilities.

(e) Section 3(5), relating to requirement of common use of terminals and compensation therefor.

(f) Section 5(1), relating to the pooling of traffic, service, or gross or net earnings of common carriers subject to the act.

(g) Section 5(2) (except matters assigned to Item 4.2(a) to (13), inclusive, relating to consolidations, mergers, purchases, leases, operating contracts, and acquisitions of control of carriers, non-carrier control, and trackage rights, including matters of public convenience and necessity under section 207 and consistency with the public interest under

section 209 directly related thereto, except determination of applications under section 5(2) and aforesaid related matters under sections 207 and 209 which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, unless certified to the Division by a Finance Board or recalled by the Division. (See Item 7.6 (a) and (c).)

(h) Section 5 (14) to (16), inclusive, relating to common control of railroads and common carriers by water.

(i) Section 13a, relating to discontinuances or changes of railroad operations or services.

(j) Section 15(10), relating to the direction of the routing of unrouted traffic.

(k) Sections 20a (other than matters assigned under Item 6.6(a) relating to interlocking directorates) and 214, relating to securities, except determination of applications which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, unless certified to the Division by a Finance Board or recalled by the Division. (See Item 7.6 (a), (b), and (c).)

(l) Section 20b relating to voluntary adjustments of capital structures under Part I.

(m) Matters arising under section 20c, providing for the recording of equipment trust agreements and other documents relating to lease or conditional sale of railroad equipment.

(n) Section 25 (a) to (g), inclusive, as amended, relating to the installment and maintenance of safety devices by carriers by railroad except matters assigned to and determined by the Safety and Service Boards pursuant to Item 7.7.

(o) Section 204(a) (1), (2), (3), and (5) of Part II, so far as relating to the establishment of reasonable requirements for the safe transportation of explosives and other dangerous articles, including flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, radioactive materials, etiologic agents, and poisonous substances, except matters assigned to and determined by the Safety and Service Boards pursuant to Item 7.7.

(p) Section 204(a) (4) relating to transfer of brokers' licenses and changes in control of corporations or associations holding brokers' licenses; sections 212(b) and 312 relating to transfer of certificates and permits; and section 410(g) relating to transfer of permits; except determination of applications which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, unless certified to the Division by the Transfer Board or recalled by the Division. (See Item 7.5.)

(q) Sections 204(c), 304(e), and 403 (f), so far as relating to the investigation of complaints of alleged noncompliance with provisions of Parts II, III, and IV, hereinbefore assigned to Division 3 or requirements established pursuant thereto.

(r) Sections 210a(b) and 311(b) relating to applications for temporary authority when certified to the Division by

a Finance Board or recalled by the Division. (See Items 7.6(a)(2) and 7.6 (c)(3).)

(s) Section 403(b), relating to establishment of reasonable requirements with respect to continuous and adequate service by freight forwarders.

(t) Section 404(d), relating to agreements between freight forwarders for joint loading of traffic.

(u) Section 411 (d) and (f), relating to investigation of alleged violations of section 411 (a), (b), and (c).

(v) Part V, relating to the guaranty of loans to common carriers by railroad, excepting matters relating to the closing of such transactions which are delegated by Item 6.6(b) hereof to the Chairman of Division 3, unless certified to the Division by said Commissioner.

(w) The Uniform Bankruptcy Act, as amended, 11 U.S.C. relating to the reorganization of corporations subject to the exercise of the regulatory powers of the Commission.

(x) Section 3 of Public Law No. 478 relating to review by the Commission prior to confirmation by the courts of plans of reorganization previously approved by the Commission.

(y) Matters arising under the Clayton Antitrust Act, as amended.

(z) Standard Time Act of March 19, 1918, as amended, 15 U.S.C. 261-265, inclusive.

(aa) Matters arising under the Transportation of Explosives and Dangerous Articles Act, Accident Reports Act (except requests for public inspection of reports described in § 125.9 of the rules governing monthly reports of railroad accidents), Safety Appliance Acts, Power or Train Brakes Safety Appliance Act of 1958, Hours of Service Act, Locomotive Inspection Act, Medals of Honor Act, Ash Pan Act, Railroad Retirement Act of 1937, Railroad Retirement Tax Act, Railroad Unemployment Insurance Act, the Railway Labor Act, as respectively amended; the Block Signal Resolution of June 30, 1906, and Sundry Civil Appropriation Act of May 27, 1908; Postal Service Acts, so far as those Acts relate to duties of the Commission, except matters assigned to and determined by the Safety and Service Boards pursuant to Item 7.7.

COMMITTEES OF THE COMMISSION

5.1 There shall be a Committee on Legislation and a Committee on Rules composed of 3 Commissioners each.

ASSIGNMENT OF DUTIES TO INDIVIDUAL COMMISSIONERS

6.1 The following portions of the work, business, and functions of the Commission are assigned and referred to individual Commissioners as herein designated:

CHAIRMAN OF THE COMMISSION

6.2 (a) Entry of reparation orders responsive to findings authorizing the filing of statements as provided in Rule 100 of the General Rules of Practice.

(b) Claims arising under Federal Tort Claims Act, 28 U.S.C. 2671 et seq., except claims covered by section 2672 of that Act.

(c) Approval for publication of statistical releases.

(d) Postponement of the effective date of orders in proceedings which are the subject of suits brought in a court to enjoin, suspend, or set aside the decision, order, or requirement therein.

VICE CHAIRMAN OF THE COMMISSION

6.3 (a) Authority to permit the use of prescribed accounts for carriers and other persons under Parts I, II, III, and IV, which by provisions of their own texts require special authority.

(b) Authority to permit departures from general rules prescribing uniform systems of accounts for carriers and other persons under Parts I, II, III, and IV.

(c) Authority to prescribe by order, rates of depreciation to be used by individual carriers by railroad, water, and pipe line.

(d) Authority to issue special authorizations permitted by the prescribed regulations governing the destruction of records of carriers subject to Parts I, II, III, and IV.

(e) With respect to carriers and other persons subject to Parts I, II, III, and IV, (1) authority to grant extensions of time for filing annual, periodical, and special reports, and (2) authority to grant exemptions to individual carriers from the reporting and accounting requirements.

(f) Requests for (1) access to way-bills or photostat copies thereof, and (2) public inspection of reports described in § 125.9 of the Rules Governing Monthly Reports of Railroad Accidents.

(g) Approval of research projects with consultation with the Commission as a whole from time to time as matters require.

(h) Ex Parte No. 13, with respect to modifications under section 6(3) of posting requirements of section 6(1).

(i) Reduced rates authorizations in cases of calamitous visitation under section 22.

(j) Matters coming from the Informal Case Branch of the Bureau of Traffic.

(k) Valuation reports in connection with matters which do not involve the taking of testimony at a public hearing, or the submission of evidence by opposing parties in the form of affidavits.

(l) Admission, disbarment, and suspension of practitioners before the Commission under §§ 1.7 to 1.13, inclusive, of the General Rules of Practice.

CHAIRMAN OF THE RESPECTIVE DIVISIONS; CHAIRMAN OF THE COMMISSION

6.4 Merely procedural matters in any formal case or pending matter, and extensions of time for compliance with orders (except in investigations on the Commission's own motion), in any such case or matter which is not the subject of a suit in court, when the subject matter or particular proceeding has been or is assigned or referred to the division: *Provided*, That if the proceeding has been assigned to a Commissioner for administrative handling or preparation of report, such Commissioner shall act on such procedural matters (including extensions of time for compliance with

orders); and if the subject matter or particular proceeding has not been assigned or referred to a division or to a Commissioner, the Chairman of the Commission may act on such matters.

CHAIRMAN OF DIVISION THREE

6.5 (a) Applications under section 20a(12) for authority to hold the position of officer or director of more than one corporation.

(b) Matters relating to the closing of transactions in accordance with such terms and conditions as may have been prescribed by the Commission or Division 3 under the provisions of Part V of the Act, including the execution on behalf of the Commission of contracts and other instruments incident to the closing of such transactions. The Commissioner may certify to Division 3 any matter which in his judgment should be passed on by that division, or the Commission.

6.6 Dismissal of complaints upon requests of complainants. (If the proceeding has been assigned to a Commissioner, the Commissioner to whom it is assigned; otherwise, to the Chairman of the Commission.)

ASSIGNMENTS TO BOARDS

7.1 The following portions of the work, business, and functions of the Commission are assigned to Boards of employees. Such portions relate to proceedings or classes of proceedings that do not involve issues of general transportation importance. The right to apply to the Commission for rehearing, reargument or reconsideration of a decision, order or requirement of an appellate division upon a petition filed by a party to the original order, action or requirement of any such board is restricted, under the authority granted by section 17(6) of the Interstate Commerce Act as herein provided.

7.2 *Fourth Section Board.* Section 4, relating to long-and-short-haul and aggregate-of-intermediate rates, and relief therefrom, except proceedings made the subject of formal hearing, matters prompted by an order or requirement of the Commission or a division thereof, or matters arising from general increase proceedings. The Board may certify to Division 2 any matter which, in its judgment, should be passed on by that division or the Commission.

7.3 *Board of Suspension.* Section 15(7), 216(g), 218(c), 307 (g) and (i), and 406(e), relating to the initial disposition (1) by declining to suspend or (2) by entering an order of investigation or (3) by entering an order of investigation and suspension, either on its own motion or on petitions or requests for suspension of schedules and tariffs, and relating to authority to institute investigations into rates, fares, charges, and practices of carriers under Parts I, II, III, and IV, as ancillary to such investigations or such investigation and suspension proceedings; and the authority, prior to submission of evidence, to enter orders discontinuing any proceeding when the schedules or tariffs under which the proceeding arose have been cancelled. This delegation of authority

shall not include (1) petitions or requests relating to schedules or tariffs filed in purported compliance with any decision or order of the Commission or a division thereof, (2) petitions or requests for suspension of proposed general increases in rates, fares, or charges for application throughout a rate territory or region, or of wider scope, nor (3) any action in connection with suspensions to be taken during or after formal hearings or investigations. The Board may certify to Division 2 any matter which, in its judgment, should be passed upon by that division or the Commission.

7.4 *Temporary Authorities Board.* (a) Section 210a(a), relating to applications for temporary authority for service by common or contract carriers by motor vehicle, except applications involving broad questions of policy; matters in which the decision of the Board would be inconsistent with an order of the Commission or a division; matters in which substantially the same question is already before the Commission or a division; and applications received as a result of strikes which allegedly disrupt transportation in the areas involved. Matters herein excepted from the Board's jurisdiction shall be certified to Division 1 under Item 7.4(e).

(b) Entry of show-cause orders under sections 204(c) and 212(a) relating to the failure of motor carriers to file annual reports.

(c) Determination of uncontested motor carrier revocation proceedings under section 212(a) which have not involved the taking of testimony at a public hearing.

(d) Any matter referred to the Board which is assigned for the taking of testimony at a public hearing shall be carried to a conclusion in accordance with the established practices and assignment of work of the Commission.

(e) The Board may certify to Division 1 any matter which in the Board's judgment should be passed on by that division, or the Commission.

7.5 *The Transfer Board.* (a) Determination of applications under section 204(a) (4) relating to transfer of brokers' licenses and changes in control of corporations or associations holding brokers' licenses; sections 212(b) and 312 relating to transfer of certificates and permits; and section 410(g) relating to transfer of permits, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(b) Any matter referred to the Board which is assigned for the taking of testimony at a public hearing shall be carried to a conclusion in accordance with the established practices and assignment of work of the Commission.

(c) The Board may certify to Division 3 any matter which in the Board's judgment should be passed on by that division, or the Commission.

7.6 *Finance Boards.* (a) Finance Board No. 1:

(1) Determination of applications (except matters assigned in Item 4.2 (a)) relating to consolidations, mergers, purchases, leases, operating contracts,

and acquisitions of control of motor carriers, and non-carrier control of such carriers, including matters of public convenience and necessity under section 207 and consistency with the public interest under section 209 directly related thereto, and issuance of securities and assumption of obligations under section 214 in connection therewith, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits. The term "motor carriers" as used herein does not include a motor carrier which also is a carrier subject to part I or part III of the Interstate Commerce Act.

(2) Section 210a(b) relating to applications for temporary authority, and continuance of temporary authority under section 9(b) of the Administrative Procedure Act and interpretative special rules (49 CFR 2.1 to 2.4).

(b) Finance Board No. 2: Determination of applications under sections 20a (1) to (11), inclusive, and 214 relating to securities when not connected with an application under section 1(18)-(20) or section 5(2) and which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(c) Finance Board No. 3:

(1) Determination of applications under section 1 (18) to (20), inclusive, relating to certificates of public convenience and necessity, and issuance of securities and assumption of obligations under section 20a in connection therewith, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(2) Determination of applications under section 5(2) (except matters assigned in Item 4.2(a)) relating to consolidations, mergers, purchases, leases, operating contracts, and acquisitions of control of carriers, by railroad or water, non-carrier control of such carriers, and trackage rights; and applications under section 20a (1) to (11), inclusive, relating to securities of carriers, in connection with the aforesaid applications under section 5(2), which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(3) Section 311(b) relating to applications for temporary authority, and continuance of temporary authority under section 9(b) of the Administrative Procedure Act and interpretative special rules (49 CFR 2.1 to 2.4).

(d) Any matter referred to a Finance Board which is assigned for the taking of testimony at a public hearing shall be carried to a conclusion in accordance with the established practices and assignment of work of the Commission.

(e) Any Finance Board may certify to Division 3 any matter which in the Board's judgment should be passed on by that division, or the Commission, and Division 3 may recall any matter from a Finance Board.

7.7 *Safety and Service Boards.* (a) Safety and Service Board No. 1—Railroad Safety and Service Board:

(1) Proceedings relating to car-service and emergency directions with respect thereto, including suspension of any or all rules, regulations or practices, promulgation of just and reasonable directions without regard to ownership to best promote the service in the interest of the public and the commerce of the people, require joint and common use of terminals, including main line track or tracks for reasonable distances outside such terminals, and promulgate directions for preference or priority in transportation, embargoes, or movement of traffic under permits, except controversies between carriers as to compensation, under provisions of section 1 (15) and (16) which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(2) Proceedings relating to the installation and maintenance of safety devices by carriers by railroad under provisions of section 25 (a) to (g), inclusive, as amended, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(3) Matters arising under the Accident Reports Act (except requests for public inspection of reports described in § 125.9 of the rules governing monthly reports of railroad accidents), Safety Appliance Act, Power or Train Brakes Safety Appliance Act of 1958, Hours of Service Act, Locomotive Inspection Act (except matters relating to personnel and compensation and matters specifically delegated to the Director of Locomotive Inspection), and Ash Pan Act, except to recommend institution of civil and criminal proceedings for enforcement of statutory provisions relating to safety of railroad operation, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(b) Safety and Service Board No. 2—Explosive and Other Dangerous Articles Board: Proceedings relating to the establishment of reasonable requirements for the safe transportation of explosives and other dangerous articles, including flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, radioactive materials, etiologic agents, and poisonous substances, under provisions of the Explosives Act, 18 U.S.C. 831-835 and section 204(a) (1), (2), (3), and (5) of Part II except provisions relating to the use of other Governmental agencies and facilities for the making of tests and experiments to be paid for by the Commission, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(c) Any matter referred to the Safety and Service Boards which is assigned for the taking of testimony at a public hearing shall be carried to a conclusion in accordance with the established practices and assignment of work of the Commission.

(d) Any Safety and Service Board may certify to Division 3 any matter which in the Board's judgment should be

passed on by that Division or the Commission, and Division 3 may recall any matter from a Safety and Service Board.

7.8 *Motor Carrier Boards.* (a) Motor Carrier Board No. 1:

(1) Section 211(c) relating to bonds or other security to assure financial responsibility of brokers, section 215 with respect to the furnishing by motor carriers of bonds, insurance, or other security, for the protection of the public, and section 403 (c) and (d) with respect to the furnishing by freight forwarders of bonds, insurance, or other security for the protection of the public, except matters which involve or have involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(2) Section 221 (a) and (c) relating to the designation by motor carriers and brokers of persons upon whom orders and notices may be served and the designation of agents upon whom service of process may be made, except matters which involve or have involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(b) Motor Carrier Board No. 2:

(1) Section 204(a) (1), (2), (3), (3a), and (5) so far as relates to reasonable requirements with respect to qualifications and maximum hours of service of employees, safety of operation and equipment, and comfort of passengers under section 204(a)(3a), for motor carriers, including the issuance and release of motor carrier accident investigation reports, but not including requirements for the safe transportation of explosives and other dangerous articles, not including the entering into arrangements for the making of tests and experiments by other governmental agencies or the use of facilities of other governmental agencies where the cost thereof is to be paid by the Commission, and not including matters which involve or have involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(2) Section 222(d) relating to authorizing or directing the disclosure of information concerning motor carrier accidents and compliance by motor carriers with the safety regulations (49 CFR parts 190-198) coming to the knowledge of Commission employees during the course of inspections made under authority of section 220, except when the authorizing or directing of the disclosure involves or has involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(c) Motor Carrier Board No. 3: Section 204 (e) and (f) and section 204(a) (6) so far as they relate to the lease and interchange of vehicles by motor carriers, including authority to act on applications for approval of contract carrier rental contracts under § 207.6(b) of the lease and interchange regulations (49 CFR 207.6(b)), except, in each case, matters which involve or have involved the taking of testimony at a public hearing or the submission of evidence

by opposing parties in the form of affidavits.

(d) Any matter referred to a Motor Carrier Board which is assigned for the taking of testimony at a public hearing shall be carried to a conclusion in accordance with the established practices and assignment of work of the Commission.

(e) Any Motor Carrier Board may certify to Division 1 any matter which in the Board's judgment should be passed on by that division, or the Commission, and Division 1 may recall any matter from a Motor Carrier Board.

7.9 *Special Permission Board.* Special permissions or other permissible waivers of rules regarding schedules of rates, etc., under sections 6(3), 217(c), 218(a), 306(d), 306(e), and 405(d), including authorization for the cancellation of suspended tariffs or schedules, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits. The Board may certify to Division 2 any matter which, in the Board's judgment, should be passed upon by that division, and Division 2 may recall any matter from the Special Permission Board.

7.10 *Released Rates Board.* Section 20(11) of Part I; section 219 of Part II and section 413 of Part IV, so far as relating to applications for authorization to establish released rates and ratings which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits. The Board may certify to Division 2 any matter which, in the Board's judgment, should be passed upon by that division, and Division 2 may recall any matter from the Released Rates Board.

REHEARINGS AND FURTHER PROCEEDINGS

8.1 For the proper and more convenient dispatch of business, and to the ends of justice, the following regulations of the conduct of proceedings are adopted (in addition to those governing the parties, as set out in the rules of practice), in respect of rehearings, reconsiderations, further hearings, and supplementary proceedings, as the result of the filing of petitions by parties to the decisions, orders, or requirements of divisions of the Commission, individual Commissioners, hearing officers, or boards of employees.

8.2 In respect of all such matters, petitions for reconsideration, reargument, or rehearing of any order, decision, or requirement of an individual Commissioner as herein authorized, or for rehearing, reargument, or reconsideration of a decision, order or requirement of an individual Commissioner or hearing officer which has become effective as an order of the Commission through absence of stay or exception, shall be considered and disposed of by the division (acting in an appellate capacity and with administrative finality within the meaning of § 1.101(g) of the rules of practice) to which the general subject is referred, and if the general subject has not been referred to a division, then by the Commission.

8.3 Petitions for rehearing, reconsideration or further hearing in respect of any order, decision, or requirement of a division shall be considered and disposed of by the division (acting as an appellate division) which made the order, decision, or requirement, as constituted at the time of such order, decision, or requirement, except that if one or more members of the original division are no longer Commissioners, such petitions shall be considered and disposed of by the division of the same number as then constituted; provided, that in cases in respect of which it has been determined and announced by the Commission that issues of general transportation importance are involved, such petitions shall be considered and disposed of by the Commission.

8.4 Division 1 is hereby designated as an appellate division to which applications or petitions for reconsideration or review of any order, action, or requirement of the Temporary Authorities Board under paragraphs (a) and (b) of Item 7.4, and of the Motor Carrier Boards under paragraphs (a), (b), and (c), of Item 7.8 shall be assigned or referred for disposition (except as otherwise provided in Item 7.4(a)), and the decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission.

8.5 Division 2 is hereby designated as an appellate division to which applications or petitions for reconsideration or review of any order, action, or requirement of the Fourth Section Board under Item 7.2, the Board of Suspension under Item 7.3, the Special Permission Board under Item 7.9 or the Released Rates Board under Item 7.10 shall be assigned or referred for consideration and action. When so acting, it shall have all authority which the Board is authorized to exercise. Decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission.

8.6 Division 3 is hereby designated as an appellate division—

(a) To which applications or petitions for reconsideration or review, based on an allegation of error on the merits, in whole or in part, of any order, action or requirement of The Transfer Board under Item 7.5(a), or the Finance Boards under Items 7.6 (a), (b), and (c) shall be assigned or referred for disposition, and the decisions or orders of the appellate division shall not be subject to review by the Commission. All other petitions, seeking modification of any order, action, or requirement of any such Board, or supplementary authority in the proceeding, shall be determined by the Board, whose order, action, or requirement is sought to be modified.

(b) To which applications or petitions for reconsideration or review of any order, action or requirement of the Safety and Service Boards under Item 7.7 (a) and (b) shall be assigned or referred for disposition and the decisions or orders of the appellate division shall be administratively final and not be subject to review by the Commission.

8.7 Announcements of the staying or postponement of decisions, orders, or

requirements of divisions, individual Commissioners, or boards when petitions for rehearing, reargument, or reconsideration are filed before such decisions, orders, or requirements have become effective, will be made by the Secretary or under his direction.

REPORTING OF HEADS OF BUREAUS AND OFFICES

9.1 All heads of offices and bureaus shall report to the Chairman. That will be done through the Vice Chairman, in the case of the Managing Director, and directly, in the cases of the General Counsel and Secretary. The heads of the Bureaus of Operating Rights, Rates & Practices, and Finance, shall report through the Chairmen of Divisions 1, 2, and 3, respectively. All remaining bureau heads shall report through the Vice Chairman.

[F.R. Doc. 61-2018; Filed, Mar. 6, 1961; 8:51 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 2, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36939: *Liquid fertilizers to WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A-2169), for interested rail carriers. Rates on liquid fertilizers, as described in the application, in tank-car loads, from Calgary, Fort Saskatchewan, Medicine Hat, Alberta, Canada, and Warfield, British Columbia, Canada, to points in western trunk-line territory.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplement 8 to Canadian National Railways tariff I.C.C. W. 716. Supplement 10 to Canadian Pacific Railway Company tariff I.C.C. W. 1071.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-1963; Filed, Mar. 6, 1961; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

BASIC CLASSES OF NARCOTIC DRUGS

Addition to Existing Classification

On January 4, 1961, a notice was published in the FEDERAL REGISTER (26 F.R. 14), which as corrected on January 6, 1961 (26 F.R. 113), stated that the Commissioner of Narcotics, pursuant to the provisions of section 6 of the Narcotics Manufacturing Act of 1960 (74 Stat. 61, 21 U.S.C. 504) and 21 CFR 307.71-307.72, proposed to add certain drugs and their salts, which have heretofore been determined to be narcotic drugs as defined in

26 U.S.C. 4731, as amended, to the existing classification of "basic classes of narcotic drugs" enumerated in section 3(g) of the Narcotics Manufacturing Act of 1960 (74 Stat. 56, 21 U.S.C. 502).

After due notice and opportunity for public hearing, and after consideration of all relevant matters, the addition to the list of "basic classes of narcotic drugs" has been determined, under paragraphs (d) and (e) of 21 CFR 307.72, to be consistent with the law and the public health and safety and the following drugs and their salts are hereby established as new basic classes of narcotic drugs to be added to the existing classification set forth in section 3(g) of the Narcotic Manufacturing Act of 1960:

- Dihydromorphine.
- Diphenoxylate (Ethyl 1-(3-cyano-3,3-diphenylpropyl)-4-phenyl-4-piperidinecarboxylate).
- Metazocine (2'-Hydroxy-2,5,9-trimethyl-6,7-benzomorphan).
- Oxymorphone (14-Hydroxydihydromorphinone).
- Pholcodine (morpholinyl-ethylmorphine).
- Pimindone (Ethyl-4-phenyl-1-[3-(phenylamino)-propyl]-4-piperidine carboxylate).

[SEAL] H. J. ANSLINGER,
Commissioner of Narcotics.

Approved: February 27, 1961.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 61-1977; Filed, Mar. 6, 1961;
8:49 a.m.]

Office of the Secretary

[AA 643.3-W]

PORTLAND CEMENT FROM BELGIUM

Determination of Sales at Less Than Fair Value

MARCH 1, 1961.

A complaint was received that Portland cement, other than white, nonstaining Portland cement, from Belgium was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that Portland cement, other than white, nonstaining Portland cement, from Belgium, except as to importations from the firm of Cimenteries et Briqueteries Reunies, is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

The United States Tariff Commission is being advised of this determination.

Statement of reasons. The available information established that the appropriate fair value comparison is between purchase price and adjusted home market price.

Because the terms of delivery of the cement sold to United States purchasers varied, the purchase price for the purpose of the fair value comparison was calculated by deducting from the basic delivered price the costs, as applicable, of unloading and loading in the United States, duty, ocean freight and insurance, stowage, and inland freight in Belgium.

The adjusted home market price was computed on the basis of the delivered price exclusive of packing. From this price were deducted, as applicable, a quantity discount equal to that granted in the home market for quantities equivalent to those sold to the United States purchasers, a cash discount, inland freight, laboratory research and the cost of technical assistance to users, advertising and publicity costs, association dues, commission, and sales and administrative expenses. All the foregoing deductions were applied to arrive at the adjusted home market price to be compared with the purchase price of importations entered prior to July 5, 1960, the date when the current antidumping regulations became effective. The calculation of adjusted home market price for comparison with the purchase price of importations entered thereafter disallowed advertising and publicity, association dues, laboratory research, and sales and administrative expenses to the extent to which they were not shown to come within the scope of the circumstance of sale provision of the current antidumping regulations. In all instances an addition was made to account for the cost of export packing.

Purchase price was found to be lower than adjusted home market price for the period prior to July 5, 1960, except as to the firm of Cimenteries et Briqueteries Reunies. On and after July 5, 1960, purchase price was less than adjusted home market price by an even greater margin as to the firms other than Cimenteries et Briqueteries Reunies. With regard to this firm, the imported cement consisted of type I and type III cement in bags and type I cement in bulk. Only type I cement in bags was found to have a purchase price less than adjusted home market price on and after July 5, 1960.

Importations of type I cement in bags from Cimenteries et Briqueteries Reunies since July 5, 1960, have been not more than insignificant, and this manufacturer has given satisfactory assurance that there will be no further shipments at less than fair value.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

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

[F.R. Doc. 61-1978; Filed, Mar. 6, 1961;
8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 69]

FUNCTIONS RELATING TO TRIBAL PROGRAMS

Redelegation of Authority

MARCH 1, 1961.

Order 551, as amended, is further amended by addition of a new section, under the heading Functions Relating to Tribal Programs, to read as follows:

Sec. 336. Authority under the Act of August 25, 1959 (73 Stat. 420), Public Law 86-192. (a) All of the authority contained in the act except as provided in paragraph (b) of this section.

(b) The authority given in paragraph (a) of this section does not include:

(1) To approve or convey assets to the legal entity as provided by section 1(a).

(2) To dispose of the unsold Chickasaw portion of the one-half interest in the mineral rights on jointly owned lands as provided by section 1(a).

(3) To transfer Secretarial functions as provided by section 5.

JOHN O. CROW,
Acting Commissioner.

[F.R. Doc. 61-1957; Filed, Mar. 6, 1961;
8:45 a.m.]

Office of the Secretary

TERRITORIES AND TERRITORIAL GOVERNMENT

Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

PART 250—OFFICE OF TERRITORIES

CHAPTER 2—TERRITORIES AND TERRITORIAL GOVERNMENT

250.21 American Samoa—A. Administration, Collection and Enforcement of Internal Revenue Code of 1954. (1) The Governor of American Samoa, through the Director of Territories, is delegated the authority of the Secretary of the Interior (Treasury Dept. Order 150-55, January 19, 1961; 26 F.R. 800) to perform the functions of the Internal Revenue Service in the administration, collection and enforcement in American Samoa of the taxes imposed by Chapters 2 and 21 of the Internal Revenue Code of 1954.

(2) Limitation. The authority delegated shall be exercised generally in conformity with the policies, procedures, and instructions established for the Internal Revenue Service.

250.22 Guam—A. Administration, Collection and Enforcement of Internal Revenue Code of 1954. (1) The Governor of Guam, through the Director of Territories, is delegated the authority of the Secretary of the Interior (Treasury Dept. Order 150-55, January 19, 1961; 26 F.R. 800) to perform the functions of the Internal Revenue Service in the administration, collection, and enforcement in Guam of the taxes imposed by Chapters 2 and 21 of the Internal Revenue Code of 1954.

(2) Limitation. The authority delegated shall be exercised generally in conformity with the policies, procedures, and instructions established for the Internal Revenue Service.

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 27, 1961.

[F.R. Doc. 61-1959; Filed, Mar. 6, 1961;
8:45 a.m.]

[Order 2640, Amdt. 13]
NATIONAL PARK SERVICE
Delegations of Authority

MARCH 1, 1961.

Order No. 2640, dated June 11, 1951 (16 F.R. 5846), is amended as follows:
 A new section, numbered 40 and reading as follows, is added thereto:

Sec. 40. The Director is authorized to exercise all of the authority of the Secretary under the act of June 27, 1960 (74 Stat. 220), with respect to the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 61-1966; Filed, Mar. 6, 1961;
 8:46 a.m.]

OFFICE OF CIVIL AND DEFENSE
MOBILIZATION

DAVID C. HOLUB

Appointee's Statement of Changes in
Business Interests

The following statement lists the names and concerns required by subsec-

tion 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last statement, published August 18, 1960 (25 F.R. 8011).

Dated: February 1, 1961.

DAVID C. HOLUB.

[F.R. Doc. 61-1953; Filed, Mar. 6, 1961;
 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 307]

ALABAMA, GEORGIA, AND
MISSISSIPPI

Declaration of Disaster Area

Whereas, it has been reported that during the month of February 1961, because of the effects of certain disasters, damage resulted to property located in the States of Alabama, Georgia, and Mississippi;

Whereas, the Small Business Administration has investigated conditions in the areas affected;

Whereas, after evaluating reports of such conditions, I find that the conditions in such areas constitute a catas-

trophe within the purview of the Small Business Act.

Now, therefore, as Acting Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the States of Alabama, Georgia, and Mississippi, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about February 19 through 25, 1961:

Offices: Small Business Administration Regional Office, 90 Fairlie Street NW. Atlanta 3, Ga. Small Business Administration Branch Office, Exchange Building, Room 206, 2109 Fifth Avenue, North, Birmingham 3, Ala. Small Business Administration Branch Office, 511 East Yazoo Street, Jackson, Miss.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1961.

Dated: February 27, 1961.

FRANK STEMPLE,
Acting Deputy Administrator.

[F.R. Doc. 61-1962; Filed, Mar. 6, 1961;
 8:46 a.m.]

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