THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES
1934

FEDERAL REGISTER

VOLUME 26 NUMBER 6

Washington, Wednesday, January 11, 1961

Contents

(Continued on next page)

Codification Guide

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

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

5 CFR

2 181
9 181

6 CFR

484 183

7 CFR

953 183
PROPOSED RULES:
963 197

13 CFR

107 183

16 CFR

51 184

19 CFR

8 187
10 188
11 187
14 188

21 CFR

121 (2 documents) 188, 189
PROPOSED RULES:
121 197

26 CFR

1 189

29 CFR

785 190

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—FILLING COMPETITIVE POSITIONS

PART 9—SEPARATIONS, SUSPENSIONS, AND DEMOTIONS

Miscellaneous Amendments

1. Effective thirty days after publication in the FEDERAL REGISTER, §§ 2.107, 2.108, 2.109, 2.110 and 2.111 are renumbered as §§ 2.108, 2.109, 2.110, 2.111 and 2.112, and a new § 2.107 is added as follows:

§ 2.107 Reemployment eligibility of former Federal employees separated for cause.

(a) *Cases generally.* When an employee has been removed on charges (other than security or loyalty) or has resigned upon learning the agency planned to prefer charges or while charges were pending (other than security or loyalty), the Commission may receive the sworn statement of such employee, setting forth fully and in detail the facts surrounding his removal or resignation and within its discretion may make investigation to determine his eligibility for further employment in the competitive Federal service insofar as suitability and fitness are concerned. After such investigation, such employee will be advised whether the Commission, as a result of the investigation, has found him to be suitable for further employment in the competitive Federal service. No case will be considered under this provision unless submitted to the Commission within six (6) months after the date of separation or sixty (60) days after the date of the last adverse decision as a result of an appeal under Part 22 of this chapter.

(b) *Under Public Law 733, 81st Congress, or other similar law.* Any civilian officer or employee whose employment is terminated, or who resigns while suspended, in the interest of national security under the provisions of Public Law 733, 81st Congress, or other law granting the power of summary dismissal in the interest of national security, may request the Commission, in writing, to determine whether he is eligible for employment in any other agency or department of the Government. The Commission shall determine, after such investigation as necessary, whether the former employee may be employed in another agency or department.

2. Effective thirty days after publication in the FEDERAL REGISTER, paragraph (c) is added to § 2.301 as follows:

§ 2.301 Career-conditional and career appointments.

* * * * *

(c) *Procedure for terminating a probationer.* (1) If an agency decides to terminate an employee serving a probationary or trial period because his work performance or conduct during this period fails to demonstrate his fitness or his qualifications for continued Federal employment, his services shall be terminated by notifying him in writing as to why he is being terminated and the effective date of the action. The information in the notice as to why he is being terminated must, as a minimum, consist of the agency's conclusions as to the inadequacies of his performance or conduct.

(2) If an agency decides to terminate an employee during the probationary or trial period for reasons based in whole or in part on conditions arising before his appointment, the action shall be processed in the same manner as actions taken against employees who are not serving probationary or trial periods, as provided in § 9.202 of this chapter and he shall have the right of appeal provided in Subpart C of this part.

3. Effective thirty days after publication in the FEDERAL REGISTER, Subpart F is added to Part 2 as follows:

Subpart F—Filling Competitive Positions by Displacement of Temporary and Indefinite Employees

§ 2.601 Displacement of temporary and indefinite employees.

(a) Agencies shall separate employees serving under the following types of appointments in response to a specific displacement order by the Commission or to comply with the provisions of the Commission's program to place separated career employees:

(1) Temporary pending establishment of a register.

(2) Overseas limited of indefinite duration.

(3) Indefinite.

(b) The Commission hereby delegates authority to agencies to separate employees serving under the types of appointments designated in paragraph (a) of this section in order to create vacancies for separated career or career-conditional employees who are listed on an agency reemployment priority list.

(c) When an agency separates employees under this section, it shall follow the order of displacement prescribed by the Commission which shall be published in the Federal Personnel Manual.

(d) The Commission may require corrective action when it finds that the instructions under this section have not been followed.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

4. Effective thirty days after publication in the FEDERAL REGISTER, Part 9 is revised and amended to read as follows:

Subpart A—General Provisions

Subpart B—Agency Action

Subpart C—Appeals to the Commission

AUTHORITY: §§ 9.101 to 9.307 issued under R.S. 1753; sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633.

Subpart A—General Provisions

§ 9.101 Applicability of regulations.

The regulations in this part apply to separations, suspensions, or demotions of employees of an agency. However, the regulations in this part do not apply to any such actions that are taken pursuant to instructions of the Commission, to Part 20 of these regulations, to the Civil Service Retirement Act, and to Public Law 733, 81st Congress, and any other similar statute which authorizes an agency to take suspension or separation action without regard to section 6 of the Act of August 24, 1912, as amended.

§ 9.102 Employee coverage.

(a) *Employees covered.* Except as provided in paragraph (b), the regulations in this part apply (1) to any employee who occupies a position in the competitive service and (2) to any employee having a competitive status who occupies a position in Schedule B.

(b) *Employees not covered.* The regulations in this part are not applicable to:

(1) Except as provided in § 2.301(c) of this chapter and § 9.301(b), any employee occupying a position in competitive service who is serving a probationary or trial period;

(2) Any employee occupying a position in the competitive service under a temporary appointment, including an employee serving under a temporary appointment pending establishment of a register;

(3) A reemployed annuitant;

(4) Any employee having a competitive status who occupies a position in Schedule B under a temporary appointment;

(5) Any employee not having a competitive status who occupies a position in Schedule B; or

(6) Any employee occupying an excepted position not in Schedule B.

§ 9.103 Definitions.

For the purpose of this part, the term:

(a) "Adverse action" means seperation, suspension, or demotion.

(b) "Days" means calendar days.

Subpart B—Agency Action

§ 9.201 General requirements.

(a) Adverse action may not be taken against an employee except for such cause as will promote the efficiency of the service.

(b) Adverse action may not be taken against an employee for political reasons, except as required by law.

(c) Adverse action may not be based on discrimination because of marital status, physical handicap, or race, color, religion, or national origin.

§ 9.202 Procedure for taking adverse action.

(a) *Effecting the action.* The following procedures shall be observed when an agency proposes to take adverse action against an employee who is not serving a probationary or trial period or to terminate a probationary or trial period employee under the circumstances described in § 2.301(c)(2) of this chapter.

(1) *Notice of proposed adverse action.* The agency shall notify the employee in writing of the proposed adverse action and the reasons therefor. This notice shall set forth, specifically and in detail, the reasons for the proposed adverse action.

(2) *Employee's answer.* The employee shall be allowed a reasonable time for filing a written answer to the notice of proposed adverse action and for furnishing affidavits in support of his answer. The employing agency may, in its discretion, grant the employee a hearing. If the employee answers the notice, his answer shall be considered by the agency in reaching its decision on the proposed adverse action.

(3) *Notice of decision.* The employee shall be furnished at the earliest practicable date with written notification of the agency's decision on the proposed adverse action. When the decision is made to take adverse action, the notification shall inform the employee of:

(i) The adverse action to be taken and the reasons therefor;

(ii) The effective date of the action; and

(iii) The employee's right of appeal to the appropriate office of the Commission and the time limit within which his appeal must be submitted to the Commission, as provided in Subpart C of this part.

(4) *Agency records.* (a) Copies of the notice of proposed adverse action, of any answer made by the employee, of the notice of any agency hearing on the proposed adverse action and any report thereof, and of the notice of decision shall be made a part of the agency's records.

(b) *Duty status during notice period.* The employee shall be retained in an active duty status during the period of notice of the proposed action under this section. When the circumstances are such that the retention of an employee in an active duty status may result in damage to Government property or may be detrimental to the interests of the Government, or injurious to the employee, his fellow workers or the general public, the employee may be temporarily assigned to duties in which those conditions would not exist, or placed on leave with his consent. Where these circumstances exist and it is proposed to suspend the employee the agency may require the employee to answer the charges and submit affidavits within such time as under the circumstances would be reasonable, but not less than twenty-four (24) hours; however, a preference eligible employee may not be suspended for more than thirty days under this procedure. Where these circumstances require immediate action, the employing agency may place the employee in a non-duty status with pay for such time, not to exceed five (5) days, as is necessary to effect the suspension.

Subpart C—Appeals to the Commission

§ 9.301 Right to appeal.

(a) *On procedures.* An employee entitled to the benefits of this Part may appeal in writing to the Commission on the grounds that the procedures required by § 9.202 have not been followed.

(b) *On alleged improper discriminatory practices.* An employee entitled to the benefits of this part, or a probationary or trial period employee terminated under the provisions of § 2.301(c) of this chapter, may appeal in writing to the Commission on the grounds that the adverse action was taken for political reasons not required by law, or resulted from discrimination because of marital status or physical handicap. When discrimination for any of these reasons is alleged, the appellant must submit an affidavit setting forth the facts and circumstances on which his allegations are based.

§ 9.302 Time limits.

An appeal may be submitted at any time after the notice of adverse decision but not later than ten (10) days after the effective date of the adverse action. However, in the case of a postmaster appointed by the President and confirmed by the United States Senate who is notified that a final decision has been made to separate him but that he is to be continued in office until a successor is installed, the time limit on an appeal shall be ten (10) days after he receives notification of such decision. These time limits may be extended, in the discretion of the Commission, upon a showing by the employee that he was not notified of the applicable time limit and was not otherwise aware of the limit or that other circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

§ 9.303 Commission action on initial appeal.

(a) *Investigation.* The Commission will make any investigation or inquiry necessary to adjudicate the appeal.

(b) *Availability of evidence.* All evidence obtained by the Commission during the investigative process will, upon request, be made available to both parties to the appeal with the following exception:

(1) Where adverse action has been taken on the basis of the reported mental condition of the individual concerned or other conditions of such a nature that a prudent physician would hesitate to inform a person suffering from such a condition as to its exact nature and probable outcome, the medical evidence of record will be made available only to a duly licensed physician designated in writing by the appellant or by the appellant's representative.

(c) *Hearing.* The Commission office which is adjudicating the initial appeal may, in its discretion, hold a hearing.

(d) *Death of appellant.* An appeal shall be processed to completion and adjudicated, regardless of the death of the appellant after receipt of such appeal. As necessary, a recommendation for corrective action on such an appeal may provide for cancellation of the action, and for amendment of the agency's records to show continuance on the rolls to the date of death.

(e) *Decision.* A copy of the decision of the Commission office that makes the initial adjudication of the appeal shall be furnished to the appellant or his designated representative, and to the employing agency, with notification of the right of either party to appeal within seven (7) days of date of receipt to the Board of Appeals and Review, U.S. Civil Service Commission, Washington 25, D.C.

§ 9.304 Agency action on initial Commission decision.

It is mandatory for the agency to take the corrective action recommended by the Commission office that makes the initial adjudication unless further appeal is made to the Board of Appeals and Review.

§ 9.305 Commission action on further appeal.

(a) When an appellant or employing agency elects to appeal from the decision of the Commission office making the initial adjudication of an appeal under this Subpart, such appeal shall be made to the Board of Appeals and Review, U.S. Civil Service Commission, Washington 25, D.C. (hereinafter referred to as the Board).

(b) Such an appeal shall be filed in writing within seven (7) days of the date of receipt of the decision of the Commission's initial adjudicating office and shall set forth the basis for the appeal. This time limit may be extended by the Board upon a showing that circumstances beyond the control of the employee or employing agency prevented the filing of the appeal within the prescribed period.

(c) The Board will review the entire record of the case and all relevant written representations. In its discretion, the Board may afford the parties an opportunity to appear personally and present oral arguments and representations.

(d) The decision of the Board shall be transmitted to the appellant or his

designated representative, and to the agency.

§ 9.306 Finality of decision.

The Board's decision on appeal shall be final. There is no further right of appeal. A recommendation by the Board for corrective action is mandatory. The agency shall comply promptly with such a recommendation and shall report promptly to the Board that such action has been taken.

§ 9.307 The Commissioners.

In their discretion, the Commissioners may reopen and reconsider any previous decision when in their judgment such action appears warranted by the circumstances.

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

[F.R. Doc. 61-191; Filed, Jan. 10, 1961; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Rev. 1; Amdt. 3]

PART 484—FEED GRAINS

Subpart—Feed Grain Export Program Payment in Kind (GR-368) Terms and Conditions

The Terms and Conditions of Revision I of the Feed Grain Export Program Payment In Kind (GR-368) (24 F.R. 7092) are further amended as follows:

§ 484.116 [Amendment]

1. Section 484.116(a) is amended to read as follows:

(a) If export is by water, a non-negotiable copy or photostat of the on-board-ship bill of lading signed by an agent of the ocean carrier. The bill of lading must show the name of the vessel, the date and place of issuance, the weight of the feed grain, the number or description of the hold or tank in which the feed grain was stowed, the country to which the feed grain was shipped, and if exported under Public Law 480, 83rd Congress, the purchase authorization number. Where loss, destruction or damage to the feed grain occurs subsequent to loading aboard the ocean carrier but prior to issuance of the on-board-ship bill of lading, one copy of a loading tally sheet or acceptable similar document may be substituted for the ocean bill of lading.

2. Section 484.150 is amended to read as follows:

§ 484.150 Eligible country.

"Eligible Country" means any destination outside the continental limits of the United States, excluding Alaska, Canada, Hawaii or Puerto Rico, and also excluding any country or area for which an export license is required under regulations issued by the Bureau of Foreign Commerce, U.S. Department of Commerce unless a license for shipment or transshipment thereto has been obtained from such Bureau.

(Sec. 5, 62 Stat. 1072; 15 U.S.C. 714c. Interpret or apply sec. 407, 63 Stat. 1051, as amended; sec. 201(a), 70 Stat. 188; 7 U.S.C. 1427, 1851)

Issued this 5th day of January 1961.

WALTER C. BERGER,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-194; Filed, Jan. 10, 1961; 8:49 a.m.]

Title 7—AGRICULTURE

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

[Lemon Reg. 879, 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 (60 Stat. 237; 5 U.S.C. 1001 et seq.) 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) (i), (ii) of § 953.986 (Lemon Regulation 879, 25 F.R. 14015) are hereby amended to read as follows:

(i) District 1: 37,200 cartons;
(ii) District 2: 195,300 cartons.

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

Dated: January 5, 1961.

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

[F.R. Doc. 61-180; Filed, Jan. 10, 1961; 8:46 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 11]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Waiver of Requirements

There was published in the FEDERAL REGISTER on November 29, 1960 (25 F.R. 12208), a proposal to amend § 107.301-1, relating to the waiver of the requirement that each State charter shall contain the paragraph specified in that section. For clarifying purposes the proposed amendment has been repositioned and is herewith adopted as § 107.301-1a.

Interested persons were given an opportunity to present their comments, or suggestions pertaining thereto, to the Investment Division, Small Business Administration, Washington 25, D.C., within 15 days after the date of publication of the notice in the FEDERAL REGISTER. After consideration of all such relevant matter as was presented by interested persons regarding the proposed amendment, the amendment of the regulation as so proposed is hereby adopted with minor revisions.

Because of the necessity for promptly applying the proposed procedures to the program authorized under the Small Business Investment Act of 1958, as amended, the subject amendment shall become effective upon publication thereof in the FEDERAL REGISTER.

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

Adding the following new § 107.301-1a after § 107.301-1. New § 107.301-1a reads as follows:

§ 107.301-1a Waiver of paragraph required by § 107.301-1.

In the event SBA, for cause satisfactory to SBA, waives the inclusion in a Licensee's State charter of that portion of the general provision (set forth in the second sentence of § 107.301-1) which identifies the manner of operation, powers, responsibilities, and limitations of the Licensee by specific reference to the Act and regulations issued thereunder: The charter of such a Licensee, in lieu of such identification by reference, shall set forth specifically and in detail the manner of operation, powers, responsibilities, and limitations of the Licensee

which are required of a Licensee as specified in and contemplated by the Act and regulations and to the extent and in a manner satisfactory to SBA. Further, any such Licensee shall, from time to time, amend its charter in order to conform its charter purpose, manner of operation, powers, responsibilities, and limitations with those contained in and contemplated by the Act and the regulations issued by SBA thereunder from time to time.

(Sec. 308, 72 Stat. 694; 15 U.S.C. 687)

Dated: January 5, 1961.

[SEAL] PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 61-182; Filed, Jan. 10, 1961; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-530]

PART 51—FLUOROCARBONS INDUSTRY

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of January 11, 1961.

Statement by the Commission. Trade practice rules for the Fluorocarbons Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry for which these trade practice rules are established is composed of persons, firms, corporations, or organizations engaged in the manufacture, fabrication, processing and sale, or in the sale and distribution, of finished or semifinished products which are composed in whole or substantial part of fluorocarbon resins, such as, but not limited to, gaskets, bearings, rods, tubes, hose, and machinery parts, as well as electric wire and cable, or other products coated with fluorocarbon resins.

Proceedings for the establishment of these rules were instituted upon application of the Fluorocarbons Division of the Society of the Plastics Industry. A general industry conference was held under Commission auspices in New York, New York, on December 4, 1959, at which proposals for rules were submitted for consideration of the Commission. Thereafter, proposed rules were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice a public hearing was held in New York, N.Y., on September 15, 1960, and all matters there presented, or otherwise received in the proceeding, were considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

The rules, as approved, become operative thirty (30) days after the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.

AUTHORITY: §§ 51.0 to 51.21 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

§ 51.0 Definitions.

As used in this part the terms "industry member" and "industry products" shall have the following meaning:

(a) *Industry member.* Any person, firm, corporation or organization engaged in the manufacture, fabrication, processing and sale of industry products, as defined below, and also those engaged in the sale and distribution of such products although the same are manufactured, fabricated or processed by others.

(b) *Industry products.* Finished or semi-finished products composed in whole or substantial part of fluorocarbon resins, such as, but not limited to, gaskets, bearings, rods, tubes, hose, sheets, and machinery parts, as well as, electric wire and cable or other products coated with fluorocarbon resins.

§ 51.1 Misrepresentation and deception in general.

It is an unfair trade practice to use, or cause or promote the use of, any trade promotional literature, advertising matter, guarantee, warranty, mark, brand, label, trade name, picture, design or device, designation, or other type of oral or written representation, however disseminated or published, which directly or by implication, or through failure to disclose material information has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the type, kind, grade, quality, quantity, size, weight, nature, substance, durability, serviceability, origin, preparation, production, manufacture, distribution, or customary and usual price, of any product of the industry, or which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public in any other material respect. [Rule 1]

§ 51.2 Misrepresentation as to character of business.

It is an unfair trade practice for any member of the industry to represent, directly or indirectly, through the use of any word or term in his corporate or trade name, in his advertising or otherwise, that he is a manufacturer of industry products, or that he is the owner or operator of a factory manufacturing them, when such is not the fact, or in any other manner to misrepresent the character, extent, volume, or type of his business. [Rule 2]

§ 51.3 Misrepresenting products as conforming to standard.

In connection with the sale or offering for sale of industry products, it is an unfair trade practice to represent, through advertising or otherwise, that such products conform to any standards recognized in or applicable to the industry when such is not the fact. [Rule 3]

§ 51.4 Misuse of terms "close-outs," "discontinued lines," "special bargains," etc.

It is an unfair trade practice to offer for sale, sell, advertise, describe, or otherwise represent regular lines of industry products as "close-outs," "discontinued lines," "special bargains," or by

words or representations of similar import, when such are not true in fact; or to so offer for sale, sell, advertise, describe, or otherwise represent industry products where the capacity and tendency or effect thereof is to lead the purchaser or prospective purchaser to believe such products are being offered for sale or sold at greatly reduced prices, or at so-called "bargain" prices, when such is not the fact. [Rule 4]

§ 51.5 Substitution of products.

It is an unfair trade practice for an industry member to make an unauthorized substitution of products, where such substitution has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making a substitution. [Rule 5]

§ 51.6 Deceptive use of trade or corporate names, trade-marks, etc.

It is an unfair trade practice for any member of the industry to use any trade name, corporate name, trade-mark, or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the character, name, nature, or origin of any product of the industry, or of any material used therein, or which is false or misleading in any material respect. [Rule 6]

§ 51.7 False invoicing.

Withholding from or inserting in invoices any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices, when having the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 7]

§ 51.8 Fictitious prices, price lists, etc.

The publishing or circulating by any member of the industry of false price quotations, price lists, terms or conditions of sale, or reports as to production or sales, when having the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, or the advertising, sale, or offering for sale of industry products at prices purporting to be reduced from what are in fact fictitious prices, or at purported reductions in prices when such purported reductions are in fact fictitious or are otherwise misleading or deceptive, is an unfair trade practice. [Rule 8]

§ 51.9 Guarantees, warranties, etc.

(a) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member:

(1) To represent that any industry product is guaranteed unless, in close conjunction with such representation, the identity of the guarantor, the extent and nature of the guarantee, and any material conditions or limitations relating to the liability of the guarantor under the guarantee, are adequately and nondeceptively disclosed; or

(2) To offer or use any guarantee respecting an industry product under which the guarantor fails to observe his obligations; or

(3) To offer or use any guarantee which is otherwise deceptive or unfair.

NOTE: On April 26, 1960, the Commission adopted "Guides Against Deceptive Advertising of Guarantees" which are set forth as an appendix to these rules.[1]

(b) This section shall be applicable not only to guarantees but also to warranties, to purported guarantees and warranties, and to any promise or representation in the nature of a guarantee or warranty. [Rule 9]

§ 51.10 Prohibited forms of trade restraints (unlawful price fixing, etc.)[2]

It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 10]

§ 51.11 Prohibited sales below cost.

(a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress or stifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect is, or where there is reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were: (1) Of seasonal goods near the conclusion of the season; (2) of obsolescent goods; (3) made under judicial process; or (4) made in bona fide discontinuance of business in the goods concerned.

(c) As used in paragraphs (a) and (b) of this section, the term "cost" means the respective seller's cost and not an average cost in the industry whether such average cost be determined by an industry cost survey or some other method. It consists of the total outlay or expenditure by the seller in the acquisition, production, and distribution of the products involved, and comprises all elements of cost such as labor, material, depreciation, taxes (except taxes on net income and such other taxes as are not properly applicable to cost), and general overhead expenses, incurred by the seller in the acquisition, manufacture, processing, preparation for marketing, sale, and delivery of the products. Not to be included are dividends or interest on borrowed or invested capital, or nonoperating losses, such as fire losses and losses from the sale or exchange of capital assets. Operating cost should not be reduced by items of nonoperating income, such as income from investments, and gain on the sale of capital assets.

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 11]

§ 51.12 Prohibited discrimination.[3]

(a) *Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate,

---

[1] Copies available at the Federal Trade Commission.

[2] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

[3] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under subparagraph (2) of this paragraph depends upon net savings in cost based on all facts relevant to the transactions under the terms of such subparagraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not necessarily follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to absolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE: Subsection (b) of section 2 of the Clayton Act, as amended, reads as follows: "Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

(b) *Examples of prohibited price differential practices.* The following are examples of price differential practices to be considered as subject to the prohibitions of paragraph (a) of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, or charitable institutions not operated for profit, as supplies for their own use, and when:

(1) The commerce requirements specified in paragraph (a) of this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see paragraph (a)(2) of this section; and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see paragraph (a)(4) of this section); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see paragraph (a)(5) of this section).

Example No. 1. At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of the customer's purchases during such period and fails to grant a discount of the same percentage to other customers on their purchases during such period.

Example No. 2. An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether or not such discrimination is accomplished by misrepresentation as to the grade and quality of the products sold.

(c) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(d) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

NOTE 1. Industry members giving advertising allowances to competing customers must exercise precaution and diligence in seeing that all of such allowances are used in accordance with the terms of their offers.

NOTE 2. When an industry member gives allowances to competing customers for advertising in a newspaper or periodical, the fact that a lower advertising rate for equivalent space is available to one or more, but not all, such customers, is not to be regarded by the industry member as warranting the retention by such customer or customers of any portion of the allowance for his or their personal use or benefit.

(e) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE: See subsection (b) of section 2 of the Clayton Act, as amended, which is set forth in the note concluding paragraph (a) of this section.

(f) *Clarification.* (1) The following is presented for the purpose of clarifying the requirements of paragraphs (d) and (e) of this section with respect to the supplying of marketing services, facilities or allowances by industry members to their customers, but it is not intended to imply by such presentation that other methods which assure of proportional equality of treatment of competing customers may not also be used.

(2) An industry member may simultaneously offer to each of his customers competing in the resale of his products the same kind of promotional service, facility or allowance of a cost value equal to a uniform percentage of the sales (or purchases) of the industry member's products by each customer during a specified and identical period of time: *Provided, however,* That when the service, facility or allowance offered is of a type which under reasonable terms and conditions is not usable or suitable to the facilities and business of all customers, and is offered to any one customer, the member offer each of those customers to whom the service, facility or allowance is not usable or suitable an alternative type of promotional service, facility or allowance which is of equivalent measurable cost, is

usable by the customer, and is suitable to his facilities and business, and promptly inform all competing customers of the kind and amount of services, facilities or allowances which he has offered to each and the respective terms and conditions under which such services, facilities or allowances are to be furnished by the industry member; *And provided, further,* That when the offer of any service, facility or allowance to any customer is conditioned on such customer supplying some reciprocal service, facility or payment, a reciprocal service, facility or payment be required in the offers to all other customers and there be an equality of ratio among all customers as to the measurable cost of that which is supplied by the industry member and the reciprocal service, facility or payment required of any customer. The industry member must take every reasonable precaution to see that services, facilities or allowances which he furnishes to customers are used in accord with the terms of his offer; and upon failure of the customer to perform any obligation on his part the industry member must cease supplying the customer any further service, facility or allowance.

(g) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of paragraphs (a) to (f) of this section. [Rule 12]

§ 51.13 Lifting of stocks.

It is an unfair trade practice for any member of the industry to purchase the stock of a distributor or dealer which has been supplied by a competitor or competitors when such practice is done as an inducement to the distributor or dealer to discontinue handling competitive products and to handle such member's products exclusively, and where the effect of such act or practice may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 13]

§ 51.14 Consignment distribution.

(a) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment without the express request or prior consent of the purchaser.

(b) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and restricting competitors' use of said trade outlets in getting their products to purchasers through regular channels of distribution, thereby injuring, destroying, or preventing competition or tending to create a monopoly or unreasonably to restrain trade.

(c) Nothing in this section shall be construed to authorize any understanding or agreemnt, combination or conspiracy, or planned common course of action, by and between industry members, mutually to conform or restrict their practice of shipping goods on consignment with the intent or effect of lessening competition. [Rule 14]

§ 51.15 Defamation of competitors or false disparagement of their products.

The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of competitors' products in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice.

NOTE: Nothing in this section shall be construed as preventing the full, fair, and nondeceptive comparison, by demonstration or otherwise, of competitors' products with the products of another industry member before purchasers or prospective purchasers.

[Rule 15]

§ 51.16 Procurement of competitors' confidential information by unfair means and wrongful use thereof.

It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained so as substantially to injure competition or unreasonably restrain trade. [Rule 16]

§ 51.17 Enticing away employees of competitors.

It is an unfair trade practice for any member of the industry wilfully to entice away employees or sales representatives of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition: *Provided,* That nothing in this section shall be construed as prohibiting employees from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not for the purpose of injuring, destroying, or preventing competition. [Rule 17]

§ 51.18 Exclusive deals.

It is an unfair trade practice for any member of the industry to lease, contract to sell or sell any industry product, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 18]

§ 51.19 Commercial bribery.

It is an unfair trade practice for a member of the industry, directly or indirectly to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 19]

§ 51.20 Unlawful interference with competitors' purchases or sales.

It is an unfair trade practice for any member of the industry, by means of any monopolistic practices or through combination, conspiracy, coercion, boycott, threats, or any other unlawful means, directly or indirectly, to interfere with a competitor's right to purchase his materials and supplies from whomsoever he chooses, or to sell his product to whomsoever he chooses. [Rule 20]

§ 51.21 Aiding or abetting use of unfair trade practices.

It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part. [Rule 21]

Issued: January 6, 1961.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 61-111; Filed, Jan. 10, 1961; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55290]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

PART 11—PACKING AND STAMPING; MARKING; TRADEMARKS AND TRADE NAMES; COPYRIGHTS

Recall of Merchandise Released From Customs Duty

Customs Form 4647, Notice That Goods Must Be Redelivered and Legally Marked or Exported or Destroyed Under Customs Supervision, covering cases of failure to comply with marking requirements to show country of origin, has now been revised to extend its application to the demand and notice to the importer required under the Customs Regulations pertaining to the Wool Products Labeling Act of 1939, the Fur Products Labeling Act, and the Textile Fiber Products Identification Act. To provide for the extended use of this form, the Customs Regulations are amended as set forth below:

1. a. In Part 8, § 8.26(a) is amended by inserting "customs Form 4647," following "customs Form 3483," in the second sentence. The second sentence, as amended, will read as follows: "The demand for the return of the merchandise shall be by letter, or on customs Form 3483, customs Form 4647, or other appropriate form."

b. The third sentence of § 8.26(c) is amended to read as follows: "The collector may also demand the return to customs custody of any merchandise for the purpose of requiring it to be marked or labeled pursuant to the provisions of paragraph 367 or 368, section 304, Tariff Act of 1930, as amended, the Wool Products Labeling Act of 1939, the Fur Products Labeling Act, or the Textile Fiber Products Identification Act."

(Secs. 499, 624, 46 Stat. 728, as amended, 759; 19 U.S.C. 1499, 1624)

2. In Part 11, §§ 11.12(d), 11.12a(d), and 11.12b(d) are amended by substituting "§ 8.26" for "§ 8.26(a)" where it appears therein.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

The use of revised customs Form 4647 shall be effected when the form is reprinted. In the meantime, existing forms for notification that goods must be returned to customs custody for compliance with the Wool Products Labeling Act of 1939, the Fur Products Labeling Act, and the Textile Products Identification Act shall be used.

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

Approved: January 4, 1961.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 61-192; Filed, Jan. 10, 1961; 8:49 a.m.]

[T.D. 55287]

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

Length of Time Records Must Be Retained by Public

Certain provisions of the Customs Regulations require the public to maintain records without specifying the period of time such records shall be retained. The following amendments are made to fix the period of time for the retention of such records.

1. Section 10.111(b), Customs Regulations, is amended by adding the following sentence: "The proof of use shall be based on adequate and carefully kept records of the importer, which shall be open at all times to inspection by employees of the Customs Service and which shall be retained for a period of 3 years from the date of liquidation of the entry."

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

2. Section 10.113(b), Customs Regulations, is amended by adding the following sentence: "The proof of use shall be based on adequate and carefully kept records of the importer, which shall be open at all times to inspection by employees of the Customs Service and which shall be retained for a period of 3 years from the date of liquidation of the entry."

(Sec. 1, 73 Stat. 596; 19 U.S.C. 1201 (par. 1823).)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: December 29, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 61-178; Filed, Jan. 10, 1961; 8:46 a.m.]

[T.D. 55286]

PART 14—APPRAISEMENT

Action by Appraiser; Appearance of Importer

In order to insure uniformity of action in the appraisement of merchandise subject to a dumping finding in any instance in which dumping duties are reimbursed in whole or in part by the seller, § 14.9 is amended by deleting the citation of authority at the end thereof and by adding the following new paragraph (f):

(f) In calculating purchase price or exporter's sales price, as the case may be, there shall be deducted the amount of any special dumping duties which are, or will be, paid by the manufacturer, producer, seller, or exporter, or which are, or will be, refunded to the importer by the manufacturer, producer, seller, or exporter, either directly or indirectly.

(Secs. 201, 202, 203, 204, 208, 407, 42 Stat. 11, as amended, 12, 13, 14, 18, sec. 486, 46 Stat. 725, as amended; 19 U.S.C. 160, 161, 162, 163, 167, 173, 1486)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: December 30, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R Doc. 61-177; Filed, Jan. 10, 1961; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

MODIFIED STARCH

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Corn Industries Research Foundation, Inc., 1001 Connecticut Avenue NW., Washington 6, D.C., Corn Products Company, 717 Fifth Avenue, New York 22, New York, National Starch and Chemical Corporation, 1700 West Front Street, Plainfield, New Jersey, and American Maize-Products Company, 113th Street and Indianapolis Boulevard, Roby, Indiana, 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 modified starch for use in food as a thickener, to improve texture and palatability, and to impart stability. 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 the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Part 121 of the food additive regulations (21 CFR Part 121) is amended by adding thereto the following new section:

§ 121.1031 Modified starch.

Modified starch may be safely used in foods as a thickener, to improve texture and palatability, and to impart stability, under the following prescribed conditions:

(a) Modified starch is a food starch which, in acordance with good manufacturing practice, has been structurally altered in part, in one of the following ways:

(1) By treatment with not more than 0.055 pound of chlorine, as sodium hypochlorite, per pound of dry starch.

(2) By treatment with not more than 0.3 percent of epichlorhydrin.

(3) By treatment with not more than 0.1 percent of phosphorus oxychloride.

(4) By treatment with sodium trimetaphosphate so as to contain no more than 0.04 percent phosphate, calculated as phosphorus.

(b) To assure safe use of the additive, the label of the food additive container shall bear, in addition to the other information required by the act:

(1) The name of the additive, "modified starch."

(2) Information describing how the starch is modified.

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: January 5, 1961.

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

[F.R. Doc. 61-188; Filed Jan. 10, 1961; 8:47 a.m.]

PART 121—FOOD ADDITIVES

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

PACKAGING STARCH

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Corn Industries Research Foundation, Inc., 1001 Connecticut Avenue NW., Washington 6, D.C., and National Starch and Chemical Corporation, 1700 West Front Street, Plainfield, New Jersey, 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 packaging starch for surface sizing and coating of paper and paperboard for use in food packaging. 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 the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Part 121 of the food additive regulations (21 CFR part 121) is amended by adding thereto the following new section:

§ 121.2506 Packaging starch.

Packaging starch may be safely used as a surface sizing or coating for paper or paperboard intended for food packaging, under the following prescribed conditions:

(a) Packaging starch is (1) modified starch or (2) a food starch which in accordance with good manufacturing practice has been structurally altered in part in one of the following ways:

(1) By treatment with not more than 3.0 percent of ethylene oxide.

(2) By treatment with not more than 3.0 percent of β-diethylamino-ethylchloride hydrochloride.

(b) To assure safe use of the additive, the label of the food additive container shall bear, in addition to the other information required by the act:

(1) The name of the additive, "packaging starch."

(2) Information describing how the starch is modified.

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: January 5, 1961.

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

[F.R. Doc. 61-189; Filed, Jan. 10, 1961; 8:47 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T. D. 6525]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

"Scientific" Organizations

On November 15, 1960, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) to prescribe a definition of the term "scientific", as used in section 501(c)(3) of the Internal Revenue Code of 1954, and to prescribe rules with respect to the taxation under section 511 of such Code of income derived from certain research, was published in the FEDERAL REGISTER (25 F.R. 10850). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as so published are hereby adopted, subject to the following change: Paragraph (d)(5) of § 1.501(c)(3)-1 is revised by adding a new subdivision at the end thereof.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: January 5, 1961.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

PARAGRAPH 1. Paragraph (d) of § 1.501(c)(3)-1 is amended by adding the following new subparagraph at the end thereof:

§ 1.501(c)(3)-1 Organizations organized and operated for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals.

* * * * *

(d) *Exempt purposes.* * * *

(5) *Scientific defined.* (i) Since an organization may meet the requirements of section 501(c)(3) only if it serves a public rather than a private interest, a "scientific" organization must be organized and operated in the public interest (see subparagraph (1)(ii) of this paragraph). Therefore, the term "scientific", as used in section 501(c)(3), includes the carrying on of scientific research in the public interest. Research when taken alone is a word with various meanings; it is not synonymous with "scientific"; and the nature of particular research depends upon the purpose which it serves. For research to be "scientific", within the meaning of section 501(c)(3), it must be carried on in furtherance of a "scientific" purpose. The determination as to whether research is "scientific" does not depend on whether such research is classified as "fundamental" or "basic" as contrasted with "applied" or "practical". On the other hand, for purposes of the exclusion from unrelated business taxable income provided by section 512(b)(9), it is necessary to determine whether the organization is operated primarily for purposes of carrying on "fundamental", as contrasted with "applied", research.

(ii) Scientific research does not include activities of a type ordinarily carried on as an incident to commercial or industrial operations, as, for example, the ordinary testing or inspection of materials or products or the designing or construction of equipment, buildings, etc.

(iii) Scientific research will be regarded as carried on in the public interest—

(*a*) If the results of such research (including any patents, copyrights, processes, or formulae resulting from such research) are made available to the public on a nondiscriminatory basis;

(*b*) If such research is performed for the United States, or any of its agencies or instrumentalities, or for a State or political subdivision thereof; or

(*c*) If such research is directed toward benefiting the public. The following are examples of scientific research which will be considered as directed toward benefiting the public, and, therefore, which will be regarded as carried on in the public interest: (*1*) Scientific research carried on for the purpose of aiding in the scientific education of college or university students; (2) scientific research carried on for the purpose of obtaining scientific information, which is published in a treatise, thesis, trade publication, or in any other form that is available to the interested public; (3) scientific re-

search carried on for the purpose of discovering a cure for a disease; or (4) scientific research carried on for the purpose of aiding a community or geographical area by attracting new industry to the community or area or by encouraging the development of, or retention of, an industry in the community or area. Scientific research described in this subdivision (c) will be regarded as carried on in the public interest even though such research is performed pursuant to a contract or agreement under which the sponsor or sponsors of the research have the right to obtain ownership or control of any patents, copyrights, processes, or formulae resulting from such research.

(iv) An organization will not be regarded as organized and operated for the purpose of carrying on scientific research in the public interest and, consequently, will not qualify under section 501(c)(3) as a "scientific" organization, if—

(*a*) Such organization will perform research only for persons which are (directly or indirectly) its creators and which are not described in section 501(c)(3), or

(*b*) Such organization retains (directly or indirectly) the ownership or control of more than an insubstantial portion of the patents, copyrights, processes, or formulae resulting from its research and does not make such patents, copyrights, processes, or formulae available to the public. For purposes of this subdivision, a patent, copyright, process, or formula shall be considered as made available to the public if such patent, copyright, process, or formula is made available to the public on a nondiscriminatory basis. In addition, although one person is granted the exclusive right to the use of a patent, copyright, process, or formula, such patent, copyright, process, or formula shall be considered as made available to the public if the granting of such exclusive right is the only practicable manner in which the patent, copyright, process, or formula can be utilized to benefit the public. In such a case, however, the research from which the patent, copyright, process, or formula resulted will be regarded as carried on in the public interest (within the meaning of subdivision (iii) of this subparagraph) only if it is carried on for a person described in subdivision (iii)(*b*) of this subparagraph or if it is scientific research described in subdivision (iii)(*c*) of this subparagraph.

(v) The fact that any organization (including a college, university, or hospital) carries on research which is not in furtherance of an exempt purpose described in section 501(c)(3) will not preclude such organization from meeting the requirements of section 501(c)(3) so long as the organization meets the organizational test and is not operated for the primary purpose of carrying on such research (see paragraph (e) of this section, relating to organizations carrying on a trade or business). See paragraph (a)(5) of § 1.513–1, with respect to research which constitutes an unrelated trade or business, and section 512(b)(7), (8), and (9), with respect to income derived from research which is excludable from the tax on unrelated business income.

(vi) The regulations in this subparagraph are applicable with respect to taxable years beginning after December 31, 1960.

PAR. 2. Paragraph (a) of § 1.513–1 is amended by adding the following new subparagraph at the end thereof:

§ 1.513–1 Definition of unrelated trade or business.

(a). *In general.* * * *

(5) If an organization receives a payment pursuant to a contract or agreement under which such organization is to perform research which constitutes an unrelated trade or business, the entire amount of such payment is income from an unrelated trade or business. See, however, section 512(b)(7), (8), and (9), relating to the exclusion from unrelated business taxable income of income derived from research for the United States, or any State, and of income derived from research performed for any person by a college, university, hospital, or organization operated primarily for the purpose of carrying on fundamental research the results of which are freely available to the general public.

[F.R. Doc. 61–195; Filed, Jan. 10, 1961; 8:49 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 785—HOURS WORKED

The purpose of the revision is to improve the usefulness of the regulations in 29 CFR Part 785 by increasing the number of sections in relation to the number of typographical units and by adding citations to some recent court decisions that involve principles discussed in these regulations.

Now, therefore, pursuant to the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), 29 CFR Part 785 is hereby revised to read as follows:

AUTHORITY: §§ 785.1 to 785.51 issued under 52 Stat. 1060; 29 U.S.C. 201–219.

Subpart A—General Considerations

§ 785.1 Introductory statement.

The Fair Labor Standards Act (52 Stat. 1060, 29 U.S.C. 201 et seq.) requires that each employee, not specifically exempted, who is engaged in interstate commerce or in the production of goods for such commerce, receive the statutory minimum wage. It also provides that no such employee may be employed for more than 40 hours a week without receiving at least time and one-half of his regular rate of pay for the overtime hours. The amount of money an employee should receive cannot be determined without knowing the number of hours he has worked. This part discusses the principles involved in determining what constitutes working time. It also seeks to apply these principles to situations that frequently arise. It cannot include every possible situation. No inference should be drawn from the fact that a subject or an illustration is omitted. If doubt arises inquiries should be sent to the Administrator of the Wage and Hour and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D.C., or to any Regional Office of the Divisions. A list of such offices is contained in § 785.51.

§ 785.2 Decisions on interpretations; use of interpretations.

The ultimate decisions on interpretations of the act are made by the courts. The Administrator must determine in the first instance the positions he will take in the enforcement of the act. The regulations in this part seek to inform the public of such positions. It should thus provide a "practical guide for employers and employees as to how the office representing the public interest in its enforcement will seek to apply it." (Skidmore v. Swift, 323 U.S. 134, 138 (1944))

§ 785.3 Period of effectiveness of interpretations.

These interpretations will remain in effect until they are rescinded, modified or withdrawn. This will be done when and if the Administrator concludes upon re-examination, or in the light of judicial decision, that a particular interpretation, ruling or enforcement policy is incorrect or unwarranted. All other rulings, interpretations or enforcement policies inconsistent with any portion of this part are superseded by it. The Portal-to-Portal Bulletin (Part 790 of this chapter) is still in effect except insofar as it may not be consistent with any portion hereof. The applicable statutory provisions are set forth in § 785.50.

§ 785.4 Application to Walsh-Healey Public Contracts Act.

The principles set forth in this part are are also followed by the Administrator of the Wage and Hour and Public Contracts Division in determining hours worked by employees performing work subject to the provisions of the Walsh-Healey Public Contracts Act.

Subpart B—Principles for Determination of Hours Worked

§ 785.5 General requirements of sections 6 and 7 of the Fair Labor Standards Act.

Section 6 requires the payment of the minimum wage by an employer to his employees who are subject to the act. Section 7 prohibits their employment for more than 40 hours without proper overtime compensation.

§ 785.6 Definition of "employ" and partial definition of "hours worked".

By statutory definition the term "employ" includes (section 3(g)) "to suffer or permit to work." The act, however, contains no definition of "work." Section 3(o) of the Fair Labor Standards Act contains a partial definition of "hours worked" in the form of a limited exception for clothes-changing and wash-up time.

§ 785.7 Judicial construction.

The United States Supreme Court originally stated that employees subject to the act must be paid for all time spent in "physical or mental exertion (whether burdensome or not) controlled or required by the employer and pursued necessarily and primarily for the benefit of the employer or his business." (Tennessee Coal, Iron & Railroad Co. v. Muscoda Local No. 123, 321 U.S. 590 (1944)) Subsequently, the Court ruled that there need be no exertion at all and that all hours are hours worked which the employee is required to give his employer, that "an employer, if he chooses, may hire a man to do nothing, or to do nothing but wait for something to happen. Refraining from other activity often is a factor of instant readiness to serve, and idleness plays a part in all employments in a stand-by capacity. Readiness to serve may be hired, quite as much as service itself, and time spent lying in wait for threats to the safety of the employer's property may be treated by the parties as a benefit to the employer." (Armour & Co. v. Wantock, 323 U.S. 126 (1944); Skidmore v. Swift, 323 U.S. 134 (1944)) The workweek ordinarily includes "all time during which an employee is necessarily required to be on the employer's premises, on duty or at a prescribed work place." (Anderson v. Mt. Clemens Pottery Co., 328 U.S. 680 (1946)) The Portal-to-Portal Act did not change the rule except to provide an exception for preliminary and postliminary activities. See § 785.34.

§ 785.8 Effect of custom, contract, or agreement.

The principles are applicable even though there may be a custom, contract, or agreement not to pay for the time so spent, with certain special statutory exceptions discussed in §§ 785.9 and 785.15.

§ 785.9 Statutory exceptions.

(a) The *Portal-to-Portal Act.* The Portal-to-Portal Act (secs. 1–13, 61 Stat. 84–89, 29 U.S.C. 251–262) eliminates from working time certain travel and walking time and other similar "preliminary" and "postliminary" activities performed "prior" or "subsequent" to the "workday" that are not made compensable by contract, custom, or practice. It should be noted that "preliminary" activities do not include "principal" activities. See §§ 790.6 to 790.8 of this chapter. Section 4 of the Portal-to-Portal Act does not affect the computation of hours worked within the "workday." "Workday," in general, means the period between "the time on any particular workday at which such employee commences [his] principal activity or activities" and "the time on any particular workday at which he ceases such principal activity or activities." The "workday" may thus be longer than the employee's scheduled shift, hours, tour of duty, or time on the production line. Also, its duration may vary from day to day depending upon when the employee commences or ceases his "principal" activities. With respect to time spent in any "preliminary" or "postliminary" activity compensable by contract, custom, or practice, the Portal-to-Portal Act requires that such time must also be counted for purposes of the Fair Labor Standards Act. There are, however, limitations on this requirement. The "preliminary" or "postliminary" activity in question must be engaged in during the portion of the day with respect to which it is made compensable by the contract, custom, or practice. Also, only the amount of time allowed by the contract or under the custom or practice is required to be counted. If, for example, the time allowed is 15 minutes but the activity takes 25 minutes, the time to be added to other working time would be limited to 15 minutes. (Galvin v. National Biscuit Co., 82 F. Supp. 535 (S.D.N.Y. 1949) appeal dismissed, 177 F. 2d 963 (C.A. 2, 1949))

(b) *Section 3(o) of the Fair Labor Standards Act.* Section 3(o) excludes certain time spent at the beginning or at the end of the workday in washing up or changing clothes, if these activities are excluded from measured working time by the provisions of, or by custom or practice under, a bona fide collective bargaining agreement applicable to the particular employee.

Subpart C—Application of Principles

§ 785.10 Scope of subpart.

This subpart applies the principles to the problems which arise frequently.

Employees "Suffered or Permitted" To Work

§ 785.11 General.

Work not requested but suffered or permitted is work time. For example, an employee may voluntarily continue to work at the end of the shift. He may be a pieceworker, he may desire to finish an assigned task or he may wish to correct errors, paste work tickets, prepare time reports or other records. The reason is immaterial. The employer knows or has reason to believe that he is continuing to work and the time is working

time. (Handler v. Thrasher, 191, F. 2d 120 (C.A. 10, 1951); Republican Publishing Co. v. American Newspaper Guild, 172 F. 2d 943 (C.A. 1, 1949; Kappler v. Republic Pictures Corp., 59 F. Supp. 112 (S.D. Iowa 1945), aff'd 151 F. 2d 543 (C.A. 8, 1945); 327 U.S. 757 (1946); Hogue v. National Automotive Parts Ass'n, 87 F. Supp. 816 (E.D. Mich. 1949); Barker v. Georgia Power & Light Co., 2 W.H. Cases 486; 5 CCH Labor Cases, para. 61,095 (M.D. Ga. 1942); Steger v. Beard & Stone Electric Co., Inc., 1 W.H. Cases 593; 4 Labor Cases 60,643 (N.D. Texas 1941))

§ 785.12 Work performed away from the premises or job site.

The rule is also applicable to work performed away from the premises or the job site, or even at home. If the employer knows or has reason to believe that the work is being performed, he must count the time as hours worked.

§ 785.13 Duty of management.

In all such cases it is the duty of the management to exercise its control and see that the work is not performed if it does not want it to be performed. It cannot sit back and accept the benefits without compensating for them. The mere promulgation of a rule against such work is not enough. Management has the power to enforce the rule and must make every effort to do so.

WAITING TIME

§ 785.14 General.

Whether waiting time is time worked under the act depends upon particular circumstances. The determination involves "scrutiny and construction of the agreements between particular parties, appraisal of their practical construction of the working agreement by conduct, consideration of the nature of the service, and its relation to the waiting time, and all of the circumstances. Facts may show that the employee was engaged to wait, or they may show that he waited to be engaged." (Skidmore v. Swift, 323 U.S. 134 (1944)) Such questions "must be determined in accordance with common sense and the general concept of work or employment." (Central Mo. Tel. Co. v. Conwell, 170 F. 2d 641 (C.A. 8, 1948))

§ 785.15 On duty.

A stenographer who reads a book while waiting for dictation, a messenger who works a crossword puzzle while awaiting assignments, fireman who plays checkers while waiting for alarms and a factory worker who talks to his fellow employees while waiting for machinery to be repaired are all working during their periods of inactivity. The rule also applies to employees who work away from the plant. For example, a repair man is working while he waits for his employer's customer to get the premises in readiness. The time is worktime even though the employee is allowed to leave the premises or the job site during such periods of inactivity. The periods during which these occur are unpredictable. They are usually of short duration. In either event the employee is unable to use the time effectively for his own purposes. It belongs to and is controlled by the employer. In all of these cases waiting is an integral part of the job. The employee is engaged to wait. (See: Skidmore v. Swift, 323 U.S. 134, 137 (1944); Wright v. Carrigg, 275 F. 2d 448, 14 W.H. Cases (C.A. 4, 1960); Mitchell v. Wigger, 39 Labor Cases, para. 66,278, 14 W.H. Cases 534 (D.N.M. 1960); Mitchell v. Nicholson, 179 F. Supp. 292, 14 W.H. Cases 487 (W.D.N.C. 1959))

§ 785.16 Off duty.

(a) *General.* Periods during which an employee is completely relieved from duty and which are long enough to enable him to use the time effectively for his own purposes are not hours worked. He is not completely relieved from duty and cannot use the time effectively for his own purposes unless he is definitely told in advance that he may leave the job and that he will not have to commence work until a definitely specified hour has arrived. Whether the time is long enough to enable him to use the time effectively for his own purposes depends upon all of the facts and circumstances of the case .

(b) *Truck drivers; specific examples.* A truck driver who has to wait at or near the job site for goods to be loaded is working during the loading period. If the driver reaches his destination and while awaiting the return trip is required to take care of his employer's property, he is also working while waiting. In both cases the employee is engaged to wait. Waiting is an integral part of the job. On the other hand, for example, if the truck driver is sent from Washington, D.C., to New York City, leaving at 6 a.m. and arriving at 12 noon, and is completely and specifically relieved from all duty until 6 p.m. when he again goes on duty for the return trip, the idle time is not working time. He is waiting to be engaged. (Skidmore v. Swift, 323 U.S. 134, 137 (1944); Walling v. Dunbar Transfer & Storage, 3 W.H. Cases 284; 7 Labor Cases para. 61,565 (W.D. Tenn. 1943); Gifford v. Chapman, 6 W.H. Cases 806; 12 Labor Cases para. 63,661 (W.D. Okla. 1947); Thompson v. Daugherty, 40 Supp. 279 (D. Md. 1941))

§ 785.17 On-call time.

An employee who is required to remain on call on the employer's premises or so close thereto that he cannot use the time effectively for his own purposes is working while "on call." An employee who is not required to remain on the employer's premises but is merely required to leave word at his home or with company officials where he may be reached is not working while on call. (Armour & Co. v. Wantock, 323 U.S. 126 (1944); Handler v. Thrasher, 191 F. 2d 120 (C.A. 10, 1951); Walling v. Bank of Waynesboro, Georgia, 61 F. Supp. 384 (S.D. Ga. 1945))

REST AND MEAL PERIODS

§ 785.18 Rest.

Rest periods of short duration, running from 5 minutes to about 20 minutes, are common in industry. They promote the efficiency of the employee and are customarily paid for as working time. They must be counted as hours worked. Compensable time of rest periods may not be offset against other working time such as compensable waiting time or on-call time. (Mitchell v. Greinetz, 235 F. 2d 621, 13 W.H. Cases 3 (C.A. 10, 1956); Ballard v. Consolidated Steel Corp., Ltd., 61 F. Supp. 996 (S.D. Cal. 1945))

§ 785.19 Meal.

(a) *Bona fide meal periods.* Bona fide meal periods are not worktime. Bona fide meal periods do not include coffee breaks or time for snacks. These are rest periods. The employee must be completely relieved from duty for the purposes of eating regular meals. Ordinarily 30 minutes or more is long enough for a bona fide meal period. A shorter period may be long enough under special conditions. The employee is not relieved if he is required to perform any duties, whether active or inactive, while eating. For example, an office employee who is required to eat at his desk or a factory worker who is required to be at his machine is working while eating. (Culkin v. Glenn L. Martin, Nebraska Co. 97 F. Supp. 661 (D. Neb. 1951), aff'd 197 F. 2d 981 (C.A. 8, 1952), cert. denied 344 U.S. 866 (1952) rehearing denied 344 U.S. 888 (1952); Thompson v. Stock & Sons, Inc., 93 F. Supp. 213 (E.D. Mich. 1950), aff'd 194 F. 2d 493 (C.A. 6, 1952); Biggs v. Joshua Hendy Corp., 183 F. 2d 515 (C.A. 9, 1950), 187 F. 2d 447 (C.A. 9, 1951); Walling v. Dunbar Transfer and Storage Co., 3 W.H. Cases 284; 7 Labor Cases para 61,565 (W.D. Tenn. 1943); Lofton v. Seneca Coal and Coke Co., 2 W.H. Cases 669; 6 Labor Cases para. 61,271 (N.D. Okla. 1942); aff'd 136 F. 2d 359 (C.A. 10, 1943); cert. denied 320 U.S. 772 (1943); Mitchell v. Tampa Cigar Co., 36 Labor Cases para. 65,198, 14 W.H. Cases 38 (S.D. Fla. 1959); Douglass v. Hurwitz Co., 145 F. Supp. 29, 13 W.H. Cases (E.D. Pa. 1956))

(b) *Where no permission to leave premises.* It is not necessary that an employee be permitted to leave the premises if he is otherwise completely freed from duties during the meal period.

SLEEPING TIME AND CERTAIN OTHER ACTIVITIES

§ 785.20 General.

Under certain conditions an employee is considered to be working even though some of his time is spent in sleeping or in certain other activities.

§ 785.21 Less than 24-hour duty.

An employee who is required to be on duty for less than 24 hours is working even though he is permitted to sleep or engage in other personal activities when not busy. A telephone operator, for example, who is required to be on duty for specified hours is working even though she is permitted to sleep when not busy answering calls. It makes no difference that she is furnished facilities for sleeping. Her time is given to her employer. She is required to be on duty and the time is worktime. (Central Mo. Telephone Co. v. Conwell, 170 F. 2d 641 (C.A. 8, 1948); Strand v. Garden Valley Telephone Co., 51 F. Supp. 898 (D. Minn. 1943); Whitsitt v. Enid Ice & Fuel Co.,

2 W.H. Cases 584; 6 Labor Cases para. 61,226 (W.D. Okla. 1942))

§ 785.22 Duty of 24 hours or more.

(a) *General.* Where an employee is required to be on duty for 24 hours or more, the employer and the employee may agree to exclude bona fide meal periods and a bona fide regularly scheduled sleeping period of not more than 8 hours from hours worked, provided adequate sleeping facilities are furnished by the employer and the employee can usually enjoy an uninterrupted night's sleep. If sleeping period is of more than 8 hours, only 8 hours will be credited. Where no expressed or implied agreement to the contrary is present, the 8 hours of sleeping time and lunch periods constitute hours worked. (Armour v. Wantock, 323 U.S. 126 (1944); Skidmore v. Swift, 323 U.S. 134 (1944); General Electric Co. v. Porter, 208 F. 2d 805 (C.A. 9, 1953), cert. denied, 347 U.S. 951, 975 (1954); Bowers v. Remington Rand, 64 F. Supp. 620 (S.D. Ill. 1946), aff'd 159 F. 2d 114 (C.A. 7, 1946) cert. denied 330 U.S. 843 (1947); Bell v. Porter, 159 F. 2d 117 (C.A. 7, 1946) cert. denied 330 U.S. 813 (1947); Bridgeman v. Ford, Bacon & Davis, 161 F. 2d 962 (C.A. 8, 1947); Rokey v. Day & Zimmerman, 157 F. 2d 736 (C.A. 8, 1946); McLaughlin v. Todd & Brown, Inc., 7 W.H. Cases 1014; 15 Labor Cases para. 64,606 (N.D. Ind. 1948); Campbell v. Jones & Laughlin, 70 F. Supp. 996 (W.D. Pa. 1947))

(b) *Interruptions of sleep.* If the sleeping period is interrupted by a call to duty, the interruption must be counted as hours worked. If the period is interrupted to such an extent that the employee cannot get a reasonable night's sleep, the entire period must be counted. For enforcement purposes, the Divisions have adopted the rule that if the employee cannot get at least 5 hours' sleep during the scheduled period the entire time is working time. (See Eustice v. Federal Cartridge Corp., 66 F. Supp. 55 (D. Minn. 1946))

§ 785.23 Employees residing on employer's premises or working at home.

An employee who resides on his employer's premises on a permanent basis or for extended periods of time is not considered as working all the time he is on the premises. Ordinarily, he may engage in normal private pursuits and thus have enough time for eating, sleeping, entertaining, and other periods of complete freedom from all duties when he may leave the premises for purposes of his own. It is of course difficult to determine the exact hours worked under these circumstances and any reasonable agreement of the parties which takes into consideration all of the pertinent facts will be accepted. This rule would apply, for example, to the pumper of a stripper well who resides on the premises of his employer and also to a telephone operator who has the switchboard in her own home. (Skelly Oil Co. v. Jackson, 194 Okla. 183, 148 P. 2d 182 (Okla. Sup. Ct. 1944; Thompson v. Loring Oil Co., 50 F. Supp. 213 (W.D. La. 1943))

Preparatory and Concluding Activities

§ 785.24 Principles noted in Portal-to-Portal Bulletin.

In November 1947, the Administrator issued the Portal-to-Portal Bulletin (Part 790 of this chapter). In dealing with this subject, § 790.8 (b) and (c) of this chapter said:

(b) The term "principal activities" includes all activities which are an integral part of a principal activity. Two examples of what is meant by an integral part of a principal activity are found in the report of the Judiciary Committee of the Senate on the Portal-to-Portal bill. They are the following:

(1) In connection with the operation of a lathe, an employee will frequently, at the commencement of his workday, oil, grease, or clean his machine, or install a new cutting tool. Such activities are an integral part of the principal activity, and are included within such term.

(2) In the case of a garment worker in a textile mill, who is required to report 30 minutes before other employees report to commence their principal activities, and who during such 30 minutes distributes clothing or parts of clothing at the workbenches of other employees and gets machines in readiness for operation by other employees, such activities are among the principal activities of such employee.

Such preparatory activities, which the Administrator has always regarded as work and as compensable under the Fair Labor Standards Act, remain so under the Portal Act, regardless of contrary custom or contract.

(c) Among the activities included as an integral part of a principal activity are those closely related activities which are indispensible to its performance. If an employee in a chemical plant, for example, cannot perform his principal activities without putting on certain clothes, changing clothes on the employer's premises at the beginning and end of the workday would be an integral part of the employee's principal activity. On the other hand, if changing clothes is merely a convenience to the employee and not directly related to his principal activities, it would be considered as a "preliminary" or "postliminary" activity rather than a principal part of the activity. However, activities such as checking in and out and waiting in line to do so would not ordinarily be regarded as integral parts of the principal activity or activities.

§ 785.25 Illustrative U.S. Supreme Court decisions.

These principles have guided the Administrator in the enforcement of the act. Two cases decided by the U.S. Supreme Court further illustrate the types of activities which are considered an integral part of the employees' jobs. In one, employees changed their clothes and took showers in a battery plant where the manufacturing process involved the extensive use of caustic and toxic materials. (Steiner v. Mitchell, 350 U.S. 247 (1956)) In another case knifemen in a meatpacking plant sharpened their knives before and after their scheduled workday. (Mitchell v. King Packing Co., 350 U.S. 260 (1950)) In both cases the Supreme Court held that these activities are an integral and indispensable part of the employees' principal activities.

§ 785.26 Section 3(o) of the Fair Labor Standards Act.

Section 3(o) of the act provides an exception to the general rule for employees under collective bargaining agreements. This section provides for the exclusion of time spent in changing clothes or washing at the beginning or end of the workday, if the time is excluded by the express terms of or by a custom or practice under a bona fide collective bargaining agreement applicable to the particular employee.

Lectures, Meetings and Training Programs

§ 785.27 General.

Attendance at lectures, meetings, training programs and similar activities need not be counted as working time if the following four criteria are met:

(a) Attendance is outside of the employee's regular working hours;

(b) attendance is in fact voluntary;

(c) the course, lecture, or meeting is not directly related to the employee's job; and

(d) the employee does not perform any productive work during such attendance.

§ 785.28 Involuntary attendance.

Attendance is not voluntary, of course, if it is required by the employer. It is not voluntary in fact if the employee is given to understand or led to believe that his present working conditions or the continuance of his employment would be adversely affected by nonattendance.

§ 785.29 Training directly related to employee's job.

The training is directly related to the employee's job if it is designed to make the employee handle his job more effectively as distinguished from training him for another job. For example, a stenographer who is given a course in stenography is engaged in an activity to make her a better stenographer. Time spent in such a course given by the employer or under his auspices is hours worked. However, if the stenographer takes a course in bookkeeping, it may not be directly related to her job. Thus, the time she spends voluntarily in taking such a bookkeeping course, outside of regular working hours, need not be counted as working time.

§ 785.30 Independent training.

Of course, if an employee on his own initiative attends an independent school, college or independent trade school after hours, the time is not hours worked for his employer even if the courses are related to his job.

§ 785.31 Special situations.

There are some special situations where the time spent in attending lectures, training sessions and courses of instruction is not regarded as hours worked. For example, an employer may establish for the benefit of his employees a program of instruction which corresponds to courses offered by independent bona fide institutions of learning. Voluntary attendance by an employee at such courses outside of working hours would not be hours worked even if they are directly related to his job, or paid for by the employer.

§ 785.32 Apprenticeship training.

As an enforcement policy, time spent in an organized program of related, supplemental instruction by employees working under bona fide apprenticeship programs may be excluded from working time if the following criteria are met:

(a) The apprentice is employed under a written apprenticeship agreement or program which substantially meets the fundamental standards of the Bureau of Apprenticeship and Training of the U.S. Department of Labor; and

(b) Such time does not involve productive work or performance of the apprentice's regular duties. If the above criteria are met the time spent in such related supplemental training shall not be counted as hours worked unless the written agreement specifically provides that it is hours worked. The mere payment or agreement to pay for time spent in related instruction does not constitute an agreement that such time is hours worked.

TRAVEL TIME

§ 785.33 General.

The principles which apply in determining whether or not time spent in travel is working time depend upon the kind of travel involved. The subject is discussed in §§ 785.35 to 785.41, which are preceded by a brief discussion in § 785.34 of the Portal-to-Portal Act as it applies to travel time.

§ 785.34 Effect of section 4 of the Portal-to-Portal Act.

The Portal Act provides in section 4(a) that except as provided in subsection (b) no employer shall be liable for the failure to pay the minimum wage or overtime compensation for time spent in "walking, riding, or traveling to and from the actual place of performance of the principal activity or activities which such employee is employed to perform either prior to the time on any particular workday at which such employee commences, or subsequent to the time on any particular workday at which he ceases, such principal activity or activities." Subsection (b) provides that the employer shall not be relieved from liability if the activity is compensable by express contract or by custom or practice not inconsistent with an express contract Thus travel time at the commencement or cessation of the workday which was originally considered as working time under the Fair Labor Standards Act (such as underground travel in mines or walking from time dock to work-bench need not be counted as working time unless it is compensable by contract, custom or practice. If compensable by express contract or by custom or practice not inconsistent with an express contract, such travel time must be counted in computing hours worked. However, ordinary travel from home to work (see § 785.35) need not be counted as hours worked even if the employer agrees to pay for it. (See Tennessee Coal, Iron & RR. Co. v. Muscoda Local, 321 U.S. 590 (1946); Anderson v. Mt. Clemens Pottery Co., 328 U.S. 690 (1946); Walling v. Anaconda Copper Mining Co., 66 F. Supp. 913 (D. Mont. (1946))

§ 785.35 Home to work; ordinary situation.

An employee who travels from home before his regular workday and returns to his home at the end of the workday is engaged in ordinary home to work travel which is a normal incident of employment. This is true whether he works at a fixed location or at different job sites. Normal travel from home to work is not worktime.

§ 785.36 Home to work in emergency situations.

There may be instances when travel from home to work is worktime. For example, if an employee who has gone home after completing his day's work is subsequently called out at night to travel a substantial distance to perform an emergency job for one of his employer's customers, all time spent on such travel is working time. The Divisions are taking no position on whether travel to the job and back home by an employee who receives an emergency call outside of his regular hours to report back to his regular place of business to do a job is working time.

§ 785.37 Home to work on special one-day assignment in another city.

A problem arises when an employee who regularly works at a fixed location in one city is given a special 1-day work assignment in another city. For example, an employee who works in Washington, D.C., with regular working hours from 9 a.m. to 5 p.m., may be given a special assignment in New York City, with instructions to leave Washington at 8 a.m. He arrives in New York at 12 noon, ready for work. The special assignment is completed at 3 p.m., and the employee arrives back in Washington at 7 p.m. Such travel cannot be regarded as ordinary home-to-work travel occasioned merely by the fact of employment. It was performed for the employer's benefit and at his special request to meet the needs of the particular and unusual assignment. It would thus qualify as an integral part of the "principal" activity which the employeee was hired to perform on the workday in question; it is like travel involved in an emergency call (described in § 785.36), or like travel that is all in the day's work (see § 785.38). All the time involved, however, need not be counted. Since, except for the special assignment, the employee would have had to report to his regular work site, the travel between his home and the railroad depot may be deducted, it being in the "home-to-work" category. Also, of course, the usual meal time would be deductible.

§ 785.38 Travel that is all in the day's work.

Time spent by an employee in travel as part of his principal activity, such as travel from job site to job site during the workday, must be counted as hours worked. Where an employee is required to report at a meeting place to receive instructions or to perform other work there, or to pick up and to carry tools, the travel from the designated place to the work place is part of the day's work, and must be counted as hours worked regardless of contract, custom, or practice. If an employee normally finishes his work on the premises at 5 p.m. and is sent to another job which he finishes at 8 p.m. and is required to return to his employer's premises arriving at 9 p.m., all of the time is working time. However, if the employee goes home instead of returning to his employer's premises, the travel after 8 p.m. is home-to-work travel and is not hours worked. (Walling v. Mid-Continent Pipe Line Co., 143 F. 2d 308 (C.A. 10, 1944))

§ 785.39 Travel away from home community.

Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly worktime when it cuts across the employee's workday. The employee is simply substituting travel for other duties. The time is not only hours worked on regular working days during normal working hours but also during the corresponding hours on nonworking days. Thus, if an employee regularly works from 9 a.m. to 5 p.m. from Monday through Friday the travel time during these hours is worktime on Saturday and Sunday as well as on the other days. Regular meal period time is not counted. As an enforcement policy the Divisions will not consider as worktime that time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile.

§ 785.40 When private automobile is used in travel away from home community.

If an employee is offered public transportation but requests permission to drive his car instead, the employer may count as hours worked either the time spent driving the car or the time he would have had to count as hours worked during working hours if the employee had used the public conveyance.

§ 785.41 Work performed while traveling.

Any work which an employee is required to perform while traveling must of course be counted as hours worked. An employee who drives a truck, bus, automobile, boat or airplane, or an employee who is required to ride therein as an assistant or helper, is working while riding, except during bona fide meal periods or when he is permitted

to sleep in adequate facilities furnished by the employer.

ADJUSTING GRIEVANCES, MEDICAL ATTENTION, CIVIC AND CHARITABLE WORK, AND SUGGESTION SYSTEMS

§ 785.42 Adjusting grievances.

Time spent in adjusting grievances between an employer and employees during the time the employees are required to be on the premises is hours worked, but in the event a bona fide union is involved the counting of such time will, as a matter of enforcement policy, be left to the process of collective bargaining or to the custom or practice under the collective bargaining agreement.

§ 785.43 Medical attention.

Time spent by an employee in waiting for and receiving medical attention on the premises or at the direction of the employer during the employee's normal working hours on days when he is working constitutes hours worked.

§ 785.44 Civic and charitable work.

Time spent in work for public or charitable purposes at the employer's request, or under his direction or control, or while the employee is required to be on the premises, is working time. However, time spent voluntarily in such activities outside of the employee's normal working hours is not hours worked.

§ 785.45 Suggestion systems.

Generally, time spent by employees outside of their regular working hours in developing suggestions under a general suggestion system is not working time, but if employees are permitted to work on suggestions during regular working hours the time spent must be counted as hours worked. Where an employee is assigned to work on the development of a suggestion, the time is considered hours worked.

Subpart D—Recording Working Time

§ 785.46 Applicable regulations governing keeping of records.

Section 11(c) of the act authorizes the Secretary to promulgate regulations requiring the keeping of records of hours worked, wages paid and other conditions of employment. These regulations are published in Part 516 of this chapter. Copies of the regulations may be obtained on request.

§ 785.47 Where records show insubstantial or insignificant periods of time.

In recording working time under the act, insubstantial or insignificant periods of time beyond the scheduled working hours, which cannot as a practical administrative matter be precisely recorded for payroll purposes, may be disregarded. The courts have held that such trifles are de minimis. (Anderson v. Mt. Clemens Pottery Co., 328 U.S. 680 (1946)). This rule applies only where ther are uncertain and indefinite periods of time involved of a few seconds or minutes duration, and where the failure to count such time is due to considerations justified by industrial realities. An employer may not arbitrarily fail to count as hours worked any part, however small, of the employee's fixed or regular working time or practically ascertainable periods of time he is regularly required to spend on duties assigned to him. See Glenn L. Martin Nebraska Co. v. Culkin, 197 F. 2d 981, 987 (C.A. 8, 1952), cert. denied, 344 U.S. 866 (1952), rehearing denied, 344 U.S. 888 (1952), holding that working time amounting to $1 of additional compensation a week is "not a trivial matter to a workingman," and was not de minimis; Addison v. Huron Stevedoring Corp., 204 F. 2d 88, 95 (C.A. 2, 1953), cert. denied 346 U.S. 877, holding that "To disregard workweeks for which less than a dollar is due will produce capricious and unfair results." Hawkins v. E. I. du Pont de Nemours & Co., 12 W. H. Cases 448, 27 Labor Cases, para. 69, 094 (E. D. Va., 1955), holding that 10 minutes a day is not de minimis.

§ 785.48 Use of time clocks.

(a) *Differences between clock records and actual hours worked.* Time clocks are not required. In those cases where time clocks are used, employees who voluntarily come in before their regular starting time or remain after their closing time, do not have to be paid for such periods provided, of course, that they do not engage in any work. Their early or late clock punching may be disregarded. Minor differences between the clock records and actual hours worked cannot ordinarily be avoided, but major discrepancies should be discouraged since they raise a doubt as to the accuracy of the records of the hours actually worked.

(b) *"Rounding" practices.* It has been found that in some industries, particularly where time clocks are used, there has been the practice for many years of recording the employees' starting time and stopping time to the nearest 5 minutes, or to the nearest one-tenth or quarter of an hour. Presumably, this arrangement averages out so that the employees are fully compensated for all the time they actually work. For enforcement purposes this practice of computing working time will be accepted, provided that it is used in such a manner that it will not result, over a period of time, in failure to compensate the employees properly for all the time they have actually worked.

Subpart E—Miscellaneous Provisions

§ 785.49 Applicable provisions of the Fair Labor Standards Act.

(a) *Section 6(a).* Section 6(a) of this act provides that "Every employer shall pay to each of his employees who is engaged in commerce or in the production of goods for commerce wages at the following rates (1) not less than $1 an hour; * * *".

(b) *Section 7(a).* Section 7(a) of this act provides that "Except as otherwise provided in this section no employer shall employ any of his employees who is engaged in commerce or in the production of goods for commerce for a workweek longer than 40 hours, unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed."

(c) *Section 3(g).* Section 3(g) of this act provides that: "'Employ' includes to suffer or permit to work."

(d) *Section 3(o).* Section 3(o) of this act provides that: "Hours worked—in determining for the purposes of sections 6 and 7 the hours for which an employee is employed, there shall be excluded any time spent in changing clothes or washing at the beginning or end of each workday which was excluded from the measured working time during the week involved by the express terms of or by custom or practice under a bona fide collective-bargaining agreement applicable to the particular employees."

§ 785.50 Section 4 of the Portal-to-Portal Act.

Section 4 of this act provides that:

(a) Except as provided in paragraph (b), of this section, no employer shall be subject to any liability or punishment under the Fair Labor Standards Act of 1938, as amended, the Walsh-Healey Act, or the Davis-Bacon Act, on account of the failure of such employer to pay an employee minimum wages, or to pay an employee overtime compensation, for or on account of any of the following activities of such employee engaged in on or after May 14, 1947:

(1) Walking, riding, or traveling to and from the actual place of performance of the principal activity or activities which such employee is employed to perform, and

(2) Activities which are preliminary to or postliminary to said principal activity or activities, which occur either prior to the time on any particular workday at which such employee commences, or subsequent to the time on any particular workday at which he ceases, such principal activity or activities.

(b) Notwithstanding the provisions of paragraph (a) of this section which relieve an employer from liability and punishment with respect to an activity the employer shall not be so relieved if such activity is compensable by either:

(1) An express provision of a written or nonwritten contract in effect, at the time of such activity, between such employee, his agent, or collective-bargaining representative and his employer; or

(2) A custom or practice in effect, at the time of such activity, at the establishment or other place where such employee is employed, covering such activity, not inconsistent with a written or nonwritten contract in effect at the time of such activity, between such employee, his agent, or collective-bargaining representative and his employer.

(c) For the purposes of paragraph (b) of this section, an activity shall be considered as compensable, under such contract provision or such custom or practice only when it is engaged in during the portion of the day with respect to which it is so made compensable.

(d) In the application of the minimum wage and overtime compensation provisions of the Fair Labor Standards Act of 1938, as amended, of the Walsh-Healey Act, or of the Davis-Bacon Act, in determining the time for which an employer employs an employee with re-

spect to walking, riding, traveling, or other preliminary or postliminary activities described in paragraph (a) of this section, there shall be counted all that time, but only that time, during which the employee engages in any such activity which is compensable within the meaning of paragraphs (b) and (c) of this section.

§ 785.51 Location of offices of the Wage and Hour and Public Contracts Divisions.

Offices of the Wage and Hour and Public Contracts Divisions are located in:

Region I—(Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont)

Regional Office: Boston, Mass.

Region II—(New Jersey, New York)

Regional Office: New York, N.Y.

Region III—(Delaware, Maryland, Pennsylvania)

Regional Office: Chambersburg, Pa.

Region IV—(Alabama, Florida, Georgia, Mississippi, South Carolina)

Regional Office: Birmingham, Ala.

Region V—(Michigan, Ohio)

Regional Office: Cleveland, Ohio.

Region VI—(Illinois, Indiana, Minnesota, Wisconsin)

Regional Office: Chicago, Ill.

Region VII—(Colorado, Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota, Wyoming)

Regional Office: Kansas City, Mo.

Region VIII—(Arkansas, Louisiana, New Mexico, Oklahoma, Texas)

Regional Office: Dallas, Texas

Region IX—(Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington)

Regional Office: San Francisco, Calif.

Region X—(Kentucky, Tennessee, Virginia, West Virginia)

Regional Office: Nashville, Tenn.

Cooperating State Agency—(North Carolina)

North Carolina Department of Labor: Raleigh, N.C.

Territorial—Puerto Rico: San Juan

This revision shall become effective immediately upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 3d day of January 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-131; Filed, Jan. 10, 1961; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 963]

[Docket No. AO-309-A2]

MILK IN GREAT BASIN MARKETING AREA

Notice of Extension of Time for Filing Exceptions to the Recommended Decision to Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Great Basin marketing area, which was issued December 21, 1960 (25 F.R. 13787), is hereby extended to January 27, 1961.

Dated: January 6, 1961.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 61-181; Filed, Jan. 10, 1961; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)); notice is given that a petition has been filed by Germantown Manufacturing Company, 5100 Lancaster Avenue, Philadelphia 31, Pennsylvania, proposing the issuance of a regulation to permit the safe use of sorbitol as a sweetening agent in the manufacture of artificially sweetened frozen desserts.

Dated: January 3, 1961.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 61-190; Filed, Jan. 10, 1961; 8:48 a.m.]

Notices

FEDERAL AVIATION AGENCY

[OE Docket No. 60-KC-2]

CONSTRUCTION OF RADIO ANTENNA STRUCTURES

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to consider its effect upon the utilization of airspace:

The Emergency Radio Communications Ass'n, Inc., Moline, Illinois, proposes to erect two radio antenna structures to be located near Moline, Illinois, at latitude 41°26'11.5" North, longitude 90°30'48" West. The overall height of the structures would be 80 feet above ground (730 feet MSL).

Aeronautical objections were received, as a result of the circularization, based on the fact that the proposed structures would be within the traffic pattern of aircraft operating at the Quad City Airport. However, the aeronautical study by the Agency revealed that the proposed structures would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, it is the finding of the Federal Aviation Agency that no objection from an airspace utilization standpoint be interposed by the Agency to this proposal, provided that each structure will be marked and lighted in accordance with presently applicable standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on January 5, 1961.

JAMES T. PYLE,
Acting Administrator.

JANUARY 5, 1961.

[F.R. Doc. 61-170; Filed, Jan. 10, 1961; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI61-308 etc.]

CABOT CORP. (GLC) ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1] and Allowing Increased Rates To Become Effective Subject to Refund

DECEMBER 30, 1960.

Cabot Corporation (GLC), Docket No. RI61-308; Texaco Inc., Docket No. RI61-309; Placid Oil Company (Operator) et al., Docket No. RI61-176; Graham-Michaelis Drilling Company, Docket No. RI61-310; Gulf Oil Corporation, Docket No. RI61-311.

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

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf [2]		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI61-308	Cabot Corporation (GLC) Union Bldg., Charleston, W. Va.	2	12	Hope Natural Gas Co. (Kanawha County, W. Va.).	$36,448	12- 1-60	1- 1-61	1- 2-61	25.08	[3] 30.52	G-11626
		1	5	Hope Natural Gas Co. (Calhoun County, W. Va.).	37,240	12- 1-60	1- 1-61	1- 2-61	20.0	23.04	----------
RI61-309	Texaco Inc. P.O. Box 2332, Houston, Tex.	9	14	Northern Natural Gas Co. (West Panhandle Field, Carson County, Tex.).	342	12- 1-60	1- 1-61	6- 1-61	[4] 11.3057	11.553	RI60-446
RI61-176	Placid Oil Co., (Operator), et al. 418 Marke St., Shreveport, La.	30	----------	H. L. Hunt, et al. (North Lansing Field, Harrison County, Tex.).	----------	11-30-60	12-31-60	4- 1-61	[5] 14.5	----------	----------
RI61-310	Graham-Michaelis Drilling Co., c/o Collins, Hughes, Martin, Pringle & Schell, 500 Petroleum Bldg., Wichita 2, Kans.	46	2	Northern Natural Gas Co. (McKinney Field, Clark County, Kans.).	600	12- 2-60	1- 2-61	6- 2-61	12.5	14.0	----------
RI61-311	Gulf Oil Corporation, P.O. Drawer 2100, Houston 1, Tex.	130	14	Natural Gas P/L Co. of America (Boonesville Bend & Kenrich Conglomerate Fields, Jack and Wise Counties, Tex.).	45,295	11-29-60	1- 2-61	6- 2-61	[6] 13.0	14.0	----------

[1] The stated effective dates are the first day after the required 30-days statutory notice or, if later, the date proposed by Respondents.
[2] Rates under revelw in Docket No. RI61-308 at 15.325 psia; all others at 14.65 psia.
[3] Includes increment for gathering and delivery.
[4] Also subject to proceedings in Docket No. G-20433.
[5] Rate Schedule No. 30 supersedes Rate Schedule No. 16 which is suspended until April 1, 1961, in Docket No. RI61-176. No increase over the superseded rate is provided herein.
[6] Subject to Btu and delivery pressure adjustments.

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

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

The Commission orders:

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

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

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

(D) Supplement Nos. 12 and 5 to Cabot Corporation (GLC)'s FPC Gas Rate Schedule Nos. 2 and 1, respectively, shall be effective as of January 2, 1961: *Provided, however,* That within 20 days from the date of the issuance of this order,

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

Cabot Corporation (GLC) shall file under Docket No. RI61-308 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreement and undertaking shall be signed by a responsible officer of the corporation accompanied by proper authorization from the Board of Directors and by a certificate showing service of copies upon all purchasers under the rate schedule involved. Unless Cabot Corporation (GLC) is advised to the contrary within 15 days after the filing of such agreement and undertaking, its agreement and undertaking shall be deemed to have been accepted.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 17, 1961.

By the Commission.

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

[F.R. Doc. 61-172; Filed, Jan. 10, 1961; 8:45 a.m.]

[Docket No. G-9716 etc.]

SINCLAIR OIL & GAS CO.

Order Amending Order Permitting Increased Rates To Remain in Effect and Severing and Terminating Proceedings

NOVEMBER 18, 1960.

Sinclair Oil & Gas Company, Docket Nos. G-9716, G-9717, G-9718, G-10011, G-10293, G-12117.

Sinclair Oil & Gas Company (Sinclair) on August 29, 1960, filed a motion to amend the Commission's order issued April 14, 1960, permitting termination of the above-captioned proceedings to also provide that the increased rates contained in Sinclair's FPC Gas Rate Schedule Nos. 79, 80 and 81 be permitted to continue in effect without refund obligation.

By orders of the Commission issued November 30, 1955, the increased rates contained in Sinclair's FPC Gas Rate Schedule Nos. 79, 80 and 81, and in Supplement No. 1 to Sinclair's FPC Gas Rate Schedule Nos. 79, 80 and 81, respectively, were suspended in Docket Nos. G-9716, G-9717, and G-9718, respectively. The above-mentioned rate schedules and the supplements thereto were made effective subject to refund on May 2, 1956. However, in its motion to terminate the proceedings in Docket Nos. G-9716, G-9717 and G-9718, Sinclair did not include the above-mentioned rate schedules but only the supplements to those rate schedules. Sinclair's motion to amend the order of April 14, 1960, seeks to correct this omission.

The Commission finds: It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act that the order issued April 14, 1960, herein should be amended as hereinafter provided and ordered.

The Commission orders:

(A) Paragraph (2) of the Commission's findings in the order issued April 14, 1960, in the above-captioned proceedings is hereby amended to read:

(2) Good cause exists for terminating the proceedings in Docket Nos. G-9716, G-9717, G-9718, G-10011, G-10293 and G-12117, for discharging any refund obligations therein, and for permitting the rates proposed in Sinclair's FPC Gas Rate Schedules Nos. 79, 80 and 81, Supplement No. 1 to Sinclair's FPC Gas Rate Schedule No. 79, No. 1 to Schedule No. 80, No. 1 to Schedule No. 81, No. 7 to Schedule No. 9, No. 3 to Schedule Nos. 15, 16 and 17 and No. 1 to Schedule No. 109 to continue in effect without refund obligation.

(B) Paragraph (C) of the ordering clauses in the Commission's order issued April 14, 1960 in the above-captioned proceedings is hereby amended to read:

(C) Sinclair's FPC Gas Rate Schedule Nos. 79, 80 and 81, Supplement No. 1 to Sinclair's FPC Gas Rate Schedule No. 79, No. 1 to Schedule No. 80, No. 1 to Schedule No. 81, No. 7 to Schedule No. 9, No. 3 to Schedule Nos. 15, 16, and 17, and No. 1 to Schedule No. 109 are permitted to continue in effect without refund obligation.

By the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 61-175; Filed, Jan. 10, 1961; 8:48 a.m.]

[Docket Nos. RI61-303—RI61-306]

BBM DRILLING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 30, 1960.

BBM Drilling Company, et al., Docket No. RI61-303; BBM Drilling Company (Operator), et al., Docket No. RI61-304; Tekoil Corporation, Docket No. RI61-305; Martin, Williams & Judson, et al., Docket No. RI61-306.

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

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf [2]		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI61-303	BBM Drilling Co., et al. 683 San Jacinto Building, Houston 2, Tex.	2	7	El Paso Natural Gas Co. (Spraberry Field, Reagan, Upton and Midland Counties, Tex.).	$292	12-2-60	1-2-61	6-2-61	10.096	11.1056	----------
		2	8		644	12-2-60	1-2-61	6-2-61	10.096	11.1056	----------
RI61-303	BBM Drilling Co. et al.	3	5	El Paso Natural Gas Co., (Spraberry Field, Reagan County, Tex.).	292	12-2-60	1-2-61	6-2-61	10.096	11.1056	----------
RI61-304	BBM Drilling Co. (Operator) et al.	4	11	El Paso Natural Gas Co. (Spraberry Field, Midland County, Tex.).	810	12-2-60	1-2-61	6-2-61	10.096	11.1056	----------
		6	4		3,092	12-2-60	1-2-61	6-2-61	10.096	11.1056	----------
RI61-305	Tekoil Corporation 1515 Classen Boulevard, Oklahoma City, Okla.	3	1	Kansas-Nebraska Natural Gas Co., Inc. (Camfield Field, Texas County, Okla.).	255	12-2-60	1-2-61	6-2-61	16.0	16.8	----------
RI61-306	Martin, Williams & Judson et al., 413 First National Bank Building, Midland, Tex.	2	1	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.).	1,532	12-2-60	1-2-61	6-2-61	11.1485	17.2295	----------

[1] Stated effective dates are the first day after the required 30-day statutory notice.
[2] Rates in the proceeding in Docket RI61-307 at 15.025 psia; all others at 14.65 psia.

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

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

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4

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

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

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

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 17, 1961.

By the Commission.

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

[F.R. Doc. 61-171; Filed, Jan. 10, 1961; 8:45 a.m.]

[Docket Nos. RI61-312—RI61-315]

FOSTER PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 30, 1960.

Foster Petroleum Corporation, Docket No. RI61-312; Samedan Oil Corporation (Operator), et al., Docket No. RI61-313; Phillips Petroleum Company, Docket No. RI61-314; Shallow Oil Company, Inc. (Operator), et al., Docket No. RI61-315.

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

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI61-312	Foster Petroleum Corp., Bartlesville, Okla.	13	4	Colorado Interstate Gas Co. (Greenwood Field, Morton Co., Kansas).	$142	12- 5-60	1- 5-61	6- 5-61	15.0	[2] 16.0	
RI61-313	Samedan Oil Corp. (Operator), et al. c/o Jerome M. Alper, Esq., 1725 Eye St. NW., Washington 6, D.C.	4	3	United Gas Pipe Line Co. (Midland-Esterwood Field, Acadia Parish, La.).	26,361	12- 2-60	1- 2-61	6- 2-61	20.25	[3] 22.25	
RI61-313	Samedan Oil Corp. (Operator), et al.	6	1	United Fuel Gas Co. (Chalkley Field, Cameron Parish, La.).	494	12- 5-60	1- 5-61	6- 5-61	19.5	[3] 19.9	
RI61-314	Phillips Petroleum Co., Bartlesville, Okla.	257 298	7 7	Natural Gas Pipe Line Co. of America (Hugoton Field, Texas Co., Okla.).	258 321	12-15-60 12-15-60	1-23-61 1-23-61	6-23-61 6-23-61	16.8 16.8	[3] 17.0 [2] 17.0	
RI61-315	Shallow Oil Co., Inc. (Operator), et al., 1203 Beck Bldg., Shreveport, La.	3	3	United Gas Pipe Line Co. (East Gibson Field, Terrebonne Parish, La.).	5,400	12- 5-60	1- 5-61	6- 5-61	20.25	[3] 22.25	

[1] The proposed effective dates are the first days after the required thirty days notice or, if later, the date requested by Respondent.
[2] The pressure base is 14.65 psia.
[3] The pressure base is 15.025 psia.

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

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

The Commission orders:

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

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

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 17, 1961.

By the Commission.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F.R. Doc. 61-173; Filed, Jan. 10, 1961; 8:45 a.m.]

[Docket Nos. RP61-8, RP61-9]

NATURAL GAS PIPELINE COMPANY OF AMERICA AND PEOPLES GULF COAST NATURAL GAS PIPELINE CO.

Order Granting Special Permission To File Substitute Tariff, Suspending Proposed Gas Tariff and Terminating Proceeding

NOVEMBER 23, 1960.

On October 24, 1960, Natural Gas Pipeline Company of America (Natural Gas) tendered for filing a single FPC Gas Tariff, designated Second Revised Volumes Nos. 1 and 2, to supersede First Revised Volumes Nos. 1 and 2 of its tariff and also Original Volumes Nos. 1 and 2 of the FPC Gas Tariff of Peoples Gulf Coast Natural Gas Pipeline Company (Peoples Gulf). By order issued September 30, 1960, in the above-entitled proceedings, certain revised tariff sheets to Volumes No. 1 of the presently effective tariffs of both Natural Gas and Peoples Gulf were suspended until March 1, 1961, and thereafter until such time as they are made effective in the manner prescribed by the Natural Gas Act. In view of the suspended status of these revised tariff sheets, Natural Gas requests that special permission be granted pursuant to § 154.66 of the Commission's regulations under the Natural Gas Act to permit its proposed Second Revised Volume No. 1 to be substituted for its revised tariff sheets and those of Peoples Gulf which are now under suspension. As to the tendered Second Revised Volume No. 2 of the Natural Gas' FPC Gas Tariff, the rate schedules contained in this tendered revision are the same as those now in effect in the Volumes No. 2 of the Gas Tariff's of both Natural Gas and Peoples Gulf.

The tendered filing in question is occasioned by the recent merger of Peoples Gulf into Natural Gas, in accordance with the granted by the Commission in

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

its order issued September 29, 1960, in Docket No. CP60–97. Prior to that Peoples Gulf had acquired all the facilities of Texas Illinois Natural Gas Pipeline Company. Both Natural Gas and Peoples Gulf are subsidiaries of The Peoples Gas Light and Coke Company. Thus the proposed filings are designed to combine the rates of Natural Gas and the now non-existent Peoples Gulf.

The annual increase in rates and charges proposed by both Natural Gas and Peoples Gulf in these proceedings totals approximately $4,200,000. The tendered filing in question would produce estimated revenues approximately $75,000 less than those estimated under the rate-increase proposals sought to be superseded. The same purported justification, except for minor modifications, is presented in support of both the proposed superseding and the original rate-increase applications in these proceedings.

Since the issues raised in Docket No. RP61–9 of Peoples Gulf are rendered moot by the filing made by Natural Gas on October 24, 1960, it appears that such proceeding should be terminated.

The Commission finds:

(1) Special permission, under § 154.66 of the regulations under the Natural Gas Act, should be granted to Natural Gas to substitute its proposed FPC Gas Tariff, Second Revised Volumes Nos. 1 and 2, for Volumes Nos. 1 and 2 of the tariff of Natural Gas and Peoples Gulf, including those tariff sheets which are under suspension in these proceedings.

(2) Second Revised Volumes Nos. 1 and 2 of Natural Gas' FPC Gas Tariff should be suspended until March 1, 1961, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

The Commission orders:

(A) Special permission, under § 154.66 of the regulations under the Natural Gas Act, is hereby granted to Natural Gas to substitute its proposed FPC Gas Tariff, Second Revised Volumes Nos. 1 and 2 for Volumes Nos. 1 and 2 of the tariffs of Natural Gas and Peoples Gulf, including those tariff sheets which are under suspension in these proceedings.

(B) Pending the hearings and decision heretofore provided for in the order issued herein on September 30, 1960, Second Revised Volumes Nos. 1 and 2 to the FPC Gas Tariff of Natural Gas are hereby suspended and the use thereof deferred until March 1, 1961, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) The proceeding in Docket No. RP61–9 herein is hereby terminated without prejudice to the ultimate disposition of the proceeding in Docket No. RP61–8.

(D) The public hearings provided for in the order issued herein on September 30, 1960, shall be held as therein specified, and to the same force and effect as if that order had dealt with the superseding filings made on October 24, 1960, by Natural Gas on behalf of itself and the now merged Peoples Gulf Coast Natural Gas Pipeline Company.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–174; Filed, Jan. 10, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 10754]

EASTERN AIR LINES, INC., AND NATIONAL AIRLINES, INC.; ENFORCEMENT PROCEEDING

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on January 18, 1961, at 10:00 a.m., e.s.t, in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., January 5, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61–193; Filed, Jan. 10, 1961; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811–446]

SOUTHERN INDEMNITY UNDERWRITERS, INC.

Motion for Order

JANUARY 4, 1961.

Notice is hereby given that the Securities and Exchange Commission ("Applicant") hereby moves pursuant to section 8(f) of the Investment Company Act of 1940, for an order finding and declaring that Southern Indemnity Underwriters, Inc. ("Southern") has ceased to be an investment company.

In support of said motion, the Commission sets forth the following:

Southern registered as a face amount certificate company under section 8(a) of the Investment Company Act of 1940, by notification of registration filed June 10, 1941.

Some certificates were sold early in 1941; however, sales ceased in late 1941. Certificate reserves were held in trust at The Louisville Trust Company, Louisville, Kentucky.

On October 6, 1960, Hubert Early, Trust Officer of The Louisville Trust Company, advised this Commission that the Trust assets consisted of $139.52, representing the liquidating value on 5 certificates outstanding, which amount is held by the Trust Company solely for the benefit of the holders of such five certificates.

Section 8(f) of the Investment Company Act of 1940 provides in part that whenever the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is hereby given that any interested person may, not later than January 15, 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 O–5 of the rules and regulations promulgated under the Act, an order disposing of the motion may be issued by the Commission upon the basis of showing contained in this notice, unless an order for hearing upon this motion shall be issued upon request or upon the Commission's own direction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61–176; Filed, Jan. 10, 1961; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 149]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 6, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 18), ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio, filed December 13, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Atlanta, Ga., over Interstate Highway 75 to Griffin, Ga., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Atlanta over unnumbered highway to junction Business Route U.S. Highway 41, thence over Business Route U.S. Highway 41 to junction Georgia Highway 3, thence over Georgia Highway 3 to Griffin, and return over the same route.

No. MC 2202 (Deviation No. 19), ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio, filed December 21, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 45 and U.S. Highway 75 near Dallas, Tex., over Interstate Highway 45 to junction U.S. Highway 75 north of Fairfield, Tex., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the same points over U.S. Highway 75.

No. MC 2542 (Deviation No. 9) ADLEY EXPRESS COMPANY, 216 Crown Street, New Haven, Conn., filed December 9, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Hartford, Conn., over the Hartford-Springfield Expressway to Springfield, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Boston, Mass., over U.S. Highway 1 to Philadelphia, Pa.; from Boston over U.S. Highway 20 to Springfield, Mass., thence over U.S. Highway 5 via Hartford and East Hartford, Conn., to New Haven, Conn. (also from Springfield over Alternate U.S. Highway 5 to New Haven), and thence over U.S. Highway 1 to Philadelphia; from Boston over Massachusetts Highway 9 to West Brookfield, Mass., thence over Massachusetts Highway 67 via Warren and West Warren, Mass., to junction U.S. Highway 20, thence over U.S. Highway 20 to Springfield, and thence to Philadelphia as specified above; from Boston to Springfield as specified above, thence over U.S. Highway 20 to Westfield, Mass., thence over Massachusetts Highway 10 to the Massachusetts-Connecticut State line, thence over Connecticut Highway 10 via Hamden, Conn., to New Haven, Conn. (also from Hamden over Connecticut Highway 10–A to New Haven), and thence to Philadelphia as specified above; from Boston to Hartford as specified above, thence over U.S. Highway 44 to junction Connecticut Highway 31, thence over Connecticut Highway 31 to junction Connecticut Highway 32, thence over Connecticut Highway 32 to Willimantic (also from Hartford over U.S. Highway 44 to junction U.S. Highway 6, thence over U.S. Highway 6 to Willimantic) and thence to Philadelphia as specified above; from Boston to East Hartford as specified above thence over Connecticut Highway 15 via Middletown, Conn., to New Haven, Conn., thence to Philadelphia as specified above; and from Boston to Hartford, Conn., as specified above, thence over Connecticut Highway 2 to Pawcatuck, Conn., and thence over U.S. Highway 1 to Philadelphia, and return over the same routes.

No. MC 30504 (Deviation No. 2), TUCKER FREIGHT LINES, INC., 1415 South Olive Street, South Bend 21, Ind., filed December 12, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Jackson, Mich., over Interstate Highway 94 to Battle Creek, Mich., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Elkhart, Ind., over U.S. Highway 20 via South Bend, Ind., to junction Indiana Highway 2, thence over Indiana Highway 2 to La Porte, Ind., thence over U.S. Highway 35 to Michigan City, Ind., thence over U.S. Highway 12 to Gary, Ind., thence over U.S. Highway 20 to Chicago; from Elkhart over Indiana Highway 19 to the Indiana-Michigan State line, thence over Michigan Highway 205 to junction U.S. Highway 112, thence over U.S. Highway 112 to Mottville, Mich. (also from Elkhart over Indiana Highway 120 to junction Indiana Highway 15, thence over Indiana Highway 15 to the Indiana-Michigan State line, thence over U.S. Highway 131 to Mottville), thence over U.S. Highway 131 to Three Rivers, Mich., thence over Michigan Highway 60 to Jackson, Mich., thence over U.S. Highway 12 to Ann Arbor, Mich., thence over Michigan Highway 14 (formerly U.S. Highway 12) to junction Michigan Highway 56, thence over Michigan Highway 56 to Plymouth, Mich., thence return over Michigan Highway 56 to junction Michigan Highway 14, thence over Michigan Highway 14 to Detroit; from South Bend over U.S. Highway 31 to Niles, Mich., thence over Michigan Highway 40 to junction U.S. Highway 12, thence over U.S. Highway 12 to Battle Creek, Mich., and thence over U.S. Highway 78 to Flint, Mich., and return over the same routes.

No. MC 35628 (Deviation No. 8), INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue, Southwest, Grand Rapids 2, Michigan, filed December 19, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Eau Claire, Wis., over Interstate Highway 94 to Hudson, Wis., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill. over U.S. Highway 41 to Milwaukee, Wis., thence over U.S. Highway 18 to Madison, Wis., and thence over U.S. Highway 12 to Minneapolis-St. Paul, Minn., and return over the same route.

No. MC 38421 (Deviation No. 1), HOLTHAUS TRANSPORTATION COMPANY, 2000 East Second Street, Dayton, Ohio, filed December 16, 1960. Attorney Taylor C. Burneson, 3430 Leveque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 75 to Dayton, Ohio and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati over U.S. Highway 42 to Lebanon, Ohio, thence over Ohio Highway 48 to Dayton, and return over the same route.

No. MC 46054 (Deviation No. 2), BROWN EXPRESS, INC., 434 South Main Avenue, San Antonio 4, Tex., filed December 16, 1960. Attorney Mert Starnes, 401 Perry-Brooks Building, Austin 1, Tex. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Crystal City, Tex., over U.S. Highway 83 to La Pryor, Tex., thence over Texas Highway 76 to junction U.S. Highway 81 at a point approximately 3 miles southwest of Moore, Tex.; (B) from Crystal City over U.S. Highway 83 to junction Farm-To-Market Road 1025, thence over Farm-To-Market Road 1025 to junction Farm-To-Market Road 117, thence over Farm-To-Market Road 117 to Batesville, Tex., thence over Texas Highway 76 to junction U.S. Highway 81 at a point approximately 3 miles southwest of Moore, Tex.; and (C) from Crystal City over U.S. Highway 83 to junction Farm-To-Market Road 1025, thence over Farm-To-Market Road 1025 to junction Farm-To-Market Road 117, thence over Farm-To-Market Road 117 to junction Farm-To-Market Road 1866, thence over Farm-To-Market Road 1866 to junction Texas Highway 76, thence over Texas Highway 76 to junction U.S. Highway 81 at a point approximately 3 miles southwest of Moore, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Crystal City over Farm-To-Market Road 65 to Brundage, Tex., thence over Texas Highway 85 to Dilley, Tex., thence over U.S. Highway 81 to junction Texas

Highway 76; from Crystal City over U.S. Highway 83 to Carrizo Springs, Tex., thence over Texas Highway 85 to Brundage, and return over the same routes.

No. MC 75320 (Deviation No. 11), CAMPBELL "66" EXPRESS, INC., Post Office Box 807, Springfield, Mo., filed December 12, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Strafford, Mo., over Interstate Highway 44 to Springfield, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Springfield over U.S. Highway 66 via St. Louis, Mo., to Chicago, Ill., and return over the same route.

No. MC 104004 (Deviation No. 17), ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N.Y., filed December 9, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Cleveland over U.S. Highway 42 to junction Ohio Highway 18, thence over Ohio Highway 18 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 42, and thence over U.S. Highway 42 to Xenia, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati over U.S. Highway 42 to Cleveland, and return over the same route.

No. MC 109095 (Deviation No. 4), ANDERSON MOTOR SERVICE, INC., 1516 North 14th Street, St. Louis 6, Mo., filed December 12, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Toledo, Ohio, over Ohio Highway 51 to junction Ohio Highway 120, thence over Ohio Highway 120 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 250, thence over U.S. Highway 250 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Ohio Highway 5, thence over Ohio Highway 5 to Akron, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Toledo over Ohio Highway 2 to Cleveland, Ohio, and thence over Ohio Highway 8 to Akron, and return over the same route.

No. MC 119914 (Deviation No. 1), MINNESOTA-WISCONSIN TRUCK LINES INCORPORATED, 2280 Ellis Avenue, St. Paul 14, Minn., filed December 21, 1960. Carrier proposes to operate as a *common carrier*, of *general commodities*, with certain exceptions over a deviation route as follows: From Hudson, Wis., over Interstate Highway 94 to Eau Claire, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is authorized to transport the same commodities between Hudson and Eau Claire over U.S. Highway 12.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 57) THE GREYHOUND CORPORATION, 2600 Hamilton Avenue, Cleveland 14, Ohio, filed December 16, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over a deviation route as follows: From Hartford, Conn., over Interstate Highway 91 to Springfield, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Boston, Mass., over Massachusetts Highway 9 to Worcester, thence over Alternate U.S. Highway 5 to Hartford, Conn., and return over the same route.

No. MC 13028 (Deviation No. 3), THE SHORT LINE INC., P.O. Box 1513, Providence, R.I., filed December 9, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over a pertinent service route as follows: From Hartford, Conn., over U.S. Highway 44 to junction Connecticut Highway 101, thence over Connecticut Highway 101 and Rhode Island Highway 101 to Providence, R.I., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Hartford over U.S. Highway 44 (formerly U.S. Highway 6) to junction U.S. Highway 6, thence over U.S. Highway 6 via Bolton Notch, Andover, and Willimantic, Conn., to junction unnumbered highway (formerly U.S. Highway 6), thence over unnumbered highway via Hampton, Conn., to junction U.S. Highway 6, thence over U.S. Highway 6 via Danielson, Conn., to junction Relocated U.S. Highway 6, thence over Relocated U.S. Highway 6 to junction unnumbered highway (formerly U.S. Highway 6), thence over unnumbered highway via South Killingly, Conn., to junction U.S. Highway 6, thence over U.S. Highway 6 to Providence, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-185; Filed, Jan. 10, 1961; 8:47 a.m.]

[Notice 358]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 6, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1180 (Sub No. 3), filed November 30, 1960. Applicant: ARTHUR SINETT, doing business as SUPREME TRUCKING CO., Route 1, P.O. Box 74, Woodbridge, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, clay and mortar*, from Woodbridge, N.J., to points in Connecticut, Massachusetts, Rhode Island, Delaware, the District of Columbia, Maryland, Virginia, and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

HEARING: March 1, 1961, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner James O'D. Moran.

No. MC 4405 (Sub No. 367), filed December 1, 1960. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney; James W. Wrape, Sterick Bldg., Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, requiring the use of special equipment, special handling or rigging, or special services not necessarily because of the size and weight of the commodity*, including *related parts, materials, containers and supplies* when accompanying the foregoing commodities; between the sites of the facilities of the National Reactor Testing Station, located in Alameda, Contra Costa, Los Angeles, Ventura, Santa Clara, and San Francisco Counties, Calif., Hartford, Middlesex, and New Haven Counties, Conn., Burke County, Ga., Butte and Jefferson Counties, Idaho, Du Page County, Ill., Baltimore County, Md., Bristol and Middlesex Counties, Mass., Wayne County, Mich., Bernalillo and Los Alamos Counties, N. Mex., Schenectady, Suffolk, and Westchester Counties, N.Y., Hamilton, Licking, Montgomery, and Summit Counties, Ohio, Allegheny, Centre, and Westmoreland Counties, Pa., Anderson County, Tenn., Tooele County, Utah, Campbell County, Va., and Benton County, Wash.

NOTE: Common control may be involved.

HEARING: February 20, 1961, in the Park East Hotel, Kansas City, Mo., before Examiner John B. Mealy.

No. MC 7640 (Sub No. 20), filed December 23, 1960. Applicant: BARNES TRUCK LINE, INC., Herring Avenue, Wilson, N.C. Applicant's attorney: James A. Wilson, Perpetual Bldg., 1111

E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment; from Baltimore, Md., to points in North Carolina.

NOTE: Applicant states that the purpose of the application is to eliminate the gateway area of Wayne County, N.C.

HEARING: February 14, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Hugh M. Nicholson.

No. MC 10761 (Sub No. 103), filed December 12, 1960. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Rm. 1210–12 Fidelity Bldg., 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; serving Momence, Ill., as an off-route point in connection with applicants present regular route authority between Chicago, Ill., and St. Louis, Mo., in MC 10761.

HEARING: March 3, 1961, at the U.S. Custom House, Room 852, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 21866 (Sub No. 44), filed December 27, 1960. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, Pa. Applicant's attorney: Jacob Polin, 426 Barclay Bldg., City Line at Belmont Avenue, Bala-Cynwyd, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, from Manatawny, Pa., and points within one mile thereof, to points in Anderson, Columbia, Greenville, and Spartanburg, S.C., and points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Rhode Island, Virginia, West Virginia, and the District of Columbia.

HEARING: February 15, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 29120 (Sub No. 57), filed January 11, 1960. Applicant: WILSON STORAGE AND TRANSFER COMPANY, a Corporation, 110 North Reid Street, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Military Missile Launching Sites supporting Offutt Air Force Base, Omaha, Nebr., located in Saunders and Washington Counties, Nebr., and Harrison County, Iowa, as off-route points in connection with applicant's authorized operations to or from Omaha, Nebr., in connection with Routes 25, 26, 27, 34, 43, and 44 of Certificate MC 29120.

HEARING: March 22, 1961, in the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 138, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 29328 (Sub No. 4), filed November 29, 1960. Applicant: SCHIEK MOTOR EXPRESS, INC., 90 Casseday Avenue, Joliet, Ill. Applicant's attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, raw and mixed in bulk, in dump vehicles, from points in Goose Lake Township, Grundy County, Ill., and points within five miles of Joliet, Ill., to points in Porter County, Ind., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

HEARING: February 28, 1961, at 1:00 o'clock p.m. United States standard time, at the U.S. Custom House, Room 852, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 30605 (Sub No. 122), filed November 25, 1960. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, A Corporation, 433 East Waterman Street, Wichita, Kans. Applicant's attorney: Francis J. Steinbrecher, 80 East Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading; between Wichita, Kans., and Pratt, Kans., over U.S. Highway 54, serving the intermediate points of Calista, Cunningham, and Cairo, Kans. (2) *General commodities*, except commodities in bulk, livestock, explosives, inflammables, and commodities of unusual value or unusual size requiring special equipment; between Dodge City, Kans., and Sublette, Kans., over U.S. Highway 56, serving all intermediate points, those points being Cities Service Gas Company Compressor Station near Montezuma, Copeland, Ensign, Haggard, Montezuma, Sayre, and Trice, Kans. (3) *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading; between Lakin, Kans., and Ulysses, Kans., over Kansas Highway 25, serving no intermediate points, as an alternate route for operating convenience only. (4) *General commodities*, except livestock, sand, coal, rock, hay, explosives, commodities exceeding capacity of equipment, and those prohibited by law from transportation in motor vehicles; between junction of Kansas Highway 7 and U.S. Highway 50 near Olathe, Kans., over Kansas Highway 7 to junction of Kansas Highway 7 and Kansas Highway 10, serving no intermediate points, as an alternate route for operating convenience only.

NOTE: Applicant states it is a wholly owned subsidiary of The Atchison, Topeka and Santa Fe Railway Company, a common carrier by railroad subject to the Interstate Commerce Act, which also controls The Santa Fe Transportation Company, a California Corporation (MC–F–2380).

HEARING: March 9, 1961, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 52.

No. MC 31600 (Sub No. 488), filed December 12, 1960. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: H. C. Ames, Jr., 216 Transportation Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, excluding cement, in bulk; between Bound Brook, N.J., Buffalo, N.Y., Claymont, Del., Edgewater, Elizabeth, Haledon, and Passaic, N.J., Philadelphia, Pa., Syracuse, N.Y., and Whippany, N.J., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia.

HEARING: February 23, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 42963 (Sub No. 11), filed November 21, 1960. Applicant: DANIEL HAMM DRAYAGE COMPANY, a Corporation, Second and Tyler Streets, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale, retail, and chain grocery and food business houses, from St. Louis and points in St. Louis County, Mo., to Red Bud, Waterloo, Columbia, New Baden, Trenton, Ill., and points in Madison and St. Clair Counties, Ill.

HEARING: March 13, 1961, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 50069 (Sub No. 236), filed December 28, 1960. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper vehicles, from Trenton, Mich., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island (except (1) Phosphoric acid to points in Ohio and those in Pennsylvania on and west of U.S. Highway 219; and (2) Nitric acid and ethyl acetate to points in Ohio).

HEARING: January 16, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 51211 (Sub No. 2), filed January 5, 1961. Applicant: PIONEER TRUCKING CORPORATION, Box 151C,

Morristown Road, Matawan, N.J. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in tank vehicles (except gasoline, fuel oil, tar and asphalt), (1) Between points in Massachusetts, Rhode Island, and Connecticut; and (2) Between points in Massachusetts, Rhode Island, and Connecticut, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont.

HEARING: January 31, 1961, at the New Post Office and Court House Building, Boston, Mass., before Examiner Alton R. Smith.

No. MC 52629 (Sub No. 45), filed December 22, 1960. Applicant: HUBER & HUBER MOTOR EXPRESS, INC., 970 South Eighth Street, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring special equipment, serving the site of the Midwest Steel Corporation plant located on U.S. Highway 12 approximately two (2) miles east of the Lake-Porter County line at or near Portage, Ind., including the town of Portage, Ind., as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and Louisville, Ky., over U.S. Highways 41, 52, and 31, and in connection with applicant's authority to serve the Chicago, Ill., Commercial Zone, as defined by the Commission.

HEARING: January 11, 1961, at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), in the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner John L. York.

No. MC 52709 (Sub No. 95), filed January 14, 1960. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, including *government-owned compressed gas trailers* loaded with compressed gas other than liquefied petroleum gas, or empty, but excluding commodities of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving ballistic missiles testing and launching sites, and supply points therefor, located in Gage, Saline, Seward, Otoe, Johnson, York, Butler, and Cass Counties, Nebr., as intermediate and off-route points in connection with applicant's authorized regular route operations.

NOTE: Common control may be involved.

HEARING: March 22, 1961, in the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 93, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 52709 (Sub No. 96), filed January 14, 1960. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: General commodities, including *government-owned compressed gas trailers* loaded with compressed gas other than liquefied petroleum gas, or empty, but excluding commodities of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving ballistic missiles testing and launching sites, and supply points therefor, located in Saunders and Washington Counties, Nebr., and Harrison County, Iowa, as intermediate and off-route points in connection with applicant's authorized regular route operations.

NOTE: Common control may be involved.

HEARING: March 22, 1961, in the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 138, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 52751 (Sub No. 25), filed November 7, 1960. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Fort Dodge, Iowa, to points in South Dakota.

NOTE: Applicant presently holds authority to perform the proposed service by joinder of existing rights of Nassau, Minn. and points within 25 miles thereof. Elimination of the gateway requirement is sought.

HEARING: March 17, 1961, in Room 401, Old Federal Office Bulding, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 148, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 61396 (Sub No. 78), filed January 4, 1961. Applicant: HERMAN BROS., INC., 229 W.O.W. Building, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea, fertilizer compounds* (manufactured fertilizer) and *superphosphate* (not defluorinated superphosphate nor feed grade superphosphate) dry, in bulk and in bags, from Omaha, Nebr., and points within 10 miles thereof, to points in Iowa, Minnesota, and South Dakota, and *empty containers, exempt commodities or other such incidental facilities*, (not specified) used in transporting the commodities specified above, on return.

HEARING: January 26, 1961, at the Federal Office Building, Room 427, Omaha, Nebr., before Examiner Allen W. Hagerty.

No. MC 62151 (Sub No. 5), filed November 18, 1960. Applicant: A. W. HAYS TRUCKING, INC., 519 East Street, Post Office Box 98, Woodland, Calif. Applicant's attorney: Edward E. Berol, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, in bulk, between points in California.

HEARING: February 14, 1961, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 66756 (Sub No. 5), filed November 28, 1960. Applicant: E. A. MYERS, doing business as NABBS SERVICE, 33 East Main Street, Sabetha, Kans. Applicant's attorney: J. Max Harding, IBM Building, 605 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, and *empty malt beverage containers*, between Kansas City, Kans., and points in the Kansas City, Mo., Commercial Zone.

HEARING: March 7, 1961, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 36.

No. MC 66756 (Sub No. 6), filed November 28, 1960. Applicant: E. A. MYERS, doing business as NABBS SERVICE, 33 East Main Street, Sabetha, Kans. Applicant's attorney: J. Max Harding, IBM Building, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Golden, Colo., to points in Kansas, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities above, on return.

HEARING: March 10, 1961, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 43.

No. MC 76032 (Sub No. 152), filed March 8, 1960. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, P.O. Box 1437, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities, including shipper-owned gas trailers loaded with compressed or liquefied gas* (other than liquefied petroleum gas) *or empty*, and excepting commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving United States Missile launching sites located in Saunders and Washington Counties, Nebr., and Harrison County, Iowa, as off-route points in connection with applicant's authorized regular route operations.

NOTE: Common control may be involved.

HEARING: March 22, 1961, in the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 138, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 79932 (Sub No. 8), filed November 18, 1960. Applicant: VERNON HEPP AND CLETUS C. LISCHER, doing business as COAL TRANSPORT, New Athens, Ill. Applicant's attorney: M. C. Young, 2011 Railway Exchange Building, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ashes*, (the residue from burning coal and other combustible materials), between St. Louis and points in St. Louis County, Mo., and points within 50 miles of East St. Louis, Ill.

NOTE: The foregoing transportation will originate at points in St. Louis and St. Louis County, Mo., to which applicant has delivered coal and be a return movement via irregular routes to destinations in the territory from which the coal transportation originated. This includes an area within a radius of 50 miles of East St. Louis, Ill.

HEARING: March 14, 1961, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 92983 (Sub No. 387), filed December 8, 1960. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices and fruit concentrate*, in bulk, in tank vehicles, from Springdale, Ark., to Lawton, Mich., North East, Pa., Brocton, Watkins Glen, and Westfield, N.Y.

HEARING: February 23, 1961, in the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner John B. Mealy.

No. MC 103051 (Sub No. 102), filed December 30, 1960. Applicant: WALKER HAULING CO., INC., P.O. Box 13444 Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Suite 1424–35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from Terminals on the Trans Southern Pipe line in Alabama to points in Alabama and Georgia; (2) from Terminals on the Trans Southern Pipe line in Georgia to points in Alabama, Florida, Georgia, South Carolina, and Tennessee; (3) from Terminals on the Trans Southern Pipe line in South Carolina to points in Georgia, North Carolina, and South Carolina; (4) from Terminals on the Trans Southern Pipe line in North Carolina to points in Georgia, North Carolina, and South Carolina; (5) from Terminals on the Trans Southern Pipe line in Louisiana to points in Alabama, Louisiana, Mississippi, and Arkansas; and (6) from Terminals on the Trans Southern Pipe line in Mississippi to points in Mississippi, Louisiana, and Alabama.

HEARING: January 30, 1961, at Florida Railroad Commission, Tallahassee, Fla., before Examiner James I. Carr.

No. MC 103378 (Sub No. 197), filed January 4, 1960. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Terminals on the Trans-Southern Pine line in Georgia to points in Alabama, Florida, Georgia, South Carolina, and Tennessee.

HEARING: January 30, 1961 at Florida Railroad Commission, Tallahassee, Fla., before Examiner James I. Carr.

No. MC 103435 (Sub No. 93), filed February 1, 1960. Applicant: BUCKINGHAM FREIGHT LINES, a Corporation, 900 East Omaha, P.O. Box 1631, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones *and* Alvin J. Meiklejohn, Jr., 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: (1) *General commodities*, including *Classes A and B explosives* but excluding livestock, and household goods as defined by the Commission, serving ballistic missiles testing and launching sites, and supply points therefor, located in Saunders and Washington Counties, Nebr., and Harrison County, Iowa, as off-route points in connection with applicant's authorized regular route operations to, from or through Omaha, Nebr.; and (2) *General commodities*, including *Classes A and B explosives*, but excluding articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving ballistic missiles testing and launching sites, and supply points therefor, located in Gage, Saline, Seward, Otoe, Johnson, York, Butler, and Cass Counties, Nebr., as off-route points in connection with applicant's authorized regular route operations to, from or through Lincoln, Nebr.

HEARING: March 22, 1961, in the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 138, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 104421 (Sub No. 10), filed November 14, 1960. Applicant: JOHNSON TRUCK LINE, INC., Washington, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, dangerous explosives, bulk liquids and commodities requiring special equipment between Kansas City, Kans.-Kansas City, Mo., Commercial Zone and points within a 15 mile radius of Greenleaf, Kans.

NOTE: Applicant states that in the event the Commission grants the application herein, the applicant will cancel the following described authority contained in MC 104421, *Agricultural commodities* and *empty petroleum-product containers*, from Greenleaf, Kans., and points within 15 miles of Greenleaf, north of a line beginning at Blue Rapids, Kans., and extending along Kansas Highway 9 to junction unnumbered highway and thence along unnumbered highway to Strawberry, Kans., to Kansas City, Mo., and Kansas City, Kans. *Building material, automobile tires*, and *batteries, machinery, agricultural implements and parts, petroleum products* in containers, and *such commodities* as are usually dealt in by hardware business houses, from Kansas City, Kans., and Kansas City, Mo., to Greenleaf, Kans., and points in the above-decribed Kansas territory.

HEARING: March 6, 1961, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 36.

No. MC 106553 (Sub No. 7), filed November 14, 1960. Applicant: AUTO TRANSPORTS, INC., 4900 North Santa Fe, Oklahoma City, Okla. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New motor vehicles, vehicle cabs and bodies*, and *automobile show equipment and paraphernalia*, when transported with display vehicles, in initial movements, in truckaway and driveaway service, from the site of General Motors Plant in Wyandotte County, Kans., to points in Arizona, Nevada, and those in California south of, and including San Luis Obispo, Kern, and San Bernardino Counties.

NOTE: Applicant states the proposed service shall be performed under a continuing contract or contracts with Buick-Oldsmobile-Pontiac Assembly Division, General Motors Corporation, Detroit, Mich.

HEARING: February 17, 1961, in the Park East Hotel, Kansas City, Mo., before Examiner John B. Mealy.

No. MC 106553 (Sub No. 8), filed November 14, 1960. Applicant: AUTO TRANSPORTS, INC., 4900 North Santa Fe, Oklahoma City, Okla. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New motor vehicles, vehicle cabs and bodies, and automobile show equipment and paraphernalia*, when transported with display vehicles, in initial movements by truckaway and driveaway, from the site of General Motors Plant in Wyandotte County, Kans., to points in California, north of San Luis Obispo, Kern, and San Bernardino Counties.

NOTE: Applicant would perform the service here proposed under continuing contract with the Buick-Oldsmobile-Pontiac Assembly Division, General Motors Corporation, Detroit, Mich. Dual operations under section 210 may be involved.

HEARING: February 17, 1961, in the Park East Hotel, Kansas City, Mo., before Examiner John B. Mealy.

No. MC 107336 (Sub No. 12), filed November 28, 1960. Applicant: CAR CARRIER COMPANY, a Corporation, 200 Joyce Building, Clinton, Iowa. Applicant's attorney: George W. Pillers, Jr. (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles, and trailers*, by use of wrecker equipment, and *automobiles, trucks*, as described in Ex Parte MC–45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, by the truckaway method, in secondary movements; (1) between points in South Dakota, and (2) between points in Iowa.

HEARING: March 16, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 148, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 107500 (Sub No. 52), filed November 17, 1960. Applicant: BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago 6, Ill. Applicant's attorney: George W. Unverzagt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the Red Rock Dam Site, on the one hand, and, on the other, Des Moines and Oskaloosa, Iowa.

NOTE: Applicant states the Chicago, Burlington and Quincy Railroad Company owns and holds all of applicant's capital stock. Common control may be involved.

HEARING: March 17, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 107636 (Sub No. 4), filed December 1, 1960. Applicant: M. M. CHAMPION AND GEORGE KINGSHOTT, a Partnership, doing business as C & K TRANSPORT, Box 427, New Buffalo, Mich. Applicant's attorney: Quentin A. Ewert, 117 West Allegan Street, Lansing 23, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement* in bags and bulk; from Buffington, Ind., to points in Michigan.

NOTE: Applicant states that no duplication of authority is intended.

HEARING: February 27, 1961, at the Federal Building, Room 215, Lansing, Mich., before Joint Board No. 23.

No. MC 107871 (Sub No. 7), filed December 12, 1960. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street West, P.O. Box 1012, Syracuse, N.Y. Applicant's attorney: Herbert M. Canter, 5th Floor, Weiler Building, 407 South Warren Street, Syracuse 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, excluding cement, in bulk, between Syracuse, and Buffalo, N.Y., on the one hand, and, on the other, points in Delaware, New Jersey, Pennsylvania, New York, Maryland, and the District of Columbia.

HEARING: February 23, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 109397 (Sub No. 47), filed October 17, 1960. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring the use of special equipment, special handling or rigging, or special services not necessarily because of the size or weight of the commodity, *including related parts materials, containers and supplies* when accompanying the foregoing commodities, serving the sites of the facilities of the National Reactor Testing Station, located in the counties of Alameda, Contra Costa, Los Angeles and Ventura, Santa Clara, and San Francisco, Calif.; Hartford, Middlesex, and New Haven, Conn.; Burke, Ga.; Butte and Jefferson, Idaho; Du Page, Ill.; Baltimore, Md.; Bristol and Middlesex, Mass.; Wayne, Mich.; Bernalillo, and Los Alamos, N. Mex.; Schenectady, Suffolk, and Westchester, N.Y.; Hamilton, Licking, Montgomery, and Summit, Ohio; Allegheny, Centre, and Westmoreland, Pa.; Anderson, Tenn.; Tooele, Utah; Campbell, Va.; and Benton, Wash.

HEARING: February 20, 1961, in the Park East Hotel, Kansas City, Mo., before Examiner John B. Mealy.

No. MC 110698 (Sub No. 145), filed December 31, 1960. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from Terminals on the Trans-Southern Pipe line in Alabama, to points in Alabama and Georgia; and (2) from Terminals of the Trans-Southern Pipe line in Georgia, to points in Alabama, Florida, and points in Tennessee west of U.S. Highway 27.

HEARING: January 30, 1961, at Florida Railroad Commission, Tallahassee, Fla., before Examiner James I. Carr.

No. MC 111557 (Sub No. 27) (AMENDMENT), filed November 2, 1960, published in FEDERAL REGISTER, issue of December 23, 1960. Applicant: KARL E. MOMSEN, doing business as MOMSEN TRUCKING CO., Highway 71 and 18 N, Spencer, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products*, and *articles distributed by meat packing houses*, as defined in Sub Divisions A, B, and C of Appendix I of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Fremont, Nebr., to Austin, and Owatonna, Minn., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: The purpose of this republication is to include Owatonna, Minn.

HEARING: Remains as assigned February 23, 1961, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Examiner Richard H. Roberts.

No. MC 111557 (Sub No. 28), filed December 30, 1960. Applicant: KARL E. MOMSEN, doing business as MOMSEN TRUCKING CO., Highway 71 and 18 N, Spencer, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer compounds, superphosphate*, and *urea*, dry, and *empty containers or other such incidental facilities* (not specified) used in transporting above named commodities, between Omaha, Nebr., and points within 10 miles thereof, and, points in Iowa, Minnesota, and South Dakota.

HEARING: January 26, 1961, at the Federal Office Building, Room 427, Omaha, Nebr., before Examiner Allen W. Hagerty.

No. MC 111812 (Sub No. 116), filed December 19, 1960. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Mr. Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products*, and *commodities used by packinghouses*, as defined in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, 766; from points in Iowa and Minnesota, Fremont and Omaha, Nebr., Kansas City and St. Joseph, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Washington, D.C. and *shipper-owned meat hooks and meat racks*, on return.

NOTE: Applicant is agreeable to a provision in any certificate issued herein that it will not be severable from certificates now held in MC–111812 Subs 32 and 41. Applicant may now provide in single-line service everything applied for herein except from the origin points of Omaha and Fremont, Nebr., Kansas City and St. Joseph, Mo. This application will remove the necessity of applicant operating through certain gateways.

HEARING: March 6, 1961, in the Midland Hotel, Chicago, Ill., before Examiner Jerry F. Laughlin.

No. MC 112069 (Sub No. 10), filed December 2, 1960. Applicant: LIPSMAN-FULKERSON & COMPANY, a Corporation, 314 South 11th Street, Omaha, Nebr. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, frozen bakery goods and frozen pies;* from Webster City, Iowa, to points in California, Washington, Oregon, Arizona, Idaho, and Nevada, and *rejected shipments*, on return.

HEARING: March 14, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Jerry F. Laughlin.

No. MC 112590 (Sub No. 4), filed November 14, 1960. Applicant: ROBERT J. PARKER, doing business as UNITED MOTOR FREIGHT, 919 Call Street, Lansing, Mich. Applicant's attorney: Ronald R. Pentecost, 1400 Michigan National Tower, Lansing 8, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kalamazoo, Battle Creek, Midland, Bay City, and

Saginaw, Mich., on the one hand, and, on the other, Willow Run Airport and Detroit Metropolitan Airport.

NOTE: Applicant states the proposed service shall be subject to the restriction that all traffic transported hereunder shall have an immediately prior or immediately subsequent movement by air.

HEARING: February 27, 1961, at the Federal Building, Room 215, Lansing, Mich., before Joint Board No. 76.

No. MC 112750 (Sub No. 55), filed December 22, 1960. Applicant: ARMORED CARRIER CORPORATION, DeBevoise Building, 222–17 Northern Boulevard, Bayside, Long Island, N.Y. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except coin, currency, bullion, and negotiable securities), as are used in the business of banks and banking institutions, between Philadelphia, Pa., on the one hand, and, on the other, points in Maryland, except to the extent presently authorized.

HEARING: February 13, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 113334 (Sub No. 4), filed December 19, 1960. Applicant: JAMES CARBONE TRUCKING SERVICE, INC., 905 North Vermillion Street, Streator, Ill. Applicant's representative: George S. Muilins, 4704 West Irving Park Road, Chicago 41, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, covers, tops, rings*, and *stoppers* for glass containers, and *fiberboard boxes*, from Streator, Ill., to points in Wisconsin.

HEARING: March 3, 1961, at the U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 113832 (Sub No. 24), filed December 27, 1960. Applicant: SCHWERMAN TRUCKING CO., 620 South 29th Street, Milwaukee 46, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages, from the plant sites of Marquette Cement Manufacturing Company; Huron Portland Cement Company; Penn Dixie Cement Company, and Universal Atlas Cement Division of United States Steel Corporation, located in or near Milwaukee, Wis., to points in Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Lake, Carroll, Ogle, Whiteside, Lee, De Kalb, Kane Du Page, and Cook Counties, Ill., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

HEARING: March 2, 1961, at the U.S. Custom House, Room 852, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 114211 (Sub No. 23), filed November 9, 1960. Applicant: DONALDSON TRANSFER COMPANY, a Corporation, P.O. Box 215, 213 Witry Street, Waterloo, Blackhawk County, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm and industrial show display paraphernalia*, and (2) *agricultural machinery and implements, industrial machinery and equipment, tractors*, and *attachments* used for show displays, field demonstrations, and experimental purposes, and *rejected shipments* of above-described commodities, between all points in the United States, except Alaska and Hawaii.

NOTE: Applicant states the above requested authority is restricted to traffic moving from, to or between the sites of plants, sales branches and warehouses, experimental stations and/or farms, shows, exhibits and field demonstrations owned, operated or used by Deere & Company or its affiliates.

HEARING: February 6, 1961, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner John B. Mealy.

No. MC 114533 (Sub No. 23), filed December 1, 1960. Applicant: BANKERS DISPATCH CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed color film and prints, complimentary replacement film, and incidental dealer handling supplies*, except motion picture film and materials and supplies used in connection with commercial and television motion pictures; between Kansas City, Mo., on the one hand, and, on the other, points in Kansas. RESTRICTION: Limited to shipments having a prior or subsequent movement by air or railway express.

HEARING: March 7, 1961, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 36.

No. MC 114773 (Sub No. 1), filed December 2, 1960. Applicant: BILL BILYEU, doing business as BILYEU REFRIGERATED TRANSPORT, P.O. Box 425, Ozark, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Burlington and Hoisington, Kans., to Springfield, Mo., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

HEARING: March 14, 1961, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 36.

No. MC 115841 (Sub No. 76), filed December 14, 1960. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC. 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Eggs*, shelled, *egg albumen* (whites) or yolks, frozen, and *Frozen fruits*; when in mixed shipments with frozen eggs, egg albumen or yolks, from Champaign, Ill.; Evansville, Ind., and St. Louis, Mo., to Birmingham and Mobile, Ala.; Little Rock, Ark.; Jacksonville, Miami, and Tampa, Fla.; Atlanta, Ga.; Louisville, Ky.; New Orleans, La.; Jackson, Miss., and Nashville, Tenn.

HEARING: March 8, 1961, in the Midland Hotel, Chicago, Ill., before Examiner Jerry F. Laughlin.

No. MC 117349 (Sub No. 4), filed November 21, 1960. Applicant: VINCENT J. BRAIO, doing business as J. BRAIO TRANS., 5 High Street, Worcester, Mass. Applicant's practitioner: Arthur A. Wentzell, 529 Hartford Turnpike, Shrewsbury, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry feed*, in bulk, in dump trucks, equipped with hydraulic air lock units, from Plant site of Unity Feeds, Inc. at Franklin, Conn., to Sutton (Manchaug), Mass.

HEARING: February 7, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 22, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 117557 (Sub No. 2), filed December 19, 1960. Applicant: MATSON, INC., P.O. Box 43, Cedar Rapids, Iowa. Applicant's Representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed, wrecked*, or *disabled motor vehicles*, by towaway or haulaway, between points in Iowa, on the one hand, and, on the other, points in the United States, except Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

HEARING: March 15, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Jerry F. Laughlin.

No. MC 117561 (Sub No. 3), filed November 14, 1960. Applicant: NORTHERN MOTOR CARRIERS, INC., Route 9, Saratoga Road, Fort Edward, N.Y. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, for Glens Falls Portland Cement Company, from Cranston, Pawtucket, and Providence, R.I., and Fall River, Myricks, North Dartmouth, and Sagamore, Mass., to points in Rhode Island and points in Connecticut and Massachusetts east of U.S. Highway No. 5.

HEARING: March 8, 1961, at the Bond Hotel, Hartford, Conn., before Joint Board No. 134, or, if the Joint Board waives its right to participate, before Examiner James O'D. Moran.

No. MC 118468 (Sub No. 3), filed November 4, 1960. Applicant: JOE UMTHUN AND VIRGIL UMTHUN, doing business as UMTHUN TRUCKING COMPANY, Eagle Grove, Iowa. Applicant's attorney: Duane W. Acklie, IBM Building, P.O. Box 2041, 605 South 12th Street, Lincoln 8, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial feeds*, in bag and bulk,

from Fremont, Nebr., to points in South Dakota, Wyoming, and Colorado and *empty containers and rejected shipments or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: March 20, 1961, in the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner Jerry F. Laughlin.

No. MC 119164 (Sub No 4), filed December 12, 1960. Applicant: J-E-M TRANSPORTATION COMPANY, INC., P.O. Box 444, Middletown, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier* by motor vehicle, over *irregular routes,* transporting: *Silica sand, feldspar* and *mica,* in bulk or in bags; from Middletown, Conn., to points in Rhode Island, Massachusetts, New York, New Jersey, Pennsylvania, Delaware, and Maryland, and *returned or rejected shipments,* on return.

HEARING: March 1, 1961, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner James O'D. Moran.

No. MC 119175 (Sub No. 1) (REPUBLICATION), filed November 5, 1959, published in the FEDERAL REGISTER, issue of March 23, 1960. Applicant: DOUGLAS S. WHYTE AND TONY I. CENBRANO, a Partnership, doing business as MOLASSES TRUCK SERVICE, P.O. Box 2147, Stockton, Calif. Applicant's attorney: Francis X. Vieira, 22 North San Joaquin Street, Stockton, Calif. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid molasses,* in tank truck equipment, and *molasses with additives,* such as phosphoric acid, vitamins and supplements of various kinds, mixed with molasses for cattle feed, from Richmond and Stockton, Calif., to points in Nevada; and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return.

NOTE: The purpose of this republication is to add molasses with additives in addition to liquid molasses.

HEARING: Remains as assigned February 1, 1961, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 78.

No. MC 123034 (CLARIFICATION), filed August 30, 1960, published in the FEDERAL REGISTER of October 12, 1960. Applicant: SPECIAL DELIVERY, INC., Terminal Building, Bradley Air Field, Windsor Locks, Conn. Applicant's attorney: Reubin Kaminsky, Suite 223, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Parcels,* not to exceed one hundred (100) pounds in weight, and *baggage;* between Bradley Air Field, Windsor Locks, Conn., on the one hand, and, on the other, the International Airport (Idlewild) and La Guardia Airfield, Long Island, N.Y.; Newark Air Port, Newark, N.J.; Logan Airfield, Revere, Mass.; Theodore Francis Green Airport, Warwick, R.I. (commonly referred to as Providence Airport); points in Connecticut, and those in Massachusetts on and west of Massachusetts Highway 12. RESTRICTION: The above is limited to shipments having either an immediately prior or subsequent movement by aircraft.

NOTE: The purpose of the republication is to clarify the authority sought.

HEARING: March 9, 1961, at the Bond Hotel, Hartford, Conn., before Examiner James O'D. Moran.

No. MC 123081 (Sub No. 1), filed December 1, 1960. Applicant: MACRAY MOVERS, INC., 331 East 47th Street, New York, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture,* uncrated; between New York, N.Y., on the one hand, and, on the other, points in Bucks, Montgomery, Delaware, and Chester Counties, Pa., those in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., those in Fairfield County, Conn., and those in New Jersey, on and north of U.S. Highway 30, including Camden, N.J.

NOTE: Applicant states that the proposed operation will be in a retail consumer delivery only.

HEARING: February 28, 1961, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner James O'D. Moran.

No. MC 123125, filed October 12, 1960. Applicant: Z & B TRANSPORTATION CO., a Partnership, 31 Pine Tree Road, Old Bridge, N.J. Applicant's attorney: Thomas R. Farley, 744 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier,* by motor vehicle, over irergular routes, transporting: *Mattesses, box springs, bed springs, bed frames (knocked down), pillows, bed boards* and *bed legs;* from Newark, N.J., to points in New York, Connecticut, Pennsylvania, and New Jersey, and *returned shipments* of the above-described commodities, on return.

NOTE: Applicant states that the delivery of the above commodities will be from the site of Sleepmaster Products Co., Inc.

HEARING: February 20, 1961, at the U.S. Court Rooms, Newark, N.J., before Examiner James O'D. Moran.

No. MC 123163, filed October 26, 1960. Applicant: LARRY A. MASSMAN, doing business as MASSMAN TRANSPORTATION CO., Cedar Rapids, Nebr. Applicant's attorney: J. Max Harding, IBM Building, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Inedible beef tripe and beef livers,* not fit for human consumption, moving in straight or mixed truck loads with *inedible frozen whole eggs and inedible poultry offal,* from points in Kansas, Missouri, Nebraska, Iowa, Minnesota, Illinois, Michigan, South Dakota, and Arkansas to points in Utah, and *exempt commodities* on return.

HEARING: March 20, 1961, in the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner Jerry F. Laughlin.

No. MC 123209, filed November 14, 1960. Applicant: NORTHWEST TOWING, INC., 4300 Belmont, Chicago, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Disabled automotive vehicles,* between Chicago, Ill., and points in Indiana, Michigan, and Wisconsin.

HEARING: February 8, 1961, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner John B. Mealy.

No. MC 123219, filed November 16, 1960. Applicant: CLIFF AUTO MARINE BOAT TRANSPORTERS, INC., 13 Clifton Terrace, Englewood Cliffs, N.J. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New and used boats* (from 14 to 35 feet in length), inboard or outboard and sailboats and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above on return, between points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Washington, D.C., Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas.

HEARING: February 20, 1961, at the U.S. Court Rooms, Newark, N.J., before Examiner James O'D. Moran.

No. MC 123221 (Sub No. 2), filed December 7, 1960. Applicant: UNION TRANSFER AND STORAGE INC., 1201 Sergeant Avenue, Joplin, Mo. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Corrugated fibreboard boxes and component parts,* from Joplin, Mo., to points in Missouri, Kansas, and Arkansas, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: March 15, 1961, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 154.

No. MC 123243, filed November 29, 1960. Applicant: LEE L. STATON, 253 Hamburg Turnpike, Riverdale, N.J. Applicant's attorney: Russell F. Guba, 233 Broadway, New York 7, N.Y. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Fresh bakery products, namely cake,* from Hoboken, N.J., to Wilkes Barre and Philadelphia, Pa., and *empty corrugated boxes, K.D.,* on return.

HEARING: February 23, 1961, at the U.S. Court Rooms, Newark, N.J., before Examiner James O'D. Moran.

No. MC 123276, filed December 13, 1960. Applicant: ATOMIC TRUCKING CORP., 187 Duane Street, New York, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Butter, butter cartons, eggs, cheese, fruits,* and *produce* and *meats;* from New York, N.Y., to Paterson, Passaic, Bayonne, Elizabeth,

Irvington, Garfield, Montclair, Atlantic Highlands, Perth Amboy, and Newark, N.J.

HEARING: February 27, 1961, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner James O'D. Moran.

No. MC 123319, filed December 22, 1960. Applicant: M. A. WHEAT MOTOR SERVICE, INC., 421 E. 129th Street, East Chicago, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk; between Portage, Ind., and Chicago, Ill.

HEARING: January 11, 1961, at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), in the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21, or, if the Joint Board waives its right to participate, before Examiner John L. York.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 215), filed December 5, 1960. Applicant: THE GREYHOUND CORPORATION, Room 1500, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Barrett Elkins, General Attorney, Eastern Greyhound Lines Division, 2600 Hamilton Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* in the same vehicle with passengers, in special round trip operations, beginning and ending at Chicago, Ill., and extending to (1) Caberfae, Michigan Ski Area located 16 miles west of Cadillac, Mich., on Michigan Highway 55. (2) Boyne Mountain Ski Area at Boyne Falls, Mich., located on U.S. Highway 131 approximately 15 miles south of Petoskey, Mich. (3) Thunder Mountain Ski Area, located five miles northeast of Boyne Falls, Mich. (4) Walloon Hills Ski Area located approximately four and one-half miles west of Walloon Lake, Mich., near the junction of U.S. Highway 131 and Michigan Highway 75, and (5) Nub's Nob Ski Area located five miles northeast of Harbor Springs, Mich. (on Michigan Highway 131 approximately six miles north of Petoskey, Mich.).

HEARING: March 1, 1961, at the U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 73.

No. MC 93059 (Sub No. 3), filed November 8, 1960. Applicant: C. ELMER ROSE, doing business as ROSE'S BUS SERVICE, Mansion Road, Wallingford, Conn. Applicant's attorney: Paul J. Goldstein, 109 Church Street, New Haven, Conn. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* in the same vehicle with passengers, restricted to traffic originating at points indicated, in charter operations, beginning and ending at Cheshire, Durham, Northford, and North Haven, Conn., and extending to points in New York, Massachusetts, New Jersey, Pennsylvania, and Rhode Island.

NOTE: Applicant states that the origin points are adjacent to and within the Commercial Zones of Meriden and Wallingford, Conn., for which applicant presently holds authority.

HEARING: March 10, 1961, at the Bond Hotel, Hartford, Conn., before Examiner James O'D. Moran.

No. MC 119961 (Sub No. 1), filed November 21, 1960. Applicant: CHESTER HODGDON, doing business as MARSHALL MOTOR COACH, 10 South Eighth Avenue, P.O. Box 481, Marshalltown, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510, Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* in one way and round trip charter operations beginning and ending at points in Hardin, Grundy, Story, Marshall, Tama, Jasper, and Poweshiek Counties, Iowa and extending to all points in the United States, including the District of Columbia but excluding Alaska and Hawaii.

HEARING: March 13, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Jerry F. Laughlin.

No. MC 123191, filed November 7, 1960. Applicant: MURRAY D. SPEAR, 711 Valley Road, Mahwah, N.J. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* including *sporting equipment, camping gear, skis,* in same vehicle; between points in New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Vermont, New Hampshire, Maine, Ohio, West Virginia, Indiana, Illinois, Iowa, South Dakota, Wyoming, Colorado, Virginia, Maryland, Delaware, the District of Columbia, and Massachusetts.

NOTE: Applicant states it will provide door-to-door service as requested, on a luxury basis, and the proposed transportation will be made in a 12-passenger autobus with or without semi-trailer.

HEARING: February 21, 1961, at the U.S. Court Rooms, Newark, N.J., before Examiner James O'D. Moran.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER OF PROPERTY

No. MC 12745, filed November 21, 1960. Applicant: COSTELLO, CUNEO & MEADOWS COMPANY, 290 Grand Avenue., Oakland 10, Calif. Applicant's representative: Dan Thomas Costello (same address as applicant). For a license as a *broker* (BMC 5) at Oakland, Calif., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *general commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between points in California, on the one hand, and, on the other, points in the United States.

NOTE: Applicant states it will not make arrangements for any commodities for westbound movements by motor freight lines, from points in Connecticut, Delaware, District of Columbia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, and Wyoming.

HEARING: February 13, 1961, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 29988 (Sub No. 76), filed November 22, 1960. Applicant: DENVER-CHICAGO TRUCKING COMPANY, INC., 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except livestock, gasoline and other liquids, in bulk, automobiles, coal, sand, gravel and Portland cement, between Flagstaff and Phoenix, Ariz., from Flagstaff over Interstate Highway 17, to Phoenix, and return over the same route, serving no intermediate points as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations between Denver, Colo., and Tucson, Ariz., and San Diego, Calif.

No. MC 75320 (Sub No. 95), filed December 27, 1960. Applicant: CAMPBELL SIXTY SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, and except livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between junction Arkansas Highway 17 and U.S. Highway 79 and Tupelo, Miss.; from junction Arkansas Highway 17 and U.S. Highway 79 over combined Arkansas Highway 17 and U.S. Highway 79 to second junction Arkansas Highway 17 and U.S. Highway 79, thence over Arkansas Highway 17 to junction Arkansas Highway 86, thence over Arkansas Highway 86 to junction Arkansas Highway 20, thence over Arkansas Highway 20 to Helena, Ark., thence over West approach and over new bridge across the Mississippi River, thence over East approach to its junction with Mississippi Highway 6, thence over Mississippi Highway 6 to junction with U.S. Highway 61, thence over U.S. Highway 61 to its junction with Mississippi Highway 316, thence over Mississippi Highway 316, to its junction with Mississippi Highway 6, thence over Mississippi Highway 6 to Tupelo, Miss. and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's

authorized regular route operations in Alabama, Arkansas, Illinois, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

No. MC 104004 (Sub No. 156), filed December 23, 1960. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious and contaminating to other lading, between Winchester, Va., and Baltimore, Md.; from Winchester over Virginia Highway 7 (Alternate U.S. Highway 340) to junction U.S. Highway 340, thence over U.S. Highway 340 to Frederick, Md., and thence over U.S. Highway 40 to Baltimore, and return over the same route as an alternate route for operating convenience only with no service to intermediate or off-route points.

No. MC 108158 (Sub No. 51), filed December 21, 1960. Applicant: MID-CONTINENT FREIGHT LINES, INC., 11 Oak Street SE., Minneapolis, Minn. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Peoria, Ill., and Mapleton, Ill.: from Peoria over U.S. Highway 24 serving the plant site of the Archer Daniels Midland Company located at or near Mapleton, Ill., as an off-route point in connection with applicant's presently authorized regular route operations in Illinois.

No. MC 112713 (Sub No. 90), filed December 27, 1960. Applicant: YELLOW TRANSIT FREIGHT LINES, INC., 92d Street at State Line, Kansas City, Mo. Applicant's attorney: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment; serving the site of Archer Daniels Midland Company Plant located near Mapleton, Peoria County, Ill., as an off-route point in connection with carrier's presently authorized regular route operations to and from Peoria, Ill.

No. MC 112713 (Sub No. 91), filed December 28, 1960. Applicant: YELLOW TRANSIT FREIGHT LINES, INC., 92d at State Line, Kansas City, Mo. Applicant's attorney: John M. Records, 92d at State Line, Kansas City 14, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Classes A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk, between Sherman, and Gainesville, Tex.; from Sherman over U.S. Highway 82 to Gainesville and return over the same route serving no intermediate points as an alternate route in connection with carrier's authorized regular-route operations between Kansas City, Mo., and Houston, Tex., and between Vinita, Okla., and Dallas, Tex.

No. MC 119910 (Sub No. 1) (REPUBLICATION), filed October 24, 1960, published in the FEDERAL REGISTER of November 2, 1960. Applicant: ANDREW J. GIBBS, 1390 Pridemore Court, Lexington, Ky. Applicant's attorney: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Lexington, Ky., to Hazard, Harlan, Stanton, Jackson, and Morehead, Ky., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, and *rejected shipments*, on return.

NOTE: The purpose of this republication is to show Harlan, Ky., as a destination point inadvertently omitted from previous publication.

PETITION

REPUBLICATION TO REFLECT ACTION OF THE COMMISSION, DIVISION 1 No. MC 110117 (Sub No. 12) (PETITION OF APPLICANT FILED AUGUST 11, 1960, TO INVOLVE AN ADDITIONAL SHIPPER FOR WHICH SERVICE MAY BE RENDERED UNDER INTERIM PERMIT. Petitioner: KENDRICK CARTAGE CO., a Corporation, Salem, Ill. Notice of the filing of the subject petition setting forth the issues with particularity, was published in the FEDERAL REGISTER, issue of August 31, 1960. A reply to the petition, embracing a motion for oral hearing, by Girton Brothers, Inc., protestant, was filed under date of August 24, 1960. An Order of the Commission, Division 1, dated December 16, 1960, provides as follows: (1) that the petition be assigned for processing and disposition under the no-oral hearing proceeding, (2) that February 15, 1961, be fixed as the date on or before which applicant may file verified statements in support of its petition, (3) that March 7, 1961, be fixed as the date on or before which parties in interest may file verified statements in opposition to the petition, (4) that March 17, 1961, be fixed as the date on or before which applicant may file verified statements in rebuttal, and (5) that the motion of Girton Brothers, Inc., for oral hearing be overruled.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 119829 (Sub No. 2), filed January 3, 1960. Applicant: F. J. EGNER & SON, INC., 812 Charles Street, Galion, Ohio. Applicant's attorney: Homer S. Carpenter, Suite 618, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy residual fuel oil*, in tank trucks, from Wellsville, Ohio, to Youngstown and Lorain, Ohio.

NOTE: To be handled concurrently with MC-F-7760, published this issue.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-7685. (WILLERS, INC.—PURCHASE (PORTION)—FRANCIS M. KELLY), published in the October 26, 1960, issue of the FEDERAL REGISTER on page 10299. Amendment filed December 12, 1960 to show joinder of LEONE WILLERS LLOYD and CLIFFORD F. WILLERS, both of 1400 North Cliff Avenue, Sioux Falls, S. Dak., as the persons controlling vendee.

No. MC-F-7702 (CORRECTION) DALLAS & MAVIS FORWARDING CO., INC.—PURCHASE—G.M.S. TRUCKING, INC., published in the November 16, 1960, issue of the FEDERAL REGISTER on page 10908. The following restrictions were omitted from the authority sought to be transferred: The transportation of farm machinery and equipment, hoists, road building machinery and equipment, and parts for each of the foregoing classes of commodities, shall be restricted to traffic originating at Streator, Ill., Galion, Ohio, or Marion, Ohio, or points within five miles of each (except for returned, damaged, or defective shipments of such commodities). The separately stated authorities herein shall not be tacked or joined one to another for the purpose of performing any through transportation. G.M.S. TRUCKING, INC., is a wholly owned subsidiary of DALLAS & MAVIS FORWARDING CO., INC., pursuant to MC-F-7150 (DALLAS & MAVIS FORWARDING CO., INC.—CONTROL—G.M.S. TRUCKING, INC.).

No. MC-F-7759. Authority sought for purchase by ATLAS TRUCK LINE, INC., 9520 Easthaven Blvd., mailing address P.O. Box 12467, Houston 17, Tex., and McCLATCHY BROS., INC., P.O. Box 4126, Midland, Tex., of a portion of the operating rights of JOHN H. MACAULAY, doing business as WEST TEXAS RIG COMPANY, P.O. Box 3546, Odessa, Tex., and for acquisition by H. K. SPECK and REX L. COOPER, both of Houston, Tex.; and C. V. McCLATCHY AND D. A. McCLATCHY, both of Midland, Tex., respectively, of control of such rights through the purchase. Applicants' attorney: Charles D. Mathews, P.O. Box 858, Austin 65, Tex. Operating rights sought to be transferred: (FOR ATLAS) *Machinery, materials, supplies and equipment* incidental to, or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, as a *common carrier* over irregular routes,

between points within 100 miles of Monahans, Tex., including Monahans, and those in Lea and Eddy Counties, N. Mex. (FOR McCLATCHY BROS., INC.) *Oil field machinery and supplies,* between points in New Mexico served by railroad, on the one hand, and, on the other, oil well locations in New Mexico, between points served by railroad in Lea, Eddy, Quay, Chaves, Roosevelt, and Curry Counties, N. Mex., on the one hand, and, on the other, oil well locations in Bailey, Lamb, Hale, Floyd, Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, Garza, Scurry, Borden, Darson, Gaines, Andrews, Martin, Howard, Mitchell, Sterling, Glasscock, Midland, Ector, Winkler, Loving, Ward, Pecos, Crane, Upton, Crockett, Regan, and Irion Counties, Tex., between oil well locations in the New Mexico territory described immediately above, on the one hand, and, on the other, points served by railroad in the Texas territory described immediately above, and between oil well locations in the New Mexico territory described immediately above, on the one hand, and on the other, oil well locations in the Texas territory described immediately above. ATLAS TRUCK LINES, INC., is authorized to operate as a *common carrier* in Texas, Louisiana, Kansas, Oklahoma, Arkansas, and Mississippi. McCLATCHY BROS., INC., is authorized to operate as a *common carrier* in Texas, New Mexico, Oklahoma, and Kansas. Application has been filed for temporary authority under section 210a(b).

No. MC–F–7760. Authority sought for control by JAMES S. PEDLER, SR., 523 Delaware Avenue, Akron, Ohio, ET AL., of ALL STATES FREIGHT, INCORPORATED, 1240 Kelly Ave., Akron, Ohio. Applicants' attorney: Homer S. Carpenter, 618 Perpetual Building, Washington 4, D.C. Operating rights sought to be controlled: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Chicago, Ill., and Boston, Mass., serving certain intermediate and off-route points in Ohio, Massachusetts, Rhode Island, Connecticut, New York, and Indiana, restricted to the pick-up of eastbound traffic and the delivery of westbound traffic; and intermediate points in New York west of Syracuse; between Albany, N.Y., and New York, N.Y., serving all intermediate and certain off-route points; between Akron, Ohio, and Hartford, Conn., serving all intermediate points (except those in Pennsylvania), and certain off-route points; between Mansfield, Ohio, and Mount Vernon, Ohio, serving all intermediate points; between Canton, Ohio, and New Philadelphia, Ohio, serving all intermediate points; *general commodities,* excepting, among others, household goods, but not excepting commodities in bulk, between Akron, Ohio, and Syracuse, N.Y., serving all intermediate points and certain off-route points, between Shaker Heights, Ohio, and Willoughby, Ohio, serving no intermediate points, between Erie, Pa., and Syracuse, N.Y., serving all intermediate and certain off-route points, between Batavia, N.Y., and Syracuse, N.Y., serving all intermediate points; and the off-route points of East Rochester and Fairport, N.Y.; between Pittsford, N.Y., and Waterloo, N.Y., serving all intermediate points; and the off-route point of Shortsville, N.Y.; between Akron, Ohio, and Conneaut, Ohio, serving all intermediate points and certain off-route points; between Westfield, N.Y., and Syracuse, N.Y., serving all intermediate points; and the off-route point of Ithaca, N.Y.; between Youngstown, Ohio, and Salamanca, N.Y., serving the intermediate points of Warren and Bradford, Pa., between Akron, Ohio, and Baltimore, Md., serving all intermediate points; and the off-route points within ten miles of Baltimore; between Deerfield, Ohio, and Baltimore, Md., serving all intermediate points; between Breezewood, Pa., and Hancock, Md., serving no intermediate points; between Frederick, Md., and Baltimore, Md., serving all intermediate points; and the off-route points within the Washington, D.C., Commercial Zone, as defined by the Commission; between Lakemore, Ohio, and Pittsburgh, Pa., serving all intermediate points; between Akron, Ohio, and Youngstown, Ohio, serving all intermediate points; between York, Pa., and Gettysburg, Pa., serving no intermediate points between Erie, Pa., and Mercer, Pa., serving the intermediate point of Meadville, Pa.; between Buffalo, N.Y., and Niagara Falls, N.Y., serving all intermediate points; and the off-route points within 12 miles of Buffalo; between Baltimore, Md., and Kane, Pa., serving no intermediate points; between Union City, Pa., and Waterford, Pa., serving no intermediate points; between Rochester, Pa., and Akron, Ohio, serving all intermediate points; between Canton, Ohio, and Massillon, Ohio, serving all intermediate points; between junction Pennsylvania Turnpike and U.S. Highway 30 east of Irwin, Pa., and junction Pennsylvania Turnpike and U.S. Highway 30 near Breezewood, Pa., serving no intermediate points. *General commodities,* excepting, among others, household goods and commodities in bulk, over *irregular routes,* between all authorized points in Ohio located on the regular routes described under the first commodity description above, including off-route points, on the one hand, and, on the other, all other points in Ohio located on or north of a line extending from Cincinnati, Ohio, along U.S. Highway 42 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-West Virginia State line, with service limited to the pickup of eastbound shipments and the delivery of westbound shipments moving over the above-described regular routes; between all authorized points in Connecticut, Massachusetts, and Rhode Island on regular routes described above, including off-route points, on the one hand, and, on the other, all points in Connecticut, Massachusetts, and Rhode Island, with service limited to the pickup of westbound shipments and the delivery of eastbound shipments moving over the above-described regular routes. JAMES S. PEDLER, SR., ET AL., holds no authority from this Commission. However, they are affiliated with F. J. EGNER & SON, INC., 812 Charles Street, Galion, Ohio, which is authorized to operate as a *common carrier* in Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–7761. Authority sought for purchase by MOTORWAY CORPORATION, 131 Matzinger Road, Toledo 12, Ohio, of a portion of the operating rights of BOWEN TRUCKING, INC., Ridge Road, Holley, N.Y. Applicants' attorney: Richard H. Brandon, 808 Hartman Bldg., Columbus 15, Ohio. Operating rights sought to be transferred: *Empty containers,* as a *common carrier* over irregular routes from points in Ohio, as defined by the Commission, to points in Orleans, Monroe, and Genesee Counties, N.Y., *fertilizer and fertilizer compounds,* except when moving in bulk, in tank vehicles, from Sandusky, Ohio, to points in Allegheny, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Orleans, Niagara, and Wyoming Counties, N.Y., *canned and preserved foodstuffs,* from Hamlin and Hilton, N.Y., to points in Ohio, *canned goods, frozen foods and fruits, vinegar stock and fresh fruits and vegetables,* from points in Erie, Niagara, and Orleans Counties, N.Y., to points in Ohio, as defined by the Commission, *soup mixes,* dehydrated, from Albion, N.Y., to points in Ohio, *fresh fruit,* from points in Ohio to points in Monroe and Orleans Counties, N.Y., *cereal preparations,* dry, from Hamlin, Hilton, and Holley, N.Y., to points in Ohio. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–186; Filed, Jan. 10, 1961; 8:47 a.m.]

[Ex Parte MC–40 (Sub No. 2)]

ALTERMAN TRANSPORT LINES, INC.

Petition of Refrigeration Mechanics

JANUARY 6, 1961.

Ex Parte MC–40 (Sub No. 2), formerly Ex Parte MC–2; In the matter of maximum hours of service of motor carrier employees: Petition to Commission to find that refrigeration mechanics of Alterman Transport Lines, Inc., Miami, Fla., are exempt from section 13(b)(1) of the Fair Labor Standards Act in view of provisions of section 204(a) of Interstate Commerce Act.

Petitioner's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C.

Notice of the filing of the subject petition setting forth the issues with particularity was published in the FEDERAL REGISTER on August 19, 1959. The purpose of this republication is to advise that the subject proceeding has been renumbered Ex Parte MC–40 (Sub No. 2), and will henceforth be so considered.

Hearing information: The petition will be assigned for hearing at a time and place to be later fixed. Any person desiring to be advised of such assignment

should request to be notified by letter to the Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-187; Filed, Jan. 10, 1961; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 6, 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. 36829: *Iron and steel articles to Texas points.* Filed by Southwestern Freight Bureau, Agent (No. B-7950), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads, from specified points in official territory, to Clarkwood, Corpus Christi and Flour Bluff, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 153 to Southwestern Freight Bureau tariff I.C.C. 4308.

FSA No. 36830: *Salt from Williston, N. Dak., to Montana points.* Filed by V. P. Brown, Agent (No. 4), for interested rail carriers. Rates on salt, as described in the application, in carloads, from Williston, N. Dak., to Billings, East Billings, Laurel and Mossmain, Mont.

Grounds for relief: Market competition.

Tariff: Supplement 25 to Agent V. P. Brown tariff I.C.C. 3.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-184; Filed, Jan. 10, 1961; 8:47 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

OSCAR F. RENZ

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last submission of statement, published August 6, 1960 (25 F.R. 7475).

Dated: December 11, 1960.

OSCAR F. RENZ.

[F.R. Doc. 61-169; Filed, Jan. 10, 1961; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

SURVEY OF DISTRIBUTORS STOCKS OF CANNED FOODS

Notice of Determination To Continue Surveys

In conformity with the Act of Congress approved August 31, 1954, 13 U.S.C. 181, 224, and 225, and due Notice of Consideration having been published (25 F.R. 12720, December 10, 1960) pursuant to said Act, I have determined that the usual year-end data on stocks of 32 canned and bottled products, including vegetables, fruits, juices, and fish, are needed as in the past to aid the efficient performance of essential governmental functions, and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other governmental sources.

Wholesale inventories constitute an important factor in evaluating supplies of canned food. Adequate supply statistics are important to wholesalers in establishing buying, inventory, and pricing policies; to canners and growers in planning acreage and in entering into contracts; to the Department of Agriculture in administering laws passed by Congress; and to the public in insuring a balanced and adequate food supply.

This survey will involve the collection of information from a sample of wholesalers and warehouses of retail multi-unit organizations. All respondents will be required to submit information covering their December 31, 1960, inventories of 32 canned and bottled vegetables, fruits, juices, and fish. Report forms will be furnished to firms covered by the survey. Additional copies of the forms are available on request to the Director of the Census, Washington 25, D.C.

Reports are due 8 days after receipt of the report forms.

I have therefore directed that this annual survey be conducted for the purpose of collecting these data.

A. ROSS ECKLER,
Acting Director,
Bureau of the Census.

[F.R. Doc. 61-210; Filed, Jan. 10, 1961; 8:50 a.m.]

CUMULATIVE CODIFICATION GUIDE—JANUARY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during January.